



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307958-20

<b>Development</b>	Demolition of extension & shed structures and construction of extension to rear and demolition of a chimney and repair works to the roof.
<b>Location</b>	5, Greenville Terrace, Dublin 8, D08 TP6W
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	2842/20
<b>Applicant(s)</b>	Colm O'Murchadha & Lyndsay Smyth
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	First-Party v. Condition
<b>Appellant(s)</b>	Colm O'Murchadha & Lyndsay Smyth
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	06/11/20
<b>Inspector</b>	Adrian Ormsby

## 1.0 Site Location and Description

- 1.1. The appeal site is c. 2km to the south west of Dublin City centre at No. 5, Greenville Terrace Dublin 8 c. 50m north of the junction with the South Circular Road. The sites curtilage includes a 73.5 sq.m house and has a stated area of 137.6 sq.m.
- 1.2. The site includes a narrow mid terrace single storey red brick house. This house and the other houses in the terrace have a low parapet feature to the front elevation and a double ridge 'M' shaped roofs behind the parapet. Each house has a door with fanlight and one large window to the front elevation.
- 1.3. The site is bounded to the public road and path by a low level plinth with rail fencing enclosing a small garden area. The rear of the house includes a number of shed like structures and a small open space area.
- 1.4. There is a narrow laneway that runs to the rear of the property and terrace with gated access on to Brainboro Terrace c. 50m to the north of the site.

## 2.0 Proposed Development

- 2.1. The proposed development comprises of-
  - A single storey extension (35 sq.m) to the rear of the existing house ( 73 sq.m) giving a proposed total floor area of 108 sq.m.
  - Demolition of rear return (21.7 sq.m) and shed structures (13.8 sq.m)to rear
  - Demolition of chimney and repair works to roof

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to grant permission on the 22/07/20, subject to eight conditions generally of a standard nature. Conditions 2 and 3 require-

2. The development shall be revised as follows:
  - a) The existing chimney in the rear roof slope shall be retained.
  - b) The proposed rooflight in the front roofslope shall be omitted.

Reason: In the interest of protecting the amenities of the conservation area.

3. The render to be applied to the walls of the extension shall match that of the existing house in respect of finish and colour, unless otherwise agreed in writing with the Planning Authority.

Reason: To protect existing amenities.

## **4.0 Planning Authority Reports**

### **4.1. Planning Reports**

The report of the Planning Officer (22/07/20) reflects the decision of the Planning Authority. The following is noted from the report:

- The front roof slopes of buildings in the street are free of roof lights and, given the conservation area zoning, it is considered that this would not be a sensitive addition.
- The chimney to be removed is considered a feature of the house and conservation area and should be retained.

### **4.2. Other Technical Reports**

- Drainage Division- No objection subject to condition

### **4.3. Prescribed Bodies**

- None

### **4.4. Third Party Observations**

- None

## **5.0 Planning History**

5.1. There does not appear to be any planning history pertaining to the appeal site.

5.2. Adjoining house-

## 6.0 Policy Context

### 6.1. Development Plan

- 6.1.1. The appeal site has a zoning objective 'Z2 - Residential Neighbourhoods (Conservation Areas)' within the Dublin City Development Plan 2016-2022, with a stated objective '*To protect and/or improve the amenities of residential conservation areas.*
- 6.1.2. Relevant planning policies and objectives for residential development are set out under Section 5 (Quality Housing) and Section 16 (Development Standards) within Volume 1 of the Development Plan. Appendix 17 of Volume 2 of the Development Plan provides guidance specifically relating to residential extensions.
- 6.1.3. The following sections are of particular relevance:

Section 11.1.5.4- Architectural Conservation Areas and Conservation Areas.

The policy mechanisms used to conserve and protect areas of special historic and architectural interest include:

- Land-use zonings: Residential Conservation Areas (land-use zoning Z2)....

The policy to ensure the conservation and protection of the areas of special historic and architectural interest is as follows-

*It is the Policy of Dublin City Council:*

*CHC4: To protect the special interest and character of all Dublin's Conservation Areas. 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:*

1. *Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting*

2. *Re-instatement of missing architectural detail or other important features*
3. *Improvement of open spaces and the wider public realm, and re-instatement of historic routes and characteristic plot patterns*
4. *Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area*
5. *The repair and retention of shop- and pub-fronts of architectural interest.*

*It is the Policy of Dublin City Council:*

*Development will not:*

1. *Harm buildings, spaces, original street patterns or other features which contribute positively to the special interest of the Conservation Area*
2. *Involve the loss of traditional, historic or important building forms, features, and detailing including roof-scapes, shop-fronts, doors, windows and other decorative detail*
3. *Introduce design details and materials, such as uPVC, aluminium and inappropriately designed or dimensioned timber windows and doors*
4. *Harm the setting of a Conservation Area*
5. *Constitute a visually obtrusive or dominant form.*

## **6.2. Natural Heritage Designations**

- None relevant

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

- 7.1.1. A first-party appeal has been lodged against conditions No. 2 (a) and 3 which were attached to the Planning Authority's notification of a decision to grant planning permission. The following is a summary of the main issues raised:

- Condition 2 (b) is not contested as the rooflight can be relocated to a rear facing slope
- Condition 2 (a) is appealed as the removal of the chimney would have a negligible impact on the surrounding area. Other houses on either side of the street have retained the shared chimney breasts on party walls at the front of houses. The central chimney to the rear of houses have typically been removed in almost all cases. The parapet to the front of the terrace and the chimneys location to the rear ensures the visual impact of the chimney is extremely limited. The retention of the chimney would have a detrimental impact on the proposed internal arrangements of the home. There is existing precedent for similar developments, and the overall development would have a positive contribution to the area by replacing the front window with a traditional sash type window and repairing brickwork.
- The chimney cannot be retained above ceiling level due to stability and excessive cost issues with a central placed chimney.
- Condition 3 is appealed as the existing render is to the rear of the house is of a poor quality and was not visible to the Planning Authority. The applicants intend to go with a white brick in the private open space to tie in with brick on existing house subject to the budget. To the rear of the development the applicants propose a smooth sand and render finish consistent with neighbouring properties.

## 7.2. Planning Authority Response

- No response received to the grounds of appeal.

## 7.3. Observations

- None

## 8.0 Assessment

- 8.1. This is a first-party appeal against Conditions No. 2 (a) and 3 attached to the Planning Authority's decision to grant permission. Having regard to the nature and

scale of the proposed development and the nature of conditions 2(a) & 3, it is considered that the determination by the Board of the application, as if it had been made to it in the first instance would not be warranted. Therefore, the Board should determine the matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act 2000, as amended.

## 8.2. Condition 2 (a)

- 8.2.1. Condition No. 2(a) requires the existing chimney in the rear roof slope to be retained in the interest of protecting the amenities of the conservation area. The applicants contend that the removal of the chimney would have a negligible impact on the surrounding area and highlight how the central chimney in the rear slope has been removed in the vast majority of the houses in this and the opposing terrace. They also contend that parapet to the front of the terrace and the chimneys location to the rear ensures the visual impact of the chimney is extremely limited.
- 8.2.2. Having inspected the site I share the applicants contention that the location of the chimney to the rear is visible in limited circumstances. I also note that rear chimneys do appear to be removed from most houses on this road. I say this having regard to the difficulty in viewing the rear roofs of these houses from public areas.
- 8.2.3. Notwithstanding the Z2 conservation zoning of the site and having regard to Policy CHC4 of the Development Plan, I am satisfied the removal of the rear chimney would not impact negatively upon the character and distinctiveness of the Z2 conservation area. As such condition 2 (a) can be removed.

## 8.3. Condition 3

- 8.3.1. Condition No. 3 requires the render to be applied to the walls of the extension to match the existing house in respect of finish and colour unless otherwise agreed. The applicants have proposed a white brick in the private open space to tie in with brick on existing house subject to their budget.
- 8.3.2. The planning authority's condition is considered relatively standard in nature and does not necessarily preclude what the applicants have sought in their appeal. Drawing No. 116 shows '*plastered or brick finish to courtyard wall*'.

8.3.3. Given the location of the extension to the rear which cannot be seen from public areas I have no concerns over a white brick or render finish. Having regard to condition 1 of the Planning Authority's decision which requires the development to be carried out in accordance with the plans, particulars and specifications lodged with the application I am satisfied condition 3 can be removed.

#### **8.4. Appropriate Assessment**

8.4.1. Having regard to the nature and small scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

#### **9.0 Recommendation**

9.1. Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board 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 Planning Authority under subsection (1) of section 139 of the Planning and Development Act, 2000 (as amended), to REMOVE condition number 2 (a) and 3 and the reasons therefor.

#### **10.0 Reasons and Considerations**

Having regard to the nature and scale of the proposed development, the existing pattern of development in the area and the provisions of the Dublin City Development Plan 2016-2022, it is considered that the proposed development would not have a negative impact on the existing amenities of the Z2 Conservation Area.

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Adrian Ormsby  
Planning Inspector

11<sup>th</sup> of November 2020