Inspector's Report

PL-501723-DS-26

An Coimisiun Pleanala

Development	Works to a protected structure comprising the demolition of a rear single storey contemporary flat roof extension (29.5 sqm), alterations to the ground floor openings of existing return & rear fac;ade and the addition of a new pitched-roof single-storey garden room (16 sqm) with associated site works including new covered external store at the service land access.
Location	No. 36 Oakley Road, Dublin 6, D06CA21.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	WEB2063/26
Applicant(s)	Philip Barlow.
Type of Application	Permission.
Planning Authority Decision	Grant permission with conditions.
Type of Appeal	First Party
Appellant(s)	Philip Barlow.
Observer(s)	None.

Date of Site Inspection	09/10/26.
Inspector	Anthony Abbott King

1.0 Site Location and Description

1.1. No. 36 Oakley Road is a mid-terrace two-storey two-bay period house located within a Victorian terrace (Post 1840) of 6 houses similar in appearance on the east side of the street.

1.2. No. 36 Oakley Road is a protected structure (RPS Ref. No. 5977), as are the other houses in the terrace.

1.3. The houses in the terrace have compact front gardens defined by plinth walls and railings. The long rear gardens extend to a service lane located to the east of Oakley Road. The appeal site has rear access to the service lane.

1.4. The rear of the plots are separated by rubble limestone boundary walls. The wall between nos. 36 and no. 35 Oakley Road is supported by a concrete plinth.

1.5. There is an existing flat roof domestic extension (29.5 sqm) circa. 1998 attached to the side and rear of the original two-storey hipped roof return, which extends into the rear garden area.

1.6. The modern extension conceals the ground floor of the rear return externally.

1.7. The kitchen element of the extension is wrapped around the south elevation of the return. The kitchen window is proximate to the principal rear elevation of the house exhibiting an opposing window distance with the rear ground floor sash of approximately 2m.

1.8. There is a detached structure located at the extremity of the rear garden of no. 36 Oakley Road elevating onto the service lane. The access corridor to the service lane is to the side of this structure. This structure appears to form part of the functional curtilage of no. 37 Oakley Road albeit within the historic curtilage of no. 36 Oakley Road.

1.9. The site area is given as 0.028 hectares.

2.0 Proposed Development

2.1. The proposed development consists of the following works to a protected structure:

- Demolition of a contemporary flat-roofed single storey rear extension (29.5 sqm);

- Alterations to the ground floor of the existing return openings and facade, including alteration of the side wall (south elevation) of the return structure;
- The construction of a new pitched roof single storey garden room (16 sqm);
- New covered external store at the service lane access.

3.0 Planning Authority Decision

3.1. Decision

Grant planning permission subject to condition.

3.1.1. The following conditions are relevant:

Condition no. 2 states:

The developer shall comply with the following requirements of the Conservation Division:

(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 Structure.

(b) 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.

(c) The width of the proposed opening in the side elevation of the rear return shall be reduced to 3m. Revised drawings shall be submitted to the Planning Authority in advance of the work commencing on site.

(d) In advance of work commencing on site, the applicant shall submit the following information for the written agreement of the CO:

(i) A method statement for the proposed construction of the new room, prepared by a structural engineer with proven expertise in working with historic structures. The method statement shall outline the proposed removals (including how the existing concrete plinth would be dealt with), excavations and new work required in order to construct the garden room, including all mitigating measures proposed to retain the structural stability of the shared boundary wall and the impact the proposed works would have on the historic fabric.

(ii) A strategy including drawings showing the proposed new drainage layout on the rear elevations, noting that all new/replacement rainwater goods above the valley shall be cast iron.

(iii) Detail drawings at a scale of 1:20, demonstrating that the proposed timber structure providing storage cover would be constructed entirely independently of the historic boundary wall.

(iv) A revised method statement for the proposed brick cleaning, which shall be prepared by a conservation contractor with proven expertise in working with historic brick facades, taking due account of the Department of Housing, Local Government and Heritage Advice Series on Bricks: a guide to the repair of historic brickwork, noting that cleaning with water only or steam cleaning (such as the Doff cleaning system) is often effective in achieving the appropriate level of cleaning for historic brickwork.

Reason: In order to protect the original fabric, character and integrity of the Protected Structure at No. 36 Oakley Road, its setting and curtilage, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials,

and to ensure that the proposed works are carried out in accordance with best conservation practice.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO of Dublin City Council reflects the recommendation of the planning case officer.

3.2.2. Other Technical Reports

The Conservation Officer (CO) Report is relevant and is summarised below:

- The Architectural Heritage Impact assessment (AHIA) is deficient in detailing the impact of the proposed works on the historic fabric and special architectural character of the protected structure.
- The author of the Report has not demonstrated appropriate conservation qualifications or experience of working with historic buildings.
- The demolition of an existing modern extension and the construction of a new garden room is acceptable in principle. The legibility of the historic return is externally ensured by the use of contemporary zinc cladding on the new extension distinguishing it from the original fabric.
- The removal of an existing window to facilitate the development is acceptable noting storage of the original window fabric on site.
- However, the proposed opening in the side wall of the return is excessive. The opening should be restricted to a maximum width of 3m.
- The CO expresses a number of concerns in the matter of the preparation of the AHAi and other documentation and makes recommendation to attach appropriate conservation conditions to a grant of planning permission including the submission of a method statement *inter alia* in the matter of intervention to the shared boundary wall with no. 35 Oakley Road (the CO notes the removal of the concrete plinth at the base of the wall where the new extension foundation is proposed), rainwater goods, proposed covered storage area and cleaning of the all exposed brick facades.

3.3. Prescribed Bodies

The following prescribed bodies were consulted by the planning authority:

- TII / comment received no issues identified.
- Uisce Eireann / no comment
- Falite Ireland / no comment
- The Arts Council / no comment.

The Commission is of the opinion the proposed development the subject of appeal may have an effect on Protected structure Ref. No. 59977. I note that the Commission referred the appeal to the following:

- The Heritage Council / no comment to date.
- The Department of Housing, Local Government and Heritage / please see response in Section 7.4 of this Report.
- An Taisce / no comment to date.

3.4. Third Party Observations

There are no third party submissions on file.

4.0 Planning History

4.1. The following is the relevant planning history on site

- Under Reg. Ref: 0171/98 planning permission was granted for a single-storey rear extension.

5.0 Policy Context

5.1. Development Plan

The relevant land-use zoning objective of the Dublin City Development Plan 2022-2028 is Z2 (Residential Conservation): *To protect and/or improve the amenities of residential conservation areas.*

- **Residential Conservation Areas**

Policy BHA9, Chapter 11 (Archaeology & Built Heritage), Dublin City Development Plan 2022-2028 *inter alia* states:

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. Enhancement opportunities may include:

- *Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.*
- *Re-instatement of missing architectural detail or important features.*
- *Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns*
- *Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.*
- *The repair and retention of shop and pub fronts of architectural interest.*
- *Retention of buildings and features that contribute to the overall character and integrity of the conservation area.*
- *The return of buildings to residential use.*

- **Protected Structures**

Policy BHA2, Chapter 11 states in the matter of the development of protected structures:

That development will conserve and enhance protected structures and their curtilage and will:

(a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.

(b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.

(c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.

(d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.

(c) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure.

(d) Respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.

(e) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.

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

(g) Ensure historic landscapes, gardens, and trees (in good condition) associated with protected structures are protected from inappropriate development.

(h) Have regard to ecological considerations for example, protection of species such as bats.

- **Residential Extensions**

Chapter 15 (Development Standards), Section 15.11 is relevant and provides development management guidance and standards *inter alia* for residential extensions as detailed in Appendix 18.

- Appendix 18, (Ancillary Residential Accommodation) Section 1 (Residential Extensions) is relevant. Section 1.1 (General Design Principles) *inter alia* states:

> *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.*

5.2. Relevant National or Regional Policy/ Ministerial Guidelines

- Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.
- The Development Management Guidelines for Planning Authorities (2007)

6.0 EIA Screening

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. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of appeal are summarised below:

- This first party appeal is against certain elements of Condition no. 2 of the grant of planning permission issued by the planning authority. The first party does not appeal the substance of the grant of planning permission.
- The first party fully supports the principle of protecting the special character and historic fabric of the protected structure. In this regard, the first party supports Condition no.1 , Condition no. 2(b) (i)-(iv) in full, Condition nos. 2(d)(ii) and

2(d)(iii) and Conditions nos. 3-7 inclusive. All of the above are accepted by the first party without qualification.

- The appeal is confined to the following 4 elements of Condition 2, which the first party claims are regulatory actions disproportionate to the nature, scale and heritage impact of the permitted works:
  - Condition 2(a) the requirement to employ a conservation expert to design, manage, monitor and implement the works;
  - Condition 2(c) the requirement to reduce the width of the proposed opening in the side elevation (south) of the rear return to 3m with revised drawings to be submitted prior to commencement;
  - Condition 2(d)(i) the requirement for a pre-commencement method statement, prepared by a structure engineer with proven expertise in working with historic structures to be submitted for the written agreement of the conservation officer; and
  - Condition 2(d)(iv) the requirement for a pre-commencement method statement for brick cleaning, prepared by a conservation contractor with proven expertise in working with historic brick facades to be submitted for the written agreement of the conservation officer.
- The first party states with respect to the Commission that as the appeal relates only to the specified conditions and not to the principle of development that determination of the application as if made in the first instance is not warranted. The Commission is asked to confine its consideration to the specified conditions in accordance with Section 139.

Condition 2(a)

- In the matter of Condition 2(a), the first party requests that Condition 2(a) be omitted. Alternatively, the first party requests that Condition 2(a) be varied to allow the project architect acting in conjunction with the structural engineer and conservation contractor (required under Condition 2(d)) to design, manage and monitor the permitted works.

- It is argued that the required action of the condition, appointment of a conservation expert with proven and appropriate expertise, is a duplication of specialist input already secured elsewhere in Condition no. 2. In specific Condition 2(d)(i),which requires the input of a structural engineer with proven expertise in working with historic structures, and Condition 2(d)(iv) which, requires a conservation contractor with proven expertise in working with historic brick facades.
- It is claimed that Condition 2(d) requiring 2 specified appointments already covers the structural and fabric sensitive elements of the proposed works.
- Furthermore, Condition 2(b) separately requires that all works to the structure be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines (AHPG) (2011). It is claimed that the substantive protective objective of Condition 2 is already achieved through Condition 2(b) and 2(d) without a separate appointment under Condition 2(a).
- The first party claims that the actions required (an additional professional retainer and additional cost) in the matter of the appointment of an overall "conservation expert" as required by Condition 2(a) is disproportionate to the scale and domestic nature of the works, which are modest in scale, relate to the rear of the structure and not to the principal front fa9ade.
- Furthermore, the first party is committed through the appointment of a project architect and a specialist conservation contractor, as required by Condition 2(d)(i) and Condition 2(d)(iv), to deliver the works to the highest standard as required by Condition 2(b), including the stated reason for Condition 2(a) namely the protection of the fabric, character and integrity of the protected structure.

Condition 2(C)

- In the matter of Condition 2 (c), the first party requests that the restriction in the interconnection width to a 3m opening between the ground floor return with the new build extension (garden room) be omitted and that the width shown on the submitted drawings be retained.

- Alternatively, the first party requests that Condition 2 (c) be varied to allow the opening width to be agreed in writing with the conservation officer with reference to the structural method statement required under Condition 2(d)(i).
- The reason given for the attachment of Condition 2 is to protect the original fabric, character and integrity of the protected structure. The first party claims that this objective is achieved without the need to restrict the width of the return opening.
- It is argued that the heritage benefit of the development will be realised by the removal of the existing wrap around modern extension, which currently conceals the original stone and brick fabric of the gable wall of the original return, and the construction of a new garden room distinct in form and material finish from the original return.
- The imposition of a 3m width restriction to the opening in the side wall of the return would create two spaces visually and functionally where the design concept is to create a single open plan kitchen and dining space appropriate to modern residential use consistent with development plan policy for adaptation and continued residential use of protected structures and Section 6.8 (Extensions) of the Architectural Heritage Protection Guidelines (AHPG 2011).
- The side return wall is not a principal elevation of the protected structure rather it is an internal party/ gable wall within a rear return that has been substantially remodelled by the modern extension now being removed.
- The first party cites precedent at no. 20 Oakley Road, a protected structure, (ABP-314471-22) in support of the adaption of no. 36 Oakley Road.
- The removal on appeal of a condition imposed by the planning authority on conservation grounds, requiring the omission of an entire first floor (extension) to the rear return of the protected structure was removed on appeal. The justification an improved standard of residential accommodation balanced with the assessment that the extension would not have an adverse impact on the architectural character and setting of the protected structure.

- Finaly, it is argued that to the extent Condition 2(c) is intended to protect the structural stability of the shared boundary wall and the surrounding historic fabric, it is claimed that this objective is achieved by Condition 2(d)(i).

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- In the matter of Condition 2(d)(i) the requirement for a pre-commencement structural method statement, the first party accepts that a method statement addressing the proposed removals, excavations and works and the protection of the shared boundary wall is a reasonable and proportionate requirement.
- However, the first party requests that the requirement for a specialist "historic structures" engineer be omitted given the parallel requirement for a conservation expert and conservation contractor. It is argued that the requirement for 3 separate categories of specialist conservation professional for a single 16 sqm garden room and associated demolition works is disproportionate.
- The first party notes that the restrictive nature of Condition 2(d)(i) to engineers with "proven expertise in working with historic structures" targets a smaller and higher cost pool of practitioners, which would add significant and avoidable cost to a project of modest size. Furthermore, the first party notes that the works do not involve intervention in the principal historic fabric of the protected structure.
- Finally, it is argued that a pre-commencement written approval process without a defined approval gateway (statutory turnaround time) is not proportionate to the scale of works and would create significant potential project risk.
- The objective to ensure that the shared boundary and surrounding fabric are safeguarded during construction can equally be achieved by the preparation of a method statement by a suitably qualified and experienced structural engineer to be submitted on record before works commence rather than for the written agreement of the conservation officer.

Condition 2(d)(iv)

- In the matter of Condition 2(d) (iv), it is noted that the subject condition prescribes within its text the acceptable methodology for brick cleaning namely that cleaning with water only or steam cleaning is often effective in achieving the appropriate level of cleaning for historic brickwork.

- It is claimed that the requirement for a method statement prepared by a conservation contractor with proven expertise in working with historic brick facades and to be submitted for prior written agreement of the conservation officer introduces a further specialist retainer and a further pre commencement iteration disproportionate to the works permitted.
- The first party argues that the requirement of Condition 2(d)(iv) as presently drafted adds material cost without a corresponding heritage benefit. The first party requests that Condition 2(d)(iv) be varied to allow for a straight forward compliance condition enabling any brick cleaning to be carried out using water or steam cleaning in accordance with the DHLG&H Advice series without the requirement for a method statement or written agreement before commencement.

7.2. **Planning Authority Response**

The planning authority response comprises the conservation officer's (CO) response to the first party appeal. The CO comments in support of the decision of the planning authority is summarised below:

Condition 2(a)

- Condition 2(a) is a standard condition attached to all permissions granted for development by Dublin City Council to protected structure where works are proposed.
- The CO notes the example of the standard condition 'Architectural Heritage' set out by the Office of the Planning Regulator (OPR), which requires that a developer prior to commencing works on a protected structure will confirm that the works will be monitored by a suitably qualified architect with conservation expertise & accreditation and by personnel suitably qualified and experienced in conservation work.
- Furthermore, the CO cites sections 7.5.1 & 7.5.2 of the Architectural Heritage Protection Guidelines (AHPG) (2011) supporting the specialised nature and method of works required to protected structures, which require specific experts with a knowledge and experience of historic buildings not only at the application

stage but also in the management and site supervision of the project in order to ensure the works are competently and correctly completed.

- The Built Heritage (Chapter 9) section of the development plan include provision that all planning applications for protected structures shall contain an appropriate level of documentation in accordance with Article 23 (2) of the Planning and Development Regulations (2001) and Chapter 6 and Appendix B of the AHPG (2011), including where relevant an Architectural Heritage Impact Assessment (AHIA)
- The AHIA submitted with the application was prepared by a person who did not demonstrate appropriate conservation qualifications or experience working with historic buildings. Furthermore, only a brief impact assessment of the proposed works on the historic fabric and special architectural character of the protected structure was prepared.
- Where significant works are proposed within the curtilage of a protected structure a RIAi Grade 2 conservation architect (minimum) or equivalent should be appointed to prepare the AHIA and oversee onsite works.
- Section B.4 (Competency of the Author) of the AHPG (2011) notes *inter a/ia* that the author(s) of the AHIA should be appropriately qualified or competent to undertake the assessment. Where the protected structure is of high quality or rarity, or where the impact on the architectural heritage may be substantial the planning authority could make it a requirement that the assessment be carried out by those with relevant competence or expertise.
- Finally, the conservation officer strongly recommends that the attachment of the subject Condition 2(a) should be upheld. it is claimed that Condition 2(a) is critical in ensuring that the works are carried out in accordance with a suite of development plan policies (BHA2 (a) & (b)).

C[illegible]mdition 2(c)

- In the matter of Condition 2(c), the proposed opening in the side wall of the rear return was carefully assessed by the CO. It is the opinion of the CO that the proposed opening in the wall is excessive and would result in the unnecessary

loss of historic fabric and the loss of legibility of the original floor plan of the return. The CO strongly recommends that Condition 2(c) be upheld.

- Furthermore, the reduction in the width of the opening to 3m would provide an adequate connection between the existing return and the proposed extension providing adequate space for the kitchen area while retaining the legibility of the original footprint of the return.
- Section 6.8.2 of AHPG (2011) is cited emphasising that new works to a protected structure should involve the smallest possible loss of historic fabric and ensure that important features are not obscured, damaged or destroyed.
- Finally, the CO considers that the removal of the wall as originally proposed would contravene the following policies of the Dublin City Development Plan 2022-2023 including BHA2 (b), (d) & (e).

Conditions 2 (d)(i)&(ii)

- The CO does not consider that Condition (d) (i) & (iv) represent a duplication of expertise given the requirements of Condition 2(a). The CO reiterates that the proposed development consists of different packages of work each of which should be dealt with by the appropriate conservation professional in order to ensure compliance with BHA2 of the development plan.
- There are significant structural works proposed to the protected structure. The original application did not demonstrate that there had been adequate involvement from a structural engineer with experience in working with historic buildings.
- Furthermore, the CO has expressed concern in the matter of the structural stability of the boundary wall given the proximity and level of intervention proposed to construct the new garden room extension.
- A method statement outlining a conservation-led approach to the proposed works would be expected for all structural works to a protected structure in order to mitigate negative impacts of such works on the structure itself or neighbouring structures. Therefore, the CO strongly recommends that Condition 2 (d)(i) be upheld.

- In the matter of brick cleaning and the requirement for Condition 2(d)(ii), the CO raised concern in the brick cleaning method outlined (due to the use of chemicals and high pressure) at application stage, which would not be considered best practice.
- The CO cites guidance provided in Section 8.3.37, 8.3.38 & 8.3.39 of AHPG (2011). The relevant provisions support the protection of brickwork and the requirement for specialist input in preparing a conservation led method statement and ensuring appropriate application, as the cleaning of brickwork can materially affect the character of a protected structure.
- The CO strongly recommends that Condition 2 (d)(iv) be upheld in order to protect the special architectural character of the protected structure.
- In conclusion, the conservation officer recommends that the conditions attached to the grant of planning permission, including the subject condition of this appeal Condition 2 (a), (c), (d) (i) & (d) (iv) be upheld in order *inter a/ia* to protect the original fabric, character and integrity of the protected structure at no. 36 Oakley Road.

7.3. **Observations**

None

7.4. **Further Responses**

The Department of Housing, Local Government and Heritage Applications Unit (DAU) responded on the 09/09/226 to the appeal referral. The architectural heritage response is summarised below:

- The planning application comprises works to a protected structure in a residential conservation area. The response notes that no pre-planning was undertaken by the applicant.
- In the matter of the demolition of the existing modern extension. The removal of same will not have an adverse impact on the protected structure.
- In the matter of the proposed garden room extension. It is modest in scale and contemporary in design. There is no objection to the proposed extension.

- There is no objection to the removal of the sash window and lowering of the cill level to create a door opening at ground level. However, it would be beneficial where feasible to consider reuse of the sash window box, internal architrave, shutters, stone cill and bricks to make the new proposed window to the rear elevation of the return. There is no objection to the creation of a new window opening to the ground floor rear elevation of the return.
- In the matter of the removal of the south wall of the return, the opening could be restricted to the existing openings being currently a door to the garden and an internal access to the kitchen. However, the level of original wall remaining would be somewhat superficial.
- The pertinent issue is the structural stability of the upper level of the return, which is not addressed in the Architectural Heritage Impact Assessment (AHIA) Report.
- In the matter of brick cleaning there is no objection to this work subject to it being carried out with the appropriate materials and by competent contractors.
- In the matter of the covered external store there is no objection.
- In the matter of landscape works there is no objection.
- In the matter of the conditions of the permission that are the subject of the appeal, the response is summarised as follows:
    - AHIA should include a detailed method statement and / or schedule of works beyond generalities. The conservation officer is supportive of the development. The CO considered it reasonable to place conditions in respect of details absent from the AHIA;
    - The supervision of conservation work is generally recommended. It has been interpreted by the appellant that 3 specialists are required where in. fact one qualified person or firm with the relevant professional competences to include architectural conservation and structural engineering could fulfil the requirement.
    - The submission of details pre-commencement is not open ended as there are specified timeframes for compliance.

- Notwithstanding the above it is considered that the appellant has made reasonable and valid points on appeal in relation to duplication and the complexity of conditions. The conditions of permission could be rationalised while ensuring the appropriate management of works to the protected structure.

- The submission sets out a suite of alternative conservation conditions to be attached to the permission for the information of the Commission.

8.0 Assessment

8.1. This is a first-party appeal against specified sections of Condition no. 2, namely Condition 2(a), Condition 2(c), Condition 2 (d) (i) and Condition 2 (d) (iv), attached to the Dublin City Council notification to grant permission for the proposed development subject to condition. The appeal relates solely to specified sections of Condition no. 2 attached to the permission.

8.2. I note that no other appeal or observation has been received, and consider that the de novo assessment of the proposed development is not warranted in this instance. I am satisfied that that the proposal is otherwise in accordance with the proper planning and sustainable development of the area. As such and in accordance with Section 139 of the Planning and Development Act 2000, as amended, the assessment of the proposed development will be confined to the conditions subject to appeal.

8.3. I have examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant planning policies and guidance.

8.4. I consider that the only planning matter at issue in this case is the specified sections of Condition 2, namely Condition 2(a), Condition 2(c), Condition 2 (d) (i) and Condition 2 (d) (iv), of the notification of decision to grant planning permission and that no other planning matters need to be considered by the Commission. The specified section of Condition 2 the subject of this appeal are assessed below.

Condition no. 2(a)

8.5. In the matter of Condition no. 2(a), the condition *inter a/ia* requires 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 order to protect the original fabric, character and integrity of the Protected Structure at No. 36 Oakley Road, its setting and curtilage.

8.6. The first party requests that Condition 2(a) be omitted. Alternatively, the first party requests that Condition 2(a) be varied to allow the project architect acting in conjunction with the structural engineer and conservation contractor (required under Condition 2(d)) to design, manage and monitor the permitted works.

8.7. The first party claims that appointment of a conservation expert with proven and appropriate expertise is a duplication of specialist input already secured elsewhere in Condition 2.

8.8. The substantive argument of the first party in the matter of Condition 2(a) is that it represents a duplication of function when read in conjunction with the full suite of conservation conditions attached to the notification to grant planning permission.

8.9. I note that the first party interpretation of the suite of conservation conditions is that 3 separate and independent experts are required to satisfy compliance with the conservation conditions of the permission.

8.10. The first party claims that the actions required (an additional professional retainer and additional cost) in the matter of the appointment of an overall "conservation expert" as required by Condition 2(a) is disproportionate to the scale and domestic nature of the works.

8.11. The first party claims that Condition 2(d) requiring 2 specified appointments already covering the structural and fabric sensitive elements of the proposed works. It is further claimed that the first party is committed through the appointment of a project architect and a specialist conservation contractor, as required by Condition 2(d)(i) and Condition 2(d)(iv), to deliver the works to the highest standard as required by Condition 2(b).

8.12. I note that condition 2(d) (i) *inter alia* requiring the services of a structural engineer with proven expertise in working with historic structures and 2(d) (iv) *inter a/ia* requiring the services of a conservation contractor is also the subject of this first party appeal.

8.13. The Conservation officer has clarified by way of response that justification for Condition 2(a) is evidenced in the submitted Architectural Heritage Impact Assessment (AHIA) submitted with the application, which was prepared by a person who did not demonstrate appropriate conservation qualifications or experience working with historic buildings.

8.14. Furthermore, the conservation officer notes that only a brief impact assessment of the proposed works on the historic fabric and special architectural character of the protected structure was prepared. it is claimed that Condition 2(a) is critical in ensuring that the works are carried out in accordance with a suite of development plan policies (BHA2 (a) & (b)) that protect the special character of the building and its setting.

8.15. Finally, I note that response of the Department of Housing, Local Government and Heritage Applications Unit (DAU) acknowledging that the first party has made reasonable and valid points on appeal in relation to duplication and the complexity of conditions.

8.16. The Department clarifies that one qualified person or firm with the relevant professional competences to include architectural conservation and structural engineering could fulfil the requirement of Condition 2(a).

8.17. I consider that the Department response has clarified the practical scope of Condition 2(a). I do not consider that Condition 2{a) should be omitted given that it is a standard condition (supervision of conservation works) of a planning permission regulating works to a protected structure and is both necessary and reasonable subject to clarification.

8.18. I conclude that Condition 2(a) can be amended to clarify that no unreasonable requirement for the duplication of conservation expertise is required.

Condition 2(c)

8.19. In the matter of Condition 2 (C), it provides for the width of the proposed opening (interconnection with new build garden room) in the side elevation of the rear return to be reduced to 3m. The subject Condition provides for the submission of revised drawings.

8.20. The reason for the condition *inter alia* is in order to protect the original fabric, character and integrity of the protected structure at No. 36 Oakley Road, including its plan form, hierarchy of spaces, structure and architectural detail.

8.21. I note policy Policy BHA2 of the Dublin City Development Plan 2022-2028 in this regard, which, *inter alia* requires that modification, alteration, or extension affecting a protected structure is sensitively sited and designed respecting the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail.

8.22. The rationale for the opening is to facilitate the interconnection and integration of the ground floor of the return with the floor area (16 sqm) of a new build contemporary design garden room to create a large open plan multi-purpose space (kitchen dining room) to the rear of the house extending for the full width of the plot.

8.23. I note the garden room would respect the rear building line of the two-storey return.

8.24. The first party requests that the restriction of the width to 3m of the ground floor return opening to be omitted and that the width shown on the submitted drawings be retained.

8.25. The first party cites precedent in the matter of the extension of a property in the vicinity at no. 20 Oakley Road (ABP-314471-22) where modern residential use *inter alia* justified the extension of the protected structure.

8.26. I note this matter. However, I consider that the development proposal subject to the conditions under appeal will be assessed on its merits.

8.27. I note that the conservation officer considers that the proposed demolition of the existing modern extension and its replacement is acceptable in principle.

8.28. I also acknowledge the valid concern of the conservation officer in the matter of the removal of historic fabric and that the legibility of the ground floor footprint of the return, which maybe compromised by the creation of an opening for the full extent of the south elevation of the return: removal of the side south elevation ground floor wall of the two-storey return structure in full.

8.29. Section 6.8.1 of the Architectural Heritage Protection Guidelines for Planning Authorities *inter alia* states that it is necessary to permit appropriate new extensions in order to make protected structures fit for modern living.

8.30. Section 6.8.1 also advise that in instances where the existing exterior appearance of a structure is of special interest and the interior is of sufficient size it may be possible to incorporate new functions or services within the existing envelope of the structure.

8.31. In the instance of the subject appeal intervention, insertion of a single-storey metal clad timber frame garden room with pitched roof and generous glazing, must be balanced with the overall objective of the extension to create a modern open plan multi-functional space at the rear of the house. I consider this a reasonable objective.

8.32. The Architectural Heritage Impact Assessment (AHIA) accompanying the application states that the protected structure has recently been refurbished and redecorated by the property owners. The current application excludes the substantive floor area of the house and is confined to the rear of the protected structure.

8.33. The AHIA documents the approach of the property owner, which is to consolidate their accommodation on site to reflect modern family life acknowledging fluctuation in household size and contemporary function while carrying out sensitive and sustainable enhancement respecting the period character and protected status of the building.

8.34. I acknowledge the existing configuration of return and modern extension at the rear of the protected structure is suboptimal in terms of layout, function and building form.

8.35. I consider that the existing modern extension has a negative impact on the exterior appearance of the rear elevation of the protected structure given the wrap around nature of the modern extension concealing the ground floor elevation of the return and the opposing window distance of the kitchen extension from the principal fenestration of the rear elevation at ground floor level (approximately 2m).

8.36. I conclude that the proposed extension of the protected structure to the rear to enhance residential amenity and facilitate contemporary function Is appropriate in principle.

8.37. Finally, I note that the proposed extension is single-storey with a modest floor area (16 sqm), to the north of the adjoining property at no. 35 Oakley Road, as such, the extension design in terms of its height, footprint, material finish and fenestration would not have an adverse impact on the amenities of adjoining properties and would be consistent with the requirements of Appendix 18 (Ancillary Residential Accommodation) Section 1.1 (General Design Principles) of the Dublin City Development Plan 2022-2228.

Historic fabric

8.38. The new build garden room would interconnect with the protected structure through two openings: (1) the principal existing ground floor window opening in the rear facade,

which would become an internal door opening and; (2) the creation of a significantly larger opening in the side wall of the return.

8.39. The conservation officer considers that the proposed opening in the side wall of the return is excessive and would result in an unnecessary loss of fabric.

8.40. The first party claims that the side return wall is not a principal elevation of the protected structure rather it is an internal party/ gable wall within a rear return that has been substantially remodelled by the modern extension now being removed.

8.41. I note the response of the Department of Housing, Local Government and Heritage Applications Unit (DAU).

8.42. While acknowledging that the opening between the existing return and the new garden room extension could be restricted to the existing openings being currently a door to the garden and an internal access to the kitchen. The Department concluded that the level of original wall remaining would be somewhat superficial.

8.43. I also note that the Department's principal concern relates to the structural integrity of the return structure given the requirement to remove a structural wall to facilitate the development. I address this matter below.

8.44. I note that existing openings in the side elevation of the return are namely: (1) the external door opening (external access to return with modern concrete lintel) to the lightwell created by the junction of the wrap around modern extension (single-storey), the return (two-storey) and principal rear fac;ade of the protected structure (two-storey); (2) the opening into the kitchen of the modern extension. The kitchen section of the extension is located against the return south elevation positioned between the original side wall of the two-storey return and the property boundary with no. 35 Oakley Road.

8.45. I consider that a modest removal of historic fabric is justified in this instance, given the extent of the existing openings in the side wall of the return (south) and the enhancement of domestic accommodation that would arise from the creation of a contemporary multi-functional space to the rear of the protected structure, subject to safeguards regulating the structural stability of the return.

8.46. Finaly, I note that the spatial integrity and floor plan of the principal ground floor spaces of the protected structure comprising the entrance/ stair hall and interconnecting front and rear reception rooms would remain intact.

8.47. I conclude that the removal of historic fabric to create a larger opening between the existing ground floor return and the garden room is acceptable in principle.

3m width restriction

8.48. The first party states that the imposition of a 3m width restriction to the opening in the side wall of the return would create two spaces visually and functionally where the design concept is to create a single open plan kitchen and dining space appropriate to modern residential use consistent with development plan policy for the continued residential use of protected structures and Section 6.8 of the AHPG 2011 (adaptation & reuse).

8.49. In the matter of the legibility of the ground floor of the return, Section 6.8.2 of the Architectural Heritage Protection Guidelines for Planning Authorities *inter alia* provides that extension of a protected structure should ensure that important features are not obscured, damaged or destroyed.

8.50. Furthermore principal elevations of a protected structure in general should not be adversely affected by new extensions.

8.51. In this regard, the Architectural Heritage Impact Assessment (AHIA) accompanying the application documents states the new garden room shall be built with modern materials to contrast with the historic structure in order to be clearly identifiable as new work.

8.52. The garden room will have its own roof structure supported by new walls and steel frame. I consider that the vertical internal emphasis of the garden room (maximum ridge height 4270mm) given a modest footprint and a transparent ceiling following the pitch of the roof would evoke domestic cathedral style architecture.

8.53. I note that the Depart◆ent of Housing, Local Government and Heritage Applications Unit (DAU) states that the proposed extension is modest in scale and contemporary in design.

8.54. I consider that the modest scale (floor area 16 sqm) and contemporary design of the garden room extension would externally be distinct in form, height and material finish to the building eves height and brick and bond fabric of the existing 2-storey protected structure.

8.55. The proposed garden room would integrate with the existing ground floor return to create a new multi-functional space.

8.56. I note the recommendation of the conservation officer that the proposed opening shall be reduced to a maximum of 3m.

8.57. The recommendation of the conservation officer is clarified in the appeal response. It is claimed that the reduction in the width of the opening to 3m would provide an adequate connection between the existing return and the proposed extension providing adequate space for the kitchen area while retaining the legibility of the original footprint of the return.

8.58. The Architectural Heritage Impact Assessment (AHIA) accompanying the application documents states that the existing spaces within the protected structure interconnecting with the new build garden room (ground floor return and ground floor rear reception room) will remain legible with nib walls and ceiling details retained, to maintain their spatial definition while the light filled garden room extends their functional integration and connects to the rear garden.

8.59. Notwithstanding that the combined space would be integrated at floor level, I consider that the low ceiling height of the existing return volume would be maintained contrasting with the cathedral style ceiling treatment and double volume of the new garden room extension (See Section A).

8.60. The garden room roof structure is significantly glazed punctured with roof lights while the ceiling of the ground floor return is a solid plane. The ceiling height (2230mm) and treatment of the existing volume and the new volume (maximum ridge height 4270 mm) would create a clear distinction between the existing return and the new build extension.

8.61. I conclude that the volume of the ground floor return will remain distinct from the vertical emphasis volume and transparent new build garden room, in part achieved by reference to the significantly lower ceiling height (2230mm) and solid ceiling plane of the existing return structure.

8.62. Thus legibility of the footprint of the original return would be maintained without restricting the opening between the existing and new build floor area to a maximum width of 3m.

8.63. Finally, in the matter of the structural integrity of the return structure, I acknowledge the concern of the Department that pertinent issue is the structural stability of the upper

level of the return, which is not addressed in the Architectural Heritage Impact Assessment (AHIA) Report.

8.64. I consider that this matter can be addressed by condition in specific Condition 2(d)(i) of the notification to grant, which is also the subject of this appeal. I interrogate this matter in the section of this report that assesses the requirement for the attachment Condition 2(d)(i) to a grant of planning permission.

8.65. In conclusion, the proposed garden room extension as designed to fully integrate the existing ground floor area of the return with the extended floor area of the new build garden room, to provide an open plan multi-functional space, would on balance satisfy the provisions of Section 6.8.1 (Extensions) of the Architectural Heritage Protection Guidelines for Planning Authorities and Policy BHA2 of the Dublin City Development Plan 2022-2028, which *inter a/ia* requires that modification, alteration, or extension affecting a protected structure is sensitively sited and designed respecting the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail.

Condition 2{d){i)

8.66. In the matter of Condition no. 2(d)(i), the condition *inter a/ia* requires a method statement for the proposed construction of the new room, prepared by a structural engineer with proven expertise in working with historic structures.

8.67. The first party accepts the requirement for a pre-commencement structural method statement, the first party accepts that a method statement addressing the proposed removals, excavations and works and the protection of the shared boundary wall is a reasonable and proportionate requirement.

8.68. However, the first party requests that the requirement for a specialist "historic structures" engineer be omitted given the parallel requirement for a conservation expert and conservation contractor.

8.69. Furthermore, the first party highlights that a pre-commencement written approval process for the submission of methodology statement(s) is not proportionate to the scale of works and would create significant potential project risk.

8.70. The conservation officer in review of the AHAi and other documentation expressed concern in the matter of the impact assessment of works on the protected structure and its curtilage, which the conservation officer considered deficient.

8.71. In specific the conservation officer cited the potential adverse impact of the construction of the garden room on the shared boundary wall with no. 35 Oakley Road. The conservation officer notes the removal of the concrete plinth at the base of the wall where the new extension foundation is proposed.

8.72. The conservation officer clarifies by appeal response that there are significant structural works proposed to the protected structure. The original application did not demonstrate that there had been adequate involvement from a structural engineer with experience in working with historic buildings.

8.73. A method statement outlining a conservation-led approach to the proposed works would be expected for all structural works to a protected structure in order to mitigate negative impacts of such works on the structure itself or neighbouring structures in specific the intervention to the shared boundary wall, which is significant and proximate.

8.74. The conservation officer strongly recommends that Condition 2 (d)(i) be upheld.

8.75. The Department of Housing, Local Government and Heritage Applications Unit (DAU) recommends that the first party appoint a suitably qualified practice or individual with architectural and structural engineering professional competences, with demonstrated experience in working with historic buildings, *inter a/ia* to submit written confirmation that works can be carried out without undermining the structural integrity of the shared boundary wall. Mitigations measures may be deemed necessary.

8.76. I also note the concern of the Department in the matter of the structural stability of the upper level of the return given the development proposal to remove the south elevation ground floor wall of the return.

8.77. Finally, I note that the AHIA states that the steel frame of the new garden room, formed with two columns and beam as per engineer's detail, will also support the enlarged opening to the ground floor sidewall of the existing return

8.78. I consider that there are two substantive matters requiring the expertise of a structural engineer with historic building experience (1) the structural stability of the two-storey return in opening up works to achieve integration between the ground floor of the return

with the new build extension and; (2) the stability of the shared boundary wall in the construction of the garden room, which directly abuts the wall.

8.79. I consider that the engagement by the first party of a structural engineer with historic building experience is reasonable given that the appointment may also fulfil the other expert requirement of the conservation condition the overall supervision of works.

8.80. I concur with the first party that the submission of methodology statement(s) for the written agreement of the Conservation Officer is not proportionate to the scale of works.

8.81. I conclude that condition 2(d)(i) should be retained and amended. The amended condition to provide prior to the commencement of development for the submission of a method statement for the proposed construction of the new room, prepared by a suitably qualified practice or individual with architectural and structural engineering professional competences with demonstrated experience in working with historic buildings.

Condition 2(d)(iv)

8.82. In the matter of Condition no. 2(d)(iv), the condition *inter a/ia* requires a revised method statement for the proposed brick cleaning, which shall be prepared by a conservation contractor with proven expertise in working with historic brick facades.

8.83. The detail of the condition cites the Department of Housing, Local Government and Heritage Advice Series on Bricks noting that cleaning with water only or steam cleaning (such as the Doff cleaning system) is often effective in achieving the appropriate level of cleaning for historic brickwork.

8.84. The first party states that the wording of the condition prescribes within its text the acceptable methodology for brick cleaning namely that cleaning with water only or steam cleaning is often effective in achieving the appropriate level of cleaning for historic brickwork.

8.85. Furthermore, the first party claims that the requirement for a method statement prepared by a conservation contractor with proven expertise in working with historic brick facades and to be submitted for prior written agreement of the conservation officer introduces a further specialist retainer and a further pre commencement iteration disproportionate to the works permitted.

8.86. The first party requests Condition 2(d)(iv) be varied to allow for a straight forward compliance condition enabling any brick cleaning to be carried out using water or steam cleaning in accordance with the DHLG&H Advice Series.

8.87. The conservation officer by appeal response cites guidance provided in Section 8.3.37, 8.3.38 & 8.3.39 of Architectural Heritage Protection Guidelines AHPG (2011). The conservation officer raised concern in the matter of the brick cleaning method outlined (due to the use of chemicals and high pressure) at application stage, which would not be considered best practice.

8.88. The conservation officer strongly recommends that Condition 2 (d)(iv) be upheld in order to protect the special architectural character of the protected structure.

8.89. The AHIA states in the matter of cleaning of exposed brickwork that a light cleaning of all exposed brick facades shall be carried out.

8.90. The procedure proposed provides for a "cleaning solution" (Pre-wash '766 Limestone & Masonry Pre-wash 7 & 'Restoration Clear" or other approved) and rinsing at low pressure then rinse the treated area thoroughly at high pressure.

8.91. I note that "766 Limestone & Masonry Prewash" is a strong, alkaline-based cleaning compound.

8.92. I have reviewed the relevant sections of the AHPG and the advice series. I note the relevant provisions support the protection of brickwork.

8.93. Section 5 of "Bricks: A Guide to the Repair of Historic Brickwork" (Cleaning Historic Brickwork) cleaning methods states that the simplest way to clean historic brickwork is with water where dirt deposits are resistant to water cleaning it may be acceptable to use mild detergents.

8.94. I note on the day of my site visit that the visible brickwork was not noticeably heavily stained.

8.95. I concur with the conservation officer that the cleaning of brickwork can materially affect the character of a protected structure and that a "cleaning solution" is not appropriate rather "cleaning with water' in accordance with Section 5 of the relevant DHLG&H Advice Series (Bricks).

8.96. I also note the response of the Department of Housing, Local Government and Heritage Applications Unit (DAU), which recommends that brick cleaning shall be carried out using systems aligned with the DHLG&H Advice Series on bricks. Confirmation of the products and systems to be used (technical data) shall be submitted.

8.97. I conclude that condition 2(d)(iv) should be retained and amended to require that brick cleaning shall be carried out in accordance with DHLG&H Advice Series ("Bricks: A Guide to the Repair of Historic Brickwork").

Other Matters

8.98. Finally, I note the other matters highlighted by the Department of Housing, Local Government and Heritage Applications Unit (DAU), including the storage and potential re-use of historic fabric to be removed to facilitate the development (e.g. sash window, shutters, stone cill & bricks), outside the scope of the specific 4 elements of Condition 2 the subject of appeal.

8.99. For clarity, I note that the AHIA (method statement) states that the contractor will allow for the careful removal and salvage of brick, window cills / steps, timber products and sash window & granite stone flags, all items are to be cleaned of mortar and detritus prior to re-use or storage on site.

8.100. I consider that these matters are addressed in the overall envelope of the conditions of the permission, including Condition 1 and Condition 2.

9.0 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 an established urban area and is connected to piped services and is not immediate to a European Site. The proposed development comprises minor demolition and extension works to a dwelling house.

No significant 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 it could not have any effect on a European Site given the small-scale nature of the development.

I conclude 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 site is located in an inner suburban location. It is not proximate to a visible watercourse.

The proposed development comprises works to an existing building.

No water deterioration concerns were raised in the planning appeal.

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. 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 the small scale and nature of the development.

I conclude based on objective information, the proposed development will not result in a risk of deterioration of 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

I recommend omission of Condition number 2 (c), 2(d)(i) and 2(d)(iv) and clarification and the amendment of Condition number 2(a) to incorporate the substantive matters required under Condition number 2(d)(i) and 2(d)(iv).

Having regard to the nature of the condition(s) 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 omit condition number 2 (c), 2(d)(i) and 2(d)(iv) and to attach, clarify and amend Condition number 2(a).

12.0 Reasons and Considerations

Having regard to the residential conservation zoning objective (Z2), the policies and objectives of the Dublin City Development Plan 2022-2028, in specific the provisions providing for works to protected structures, and the relevant policies and objectives of the Architectural Heritage Protection Guidelines AHPG (2011), including Section 8.3 (Extensions), it is consider that the proposed garden room extension (16 sqm.) and associate interconnection with the existing ground floor return to form an integrated multi-functional open plan kitchen / dining room to the rear of the protected structure would be acceptable in principal and in detail, subject to condition, by reason of the contemporary design and vertical emphasis of the internal volume of the garden room, the existing significant punctuations in the side wall of the return (south election), (1) providing external access & (2) the opening into the kitchen of the modern extension, and the overall enhancement of the domestic accommodation on site. Therefore, the proposed extension and without the requirement for a restricted 3m interconnection with the return would on balance satisfy Policy BHA2 (works to a protected structure) of the Dublin City Development Plan 2022-2028 in this regard, which, *inter alia* requires that modification, alteration, or extension affecting a protected structure is sensitively sited and designed respecting the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, and the

relevant provisions of the AHPG (2011), including Section 8.3 (Extensions) and, as such the extension and associated interconnection would not have an adverse impact on the special character and setting of the protected structure and would be consistent with the proper planning and sustainable development of this residential conservation area.

Furthermore, it is consider in the matter of the regulation of the works to the protected structure at no. 36 Oakley Road a suitably qualified practice or individual with architectural and structural engineering professional competencies, with demonstrated experience in working with historic buildings shall design, manage, monitor and implement the works.

13.0 Conditions

1. Omit Condition number 2(C)
2. Clarify Condition 2 (a) and omit Condition number 2(d)(i) and 2(d)(iv), to incorporate the substantive requirements of Condition number 2(d)(i) and 2(d)(iv) within the envelope of Condition number 2 (a) to read:

   A suitably qualified practice or individual with architectural and structural engineering professional competencies, with demonstrated experience in working with historic buildings, shall design, manage, monitor and implement the works and shall submit the following prior to the commencement of development:

   (i) Details of structural works required to facilitate the enlarged opening to the south wall of the return;

   (ii) Written confirmation that works can be carried out without undermining the structural integrity of the shared boundary wall with no. 35 Oakley Road (a protected structure);

   (iii) Brick cleaning shall be carried out using systems that are aligned with Section 5 of "Bricks: A Guide to the Repair of Historic Brickwork" (Cleaning Historic Brickwork) cleaning methods.

   Reason: In order to protect the original fabric, character and integrity of the Protected Structure at No. 36 Oakley Road, its setting and curtilage, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and

fittings and materials, and to ensure that the proposed works are carried out in accordance with best conservation practice.

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.



Anthony Abbott King
Planning Inspector

20 October 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501723-OS-26
Proposed Development Summary	Works to a protected structure
Development Address	**No. 33 Oakley Road, Ranelagh, Dublin 6.**
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?	IZI Yes, it is a 'Project'. Proceed to Q.2.
	D 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)?	
D Yes, it is a Class specified **in Part 1.** **EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**	**State the Class here**
◆ 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?	

IZI 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.**	
D Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	**State the Class and state the relevant threshold**
D 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)**	**State the Class and state the relevant threshold**

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 D	Screening Determination required (Complete Form 3
No IZI	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: .4 4t, Date: ?/10(??