



An  
Bord  
Pleanála

## Inspector's Report ABP-305622-19

---

<b>Development</b>	Extension to house
<b>Location</b>	49 Arnott Street, Dublin 8
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	WEB1466/19
<b>Applicant(</b>	Noele McEvoy
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellants</b>	Noele McEvoy
<b>Observers</b>	Jack Hayden Transport Infrastructure Ireland
<b>Date of Site Inspection</b>	18 <sup>th</sup> January 2020
<b>Inspector</b>	Stephen J. O'Sullivan

## **1.0 Site Location and Description**

1.1. The appeal site is located in the south inner city of Dublin in an area characterised by Victorian and Edwardian terraced housing. The former Meath Hospital stands across the street. The site has a stated area of 97m<sup>2</sup>. It consists of the curtilage of contemporary house that was part of an infill development on a corner plot . The stated floor area of the house is 88m<sup>2</sup>, of which 63m<sup>2</sup> is at ground floor level and 24m<sup>2</sup> is at first floor level. There are two bedrooms in the house, one on the ground floor and one on the first floor. The eastern side of the house on the site adjoins a lane that runs along the back of the curtilages of the houses at Nos. 10 and 11 Heytesbury Street. The first floor of the house on the site is set back from the eastern edge of the site by between c2.2m and c3.5m.

## **2.0 Proposed Development**

- 2.1. It is proposed to extend the first floor of the house so that its extent matches that of the ground floor. This would extend the floor area of the house from 88m<sup>2</sup> to 127m<sup>2</sup> and would accommodate a third bedroom. There would be no windows above first floor level on the eastern gable wall or the northern wall to the rear. The additional wall at the front of the house would be finished in black cladding, while the side and rear walls would be in brick. The roof would be flat.
- 2.2. Amended plans were submitted with the first party appeal which showed the extension set back by 1.52m from the front of the house and a reduction in the height of the south-eastern part of the extension by c1.2m, as well as a red brick finish on the entire front wall.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority refused permission for a reason which stated that the proposed development would be visually incongruous in the streetscape in a conservation area due to its scale and design and would seriously injure the

residential amenities of 10 and 11 Heytesbury Street due to overbearing, enclosure and overshadowing.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The design of the previous development makes an effort to turn the corner on Arnott Street with a set back of the first floor of the house on the site which gives it a subordinate appearance at a conspicuous position in a residential conservation area. The proposed filling of this considered set back would be incongruous in the streetscape and the black weatherboarding would have an unacceptable impact. The extension would make the side elevation of the house 5.7m high and it would have an unacceptable enclosure and overshadowing impact on the gardens behind 10 and 11 Heytesbury Street. It was recommended that permission be refused

### **3.3. Third Party Observations**

The appellant objected to the proposed house on grounds similar to those raised in the subsequent appeal.

## **4.0 Planning History**

- 4.1. PL29S. 216298, Reg. Ref. 5685/05 – In November 2006 the board granted permission to demolish existing buildings and provide 3 houses and an apartment on a site that includes the current site. Condition 1 of the permission omitted one of the proposed apartments which would have occupied a position equivalent to the first floor of the current appeal site.
- 4.2. PL29S. 229057, Reg. Ref. 1579/08 – In November 2008 the board refused permission for an additional bedroom at first floor level on the site stating that it would overshadow the properties at 10 and 11 Heytesbury Street and would be visually obtrusive. The planning authority had decided to grant permission.
- 4.3. PL29S. 234209, Reg. Ref. 2873/09 – In December 2009 the board granted permission for a bedroom at first floor level on the site.

## 5.0 Policy Context

### 5.1. Development Plan

The Dublin City Development Plan 2016-2022 applies. The site is zoned as a residential conservation area under objective Z2.

### 5.2. Supplementary Contribution Scheme for Luas Cross City Extension

The site is within the area of the scheme but section 11 provides an exemption from contributions for domestic extensions.

### 5.3. Natural Heritage Designations

None

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The applicant recognises the need to balance the needs of residents, neighbours and the visual character of the neighbourhood. The existing house does not have adequate space to meet the needs of the applicant's family.
- The existing house on the site presents an unfinished appearance to the street. The proposed extension would improve its appearance by matching the scale and materials of the neighbouring houses. The height of the proposed extension matches that of the existing house which is stepped down from the higher structure at No 49 Arnott Street.
- There would be a significant separation distance from the houses and gardens at Nos. 10 and 11 Heytesbury Street and no windows would face them. The applicant's house is overlooked by neighbouring houses but accepts this as an inherent part of city living.
- An amended design is submitted to address the concerns expressed by the council including a set back and a set down of parts of the proposed

extension. It also shows redbrick on the front elevation although the applicant thinks black cladding would be preferable there to match the first floors of other houses built as part of the same infill scheme.

## 6.2. **Planning Authority Response**

No response was received from the planning authority.

## 6.3. **Observations**

- 6.3.1. An observation was submitted by the occupier of 10 Heytesbury Street. It states that the proposed extension would not be in keeping with previous decisions by the board which reduced the extent of development at first floor level on the current site. The proposed development would be 8.1-8.5m from the rear return and 13.9m from the main part of the observer's house both of which have windows facing west. The separation distance does not meet DOEHLG or city council guidelines. The visual impact of the proposed blank wall would diminish the outlook and amenity of the observer's house and garden. It would also overshadow the garden in the afternoon and evening. The black cladding would be incongruous in the streetscape and contrary to the Z2 zoning.
- 6.3.2. Transport Infrastructure Ireland stated that the site is within the area covered by the Supplementary Contribution Scheme for the Luas Cross City Project and a contribution should be required in the schedule of conditions.

## 7.0 **Assessment**

- 7.1. The site is in an historic area whose architectural character is worthy of protection. This is reflected in its designation as a residential conservation area under objective Z2 of the development plan. There is scope for infill development and contemporary design in such areas, but only to the extent that it respects the primary objective to maintain their historic character. The scheme executed on the site and adjoining plots to the west in the 21<sup>st</sup> century is an example of such development. However the previous decisions by the board illustrate the sensitivity as to how much building should occur at first floor level on this site which is on a side street but in a prominent

situation, and which is oriented at right angles to the historic streets in the area and the houses upon them.

- 7.2. Although the scale on the proposed development would not be considered large in a standard residential area, it would not be acceptable in this context. It would diminish the extent to which the house on the site is subordinate to the historic streets and houses in the conservation area . As such it would be visually obtrusive when viewed from the public realm. It would also be overbearing when viewed from the houses and gardens at Nos 10 and 11 Heytesbury Street, and would unduly overshadow their gardens. These impacts would not be sufficiently mitigated by the amendments shown on the plans submitted with the appeal. The limited scope for first floor accommodation on the site appears to have been exhausted by the extension permitted by the board under PL29S. 234209.

## 8.0 Recommendation

- 8.1. I recommend that permission be refused.

## 9.0 Reasons and Considerations

The proposed development would have an adverse impact on the architectural and historic character of the area and so would be contrary to its zoning as a residential conservation area under objective Z2 of the Dublin City Development Plan 2016-2022, and would unduly overbear and overshadow the neighbouring residential properties to the east at Nos. 10 and 11 Heytesbury Street in a manner that would seriously injure their residential amenities.

---

Stephen J. O'Sullivan  
Planning Inspector

19<sup>th</sup> January 2020