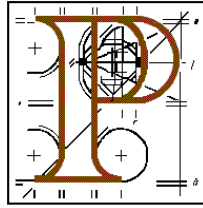


An Bord Pleanála



Inspector's Report

PL 29S.245975

Development

Revisions to the existing internal layout; extension at first floor level along with a screened balcony to the rear, and a roof light to the front of no.8 Reginald Street, Dublin 8.

Planning Application

Planning Authority: Dublin City Council

Planning Authority Reg. Ref.: 3780/15

Applicant: Emily Ni Bhroin

Type of Application: Planning permission.

Planning Authority Decision: Refuse permission

Planning Appeal

Appellant(s): Emily Ni Bhroin

Type of Appeal: First v refusal

Observers: None

Date of Site Inspection: 04th March 2016

Inspector: Karla Mc Bride.

1.0 INTRODUCTION

1.1.1 Site and location

The appeal site is located off Meath Street in the Liberties area of Dublin. The surrounding area is characterised by 2-storey red brick terraced houses and the appeal site occupies a mid-terrace property.

Photographs and maps in Appendix 1 describe the site in detail.

1.2 Proposed Development

Planning permission is being sought to:

- Revise the existing internal layout of the c.59sq.m. house
- Erect a first floor rear extension (7.1sq.m) with a screened balcony (5.6sq.m.)
- Install a roof light to the front
- All ancillary site works

1.3 Planning Authority's Decision

Planning permission was refused for one reason:

The proposed development, involving the reversal of living space and bedroom space between ground and first floor level, and the provision of a first floor level balcony, would be inconsistent with the fundamental character of this house, would be detrimental to the privacy of the existing house and would result in overlooking and overbearing upon neighbouring residences. The proposed development would be contrary to paragraph 17.9.8 and Appendix 25 (Guidelines for Residential Extensions) of the Dublin City Development Plan 2011-2017 and would be seriously injurious to the amenity of both potential residents and neighbouring residents contrary to the zoning objective Z2 'To protect, provide and improve the amenities of residential conservation areas. Having regard to the Thomas Street and Environs Architectural Conservation Area (ACA), the proposed development would have an adverse impact on the visual amenity, scale and character of this dwelling, and, in itself and by the precedent a decision to grant permission would set for similar undesirable development in the vicinity, would be contrary to the proper planning and sustainable development of the area.

This decision reflects the report of the City Planning Officer.

The Drainage Division: No objection subject to conditions.

Public submissions: No observations received.

Prescribed Bodies: No submissions received.

Pre-planning: No record of a pre-planning meeting on file.

1.4 Planning history

Neighbouring properties:

Reg.Ref:1848/06: PP granted for the construction of an enclosed terrace with translucent glass and retention of double doors at first floor level to the rear of no. 22 Reginald Street.

Reg.Ref:4011/00: PP refused for the retention of french doors and construction of a small enclosure at first floor level to the rear of no. 22 Reginald Street. Decision upheld by ABP under PL29S.123764.

Reg.Ref:3573/99: PP granted for the retention of a ground and first floor rear extension, roof light to the front and permission for alterations to the first floor rear elevation at no. 22 Reginald Street.

Reg.Ref:4021/06: PP refused to renovate and extend including the retention of new windows in the S and W walls, first floor rear balcony at no.30 Reginald Street which is located within a RCA.

2.0 DUBLIN CITY DEVELOPMENT PLAN, 2011-2017

Zoning objective:

The site is located within an area zoned “Z2” “To protect, provide and improve the amenities of residential conservation areas.”

Development standards for extensions:

Section 17.9.8 states that 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 followed as closely as possible, and the development should integrate with the existing building through the use of similar finishes and windows. Applications for planning permission to extend dwellings will be granted provided that the proposed development:

- Has no adverse impact on the scale and character of the dwelling.
- Has no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.

Appendix 25 provides detailed guidelines for residential extensions.

Heritage:

- *Architectural Conservation Areas:* The site is located within the Thomas Street and Environs Architectural Conservation Area.
- *Protected Structures:* The monument located on the intersection of Reginald Street and Gray Street is a Protected Structure.
- *Natural Heritage:* None in the vicinity or directly connected.
- *European sites:* None in the vicinity or directly connected to the site.

The Thomas Street and Environs Architectural Conservation Area

This is an area of architectural, historic, cultural and archaeological merit. The ACA seeks to protect the unique character of residential areas through the promotion of sensitive design in house extensions and alterations, the reinstatement of original features, and controlled and coordinated road and service works in the public domain. Reginald Street and Gray Street Dublin were laid out by the Dublin Artisans Dwellings Company. The streets are arranged in an intersecting cruciform pattern and interspersed with squares of smaller housing.... the defining architectural characteristic is a sense of harmony created through uniform red brick facades, slate roofs and chimneys, and subtle repeating patterns of doors and fenestration.

3.0 APPEAL

3.1 First Party appeal

The appeal has been submitted by Paul O'Loughlin + Associates.

- Seek to reorganise the internal layout, replace an existing ground floor rear extension and erect a first floor extension with balcony.
- Planning permission for a similar development at no.22.

- The first floor rear extension will extend c.1.69m from the rear wall and will align with the rear wall of the existing lean-to extension.
- No overlooking of neighbouring properties as the balcony will be screened by opaque glass similar to no.22.
- Bedroom no.2 at ground level will be lit by a skylight and a S facing window to the rear yard and there will be a doorway to the yard.
- The service laneway to the rear is private and the owners have no objection to the proposal.
- The small scale and simple form of the extension, the internal alterations and other minor works substantially meet requirements.
- The house is not a Protected Structure and the works will not be visible from the public domain with no impact on the streetscape.
- The existing building which dates from the 1880's does not meet current building regulations and it is in a poor state of repair
- No objections from neighbours; planning office did not access the house; and several other larger extensions in the vicinity.
- No reference in planning officer's report to current lack of basic amenities, the dilapidated condition of the house; the erection of balconies to the rear of other houses in the area; and the shading caused by Plane trees on the street.

3.2 Planning Authority response:

No response to date.

3.3 Prescribed Bodies:

Not circulated.

4.0 REVIEW OF ISSUES AND ASSESSMENT

The main issues arising in this case are:

1. Compatibility with zoning objectives
2. Design, layout and residential amenity
3. Built heritage
4. Other issues

4.1 Compatibility with zoning objectives

The proposed development would be located within an area zoned “Z2” which seeks to protect, provide and improve the amenities of residential conservation areas in the Development Plan. The proposed renovations and extensions are compatible with this objective in principle, subject to a more detailed impact assessment in the following sections.

4.2 Design, layout and residential amenity

The appeal premises at no. 6 Reginald Street comprises a small 2-storey mid terrace house that backs on to a terrace of small single storey cottages at Gray Square. The terraces are separated by a narrow laneway and none of the houses have rear gardens. Several of the properties in the vicinity have been extended to the rear or side by structures of varying sizes, heights and designs.

The existing house is c.59sq.m and the proposed development would comprise the erection of a small first floor rear extension (7.1sq.m) and patio area (5.6sq.m.) over the re-constructed single storey extension along with internal renovations and a front roof light.

The proposed first floor patio area would be surrounded by a screen and access to it would be via new patio doors. The first floor rear extension would be c. 2.7m wide and it would extend out c.1.7m from the existing rear elevation to the boundary wall with the neighbouring laneway which is c.1.2m wide. The proposed patio would be located adjacent to the neighbouring single storey cottages at no.15 to no.13 Gray Square to the E and within c.1.2m of the site boundary with no.15. The screen, which would be c.1.7m high with opaque glazing, would not overlook the neighbouring properties. Given the small scale of the proposed works and the densely developed nature of the area, the proposed extension would not cast any additional significant shadows

over the neighbouring sites to the E. Most of the neighbouring properties have been extended to the rear, including no.15 Gray Square to the E, and the proposed works would not be overbearing. It is also noted that a similar patio arrangement was permitted to the rear of no.22 Reginald Street which backs directly on to the rear of no.19 Gray Square to the E. Having regard to all of the above I am satisfied that the proposed works would not seriously injure the residential amenities of the surrounding area by way of overlooking, overshadowing, loss or privacy or overbearance.

The proposed front roof light window is acceptable. However, drawing no.PP-02 indicates the presence of two roof lights to the rear of the house in the proposed first floor plan. These roof lights are not illustrated in the existing or proposed rear elevation drawings or referred to in the development description. This issue could be addressed by way of a planning condition requiring their omission in the interests of clarity.

The internal alterations would comprise the reversal of the ground and first floor living and bedroom accommodation. There would be a hall, two bedrooms and bathroom at ground level, and a kitchen, living room and patio at first floor level. Bedroom no.1 would be c.8.2sq.m. and it would be lit by the ground floor front window which is acceptable. Bedroom no. 2 to the rear would be c. 8.5m and it would be lit by a roof light located in the proposed first floor patio overhead, and there would be a door to the small walled rear yard (c.1.65sq.m.). The proposed lighting and ventilation arrangements for bedroom no.2 are not acceptable in terms of residential amenity. However this issue could be addressed by way of a condition which requires the installation and permanent retention of a fully or partially glazed door to the rear yard. The proposed first floor living accommodation is acceptable.

4.3 Built heritage

No. 6 Reginald Street is a 2-storey, red brick, terraced house that forms part of a residential development that was built by the Artisans Dwelling Company in the late 19th Century. The site is located within a Residential Conservation Area and an Architectural Conservation Area, and the religious monument located at the intersection of Gray Street and Reginald Street is a protected structure.

The proposed development would comprise changes to the internal layout of the existing house, the erection of a small rear extension and partially enclosed first floor patio area and the installation of a front roof

light. The proposed external works, which would not be visible from the public domain, would not have an adverse impact on the heritage character of the area. The proposed internal renovations, which would comprise the reversal of the ground and first floors, would have an adverse effect on the internal character of the existing house, however the appeal premises is not a protected structure and the proposed changes are exempt from the need to seek planning permission.

4.4 Other issues

Environmental services: The proposed arrangements are considered acceptable subject to compliance with Council requirements.

Appropriate assessment: The proposed development would not have an adverse effect on any European Sites.

Precedent: The concerns raised by the applicant in relation to precedent have been noted and the site inspection included a visit to no.22 Reginald Street.

5.0 RECOMMENDATION

Arising from my assessment of the appeal case I recommend that planning permission should be granted for the proposed development for the reasons and considerations set down below, subject to compliance with the attached conditions.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the current Development Plan and to the nature and scale of the proposed development and to the pattern of development in the area, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity or give rise to a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The two roof lights indicated in drawing no.PP-02, which have not been are not illustrated in the existing or proposed rear elevation drawings in Drawing no. PP-02 or referred to in the development description, shall be omitted from the development.

Reason: In the interest of clarity.

3. The ground floor back door to the rear yard which is located in bedroom no.2 shall be fully or partially glazed to allow for the bedroom to be lit by natural light, and this glazing shall be permanently retained.

Reason: In the interest of residential amenity.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

5. The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

Karla Mc Bride

Senior Planning Inspector

21st March 2016