

# An Bord Pleanála



## Inspector's Report

**Appeal Reference No :** PL29S.246065

**Development :** Demolition of an existing single storey extension & construction of a new 2-storey extension & single storey extension with all assoc. site works (Protected Structure).

**Location :** 19 Cambridge Rd, Rathmines, Dublin 6

**Planning Application :**

Planning Authority : Dublin City Co.

Planning Authority Reg.Ref.No. : 3909/15

Applicant : Pat & Geraldine Cole

Planning Authority Decision : Split Decision

**Planning Appeal :**

Appellant(s) : Pat & Geraldine Cole

Type of Appeal : 1<sup>st</sup> Party

Observers : James & Mark Burke

**Date of Site Inspection :** 01<sup>st</sup> April 2016

**Inspector :** Leslie Howard

**1. SITE LOCATION AND DESCRIPTION :**

The approx. 267m<sup>2</sup> application site comprises a 2-storey, 3-bedroom, red brick, semi-detached Protected Structure located at No.19 Cambridge Road, Rathmines, Dublin 6. Located approx. midway along the eastern frontage of Cambridge Road, *“the house is set back from the road with a small front garden area behind a wall and a wrought iron gate that forms the boundary with the public footpath to the front. The front façade wall is brick, laid in a Flemish bond, faced with granite cills. There is a segmented arch over the porch. The original sash windows have been replaced with more modern imitations. There is a double pitched roof to the main house with a natural slate finish. Brick chimneys are present on the gable wall. The garden to the rear is large (134m<sup>2</sup>) bounded on all 3 sides by a large stone wall original to the house. The ground and first floor layouts have been altered previously and a small single storey extension was also added to the rear of the property”* (ref. “Conservation Method Statement – No.19 Cambridge Road” – Alan O’Connell B.Arch. MRAI, OC Architects & Design).

Cambridge Road passed No.19 is lightly trafficked. On-street parking is possible immediately in front of No.19, and along both sides of Cambridge Road.

**2. PROPOSED DEVELOPMENT :**

The proposed development comprising an extension to the rear of No.19 Cambridge Road advertised as –

“... the demolition of the existing single storey extension and the construction of a new two storey extension and single storey extension, with 2no. rooflights, to the rear of the existing structure, elevational changes to the side of the existing house and associated internal remodelling on the first floor, including the formation of a new ope between the existing house and the new extension and all associated site works”.

**3. PLANNING HISTORY :**

- (1) No relevant site specific planning history apparent, nor in the immediate proximity;
- (2) Applicants’ reference the following comparable, decided case (see case history documentation attached on file) :

**Reg.Ref.No.: 1565/07**      Permission granted for demolition works, internal and external alterations and the provision of a new extension to the rear of the house (Protected Structure), to facilitate its conversion from multiple occupancy unit to a single dwelling.

Location: 49 Leeson St. Upper, Ballsbridge,  
Dublin 4

#### 4. PLANNING AUTHORITY DECISION

##### (1) Planning Authority Decision :

A split decision by Dublin City Co. as follows :

**GRANT PERMISSION** for – demolition of the existing single storey extension and the construction of a new single storey extension, with 1 no. rooflight and all associated site works, subject to 08no. stated Conditions. In the context of the 1<sup>st</sup> Party Appeal, the most noteworthy are considered as :

**Condit. No.1:** Compliance with plans and particulars lodged with the application, except where as amended by Condition;

**Condit. No.2:** Elements for exclusion :

- the 1<sup>st</sup> floor extension, with 1no. rooflight;
- elevational changes to side of existing house;
- assoc. internal remodelling to the 1<sup>st</sup> floor, incl. formation of a new ope between the existing house and the new extension;

**Condit. No.3:** details re. materials, colours & textures of all external finishes, for written agreement;

**Condit's. No.4&8:** Compliance with requirements of the Dublin City Co. – Drainage Division; Roads, Streets & Traffic Dept. & the Noise & Air Pollution Section;

**Condit's. No.5,6&7 :** restrictions / spec's. re.

- hours of site & building works;
- construction & demolition noise; &
- maintenance of & mitigation of impacts to adjoining streets and public roads;

*and*

**REFUSE PERMISSION** for – construction of the first floor extension, with 1 no. rooflight, to the rear of the existing structure, elevational changes to the side of the existing house and associated internal remodelling on the first floor, including the formation of a new ope between the existing house and the new extension, for 1no. stated 'Refusal Reason', summarised as follows :

- Refusal Reason :** undue and unacceptable impact on the integrity of the Protected Structure, consequent of –
- 1<sup>st</sup> floor extension across the existing rear window and subdivision of an existing bedroom to the Protected Structure; &
  - would set an undesirable precedent for similar historic buildings.

(2) **Planning Reports :**

The Planning Officers report dated 17/12/2015, recommends a split decision, generally consistent with that set out in the Manager's Order above. This recommendation was made having regard to :

(a) **Planning Assessment of Key Issues :**

- (i) City Dev. Plan (CDP) policy re. Protected Structures – "... to protect these structures, their curtilage & the setting from any works that would cause loss or damage to their special character";
- (ii) Under Sect.17.10, attention required :
  - "to preserving architectural features of special interest"; &
  - "to the scale, proportions, design and materials of such works in relation to the existing";
- (iii) Weighted reference given by the Planning Authority (PA) to :
  - the importance of the building, its intrinsic special architectural and / or historic interest and rarity;
  - particular physical features of the building, external and internal;
  - the extent and impact of interventions and alterations proposed and that which have already taken place, excluding any unauthorised development; and
  - setting and contribution to streetscape;
- (iv) Having regard to the architectural design details proposed, weight reference to the proposed 1<sup>st</sup> floor bedroom extension, specifically :
  - to be built across an existing 1<sup>st</sup> floor rear bedroom window;

- a new window proposed in the southern elevation of the dwelling illumination the inner room; and
  - subdivision of inner room allowing for a linking corridor to the proposed 1<sup>st</sup> floor extension;
- (v) Weight reference to City Council's Conservation Section report, recommending :
- no objection in principle to the proposed ground floor extension;
  - omission of the proposed 1<sup>st</sup> floor extension, by Condition, due to negative impact on the character of the Protected Structure and of the adjoining houses, consequent of :
    - construction “across the window of an upper.”; and
    - the extra bedroom created being at “the loss of an original bedroom room which is subdivided to provide a linking corridor”;
- (vi) Conclude proposed ground floor extension as acceptable, having regard to the opinion that it :
- would not affect the character or scale of the Protected Structure; or
  - would not have adverse undue impacts on adjacent properties;
- Recommend grant of planning permission, subject to Conditions;
- (vii) Conclude proposed 1<sup>st</sup> floor extension would have a detrimental impact on the character of the Protected Structure, having regard to :
- the extension being across an existing rear bedroom window; and
  - the consequent subdivision of an existing bedroom to provide a linking corridor to the proposed 1<sup>st</sup> floor extension;
- Recommend that the proposed 1<sup>st</sup> floor extension is refused planning permission;

(b) **Appropriate Assessment :**

Conclude “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 European site”;

- (c) **Recommendation :**  
A split decision, consistent with the Managers Order above;

(3) **Departmental Technical Reports :**

**Conservation Officer :** No objection 'in principle' to the proposed ground floor extension. However, recommend omission of the 1<sup>st</sup> floor extension element;

**Engineering Dept. – Drainage Div. :** 'No objection' subject to Conditions;

(4) **Prescribed / Statutory Bodies :**

No comments apparent.

(5) **3<sup>rd</sup> Party Objections / Submissions:**

(a) 1 no. 3<sup>rd</sup> party objection noted – J. and M. Burke;

(b) Planning issues argued summarised as :

(i) overshadowing / loss of natural light;

(ii) overlooking / privacy invasion;

(iii) loss of property value;

**5. 1<sup>st</sup> PARTY GROUNDS OF APPEAL – Pat and Geraldine Cole (c/o AKM Consultants Ltd. – 21/01/2016) :**

(1) **Principle of the Development :**

(a) Residential extensions and alterations to existing dwellings, for residential purposes, considered a permissible use in the "Z2 – Zoning";

(b) Proposed extension considered "acceptable in principle";

(c) the large 267m<sup>2</sup> site considered as having the capacity to absorb the proposed development;

(d) having regard to existing floor area – 138m<sup>2</sup>, and to the proposed additional floor area – 42m<sup>2</sup>, of which 15m<sup>2</sup> is at 1<sup>st</sup> floor level, the proposed site coverage – 37% and plot ratio – 0.67 are considered low, and compliant with CDP Policy;

(e) weight reference to full preplanning discussions with the City Planning Department;

In an e-mail dated 08/05/2015, the City Planning Department (c/o Eileen Hart) commented :

(i) ground floor as reasonable having regard to –

- the back wall having already been removed; and

- there being very little further loss of original fabric; and
- (ii) the 1<sup>st</sup> floor extension as “not excessively large and as such, could be considered”;

Highlight the main issues as being –

- impact on the original fabric of the building; and
- impact on neighbouring properties;

Comment that, “as long as both are not so serious the proposal could be considered”;

The Planning Officer – F. Fahey, under Reg.Ref.No.3909/15, “failed to notice the pre-planning reply on the DCC internal apas planning system”;

(2) **Residential Amenity :**

- (a) Clarify existing dwelling as – 2-storey, 3-bedroom, semi-detached red brick dwelling, used as a family home;
- (b) Clarify brief to architects – OC Architects as :
  - (i) to upgrade and extend living space at ground level; and
  - (ii) to provide an additional bedroom and shower room at 1<sup>st</sup> floor;
- (c) Stated ‘architect design rationale’ :
  - (i) the extension designed “so that it stands on its own as a contemporary element and thus respects the integrity of the existing house (Protected Structure)”;
  - (ii) “Externally the glazed light well
    - the creates a visual and physical break between old and new; and
    - the “it will minimise the sunlight coming from the south and flood the light down into the space below to create light filled living spaces”;
- (d) the proposed extension :
  - (i) “creates a functional and extended dwelling to cater for the needs of this young family”;
  - (ii) “is completely domestic in scale and character and is subordinate to the dwelling and neighbouring properties”;
- (e) No adverse overlooking or overshadowing will result. Emphasise acceptability of the proposed extension, in that no adverse impact on adjoining residential amenity will result;

(3) **Impact on Protected Structure :**

- (a) “The Planning Officers decision was heavily influenced by the Conservation Officer’s report”;
- (b) Weighted reference to written opinion and split recommendation of the City Conservation Officer (see 08/12/2015), between each of the proposed ground and 1<sup>st</sup> floor extensions;
- (c) Assert complete disagreement with the “negative view expressed by the Conservation Officer”. In response, argue that “any 2-storey extension to the rear of a 1<sup>st</sup> floor dwelling will invariably be across a window ope unless there is none present at 1<sup>st</sup> floor”;
- (d) It is not the intention of the applicants’ to construct across a window, as described by the Conservation Officer. Rather, the applicants” intend :
  - (i) “to install a stud wall into the existing bedroom to form a hall”; and
  - (ii) that “the existing rear window ope / window shall remain in place as shown on the plans”;
- (e) Weight reference, as an example, to “Reg.Ref.No.1565/07 – 49 Upper Leeson Street – where a rear window was internalised sensitively similar to this proposal”;
- (f) Argue the Planning Officer’s recommendation that the 1<sup>st</sup> floor extension element be refused, “is at odds with general conservation policy within the Dublin City Development Plan”, specifically as set out at Section 17.10 of the Dublin CDP 2011;
- (g) Recommend the proposed 1<sup>st</sup> floor extension element be granted planning permission, subject to Conditions. In this regard, weight reference to the following :
  - (i) the minimal extent of the extension – 15m<sup>2</sup>;
  - (ii) internal works proposed are fully reversible, and have negligible impact on original fabric;
  - (iii) careful and purposeful consideration of the proposed design, “to minimise impact on adjoining properties. I do not consider that the proposed extension has no adverse impact on adjoining properties”;
  - (iv) having regard to the ‘Conservation Method Statement’ submitted, argue the proposed 2-storey extension has “a limited impact on the fabric of the protected structure”;
  - (v) the rear 1<sup>st</sup> floor extension is visually integrated with the dwelling (ie. “not unduly prominent” and not visible from the public realm);



- (vi) the overall 6.5m height “is domestic in scale”. Further the extension –
  - roof “is tucked in under the soffit”; and
  - “does not visually dominate the rear elevation or adjoining properties”;
- (vii) materials proposed considered appropriate to the dwelling (ie. nap render and high performance timber windows / doors);
- (viii) “the proposed dwelling has been altered”. Works proposed are –
  - to upgrade, extend and enhance the residential use of the property; and
  - “in the long term benefit of the protected structure”;
- (ix) the proposed rear extension “has no adverse impact on the character and setting of the protected structure”;
- (x) weight reference to “precedent for this type of development”;
- (h) Request that the Board reconsider the Planning Authority’s decision to refuse permission for the rear 1<sup>st</sup> floor extension element.
- (i) Specifically, request the Board consider a grant of planning permission, subject to a specific Condition ensuring –
  - (i) retention of capacities of a Conservation Architect to supervise works on site, and ensure protection of the historic fabric during such works;
  - (ii) all works designed to cause minimum interference to the building structure;
  - (iii) compliance with Conservation ‘Best Practice’ and the DoAHG – Architectural Heritage Protection Guidelines and Advice Series; and
  - (iv) that “any repair works shall retain the maximum amount of surviving historic fabric in-situ, including structural elements”;

(4) **Conclusions :**

- (a) Request the Board reconsider the Planning Authority decision to refuse planning permission for the 1<sup>st</sup> floor extension;
- (b) The Planning Officer “failed to investigate the full planning history of the site”, including pre-planning discussions;
- (c) the internal works proposed, “are fully reversible”, having negligible impact on the original fabric of the dwelling

- (d) No adverse overlooking or overshadowing will result from the proposed 1<sup>st</sup> floor extension;
- (e) the proposed 1<sup>st</sup> floor extension, full respects adjoining residential amenity;
- (f) The Planning Officer :
  - (i) assessed the proposed 1<sup>st</sup> floor extension element “too rigidly”; and
  - (ii) gave “too much weight ... to the Conservation Officers negative report”;
- (g) the rear extension does not negatively impact the character or setting of the Protected Structure;
- (h) proposed development considered as acceptable, having regard to :
  - (i) the existing development on site;
  - (ii) the pattern of development locally; and
  - (iii) the high quality of design proposed;

**6. RESPONSES / OBSERVATIONS TO THE 1<sup>st</sup> PARTY GROUNDS OF APPEAL :**

- (1) **Planning Authority Response – 22/01/2016 :**  
 Comment – “The observations of the Dublin Planning Officer on the grounds of appeal have been sought and these will be forwarded to you as quickly as possible”.
- (2) **Observation – J. & M. Burke (received date stamped 16/02/2016) :**
  - (a) Reiterate their 3<sup>rd</sup> Party Objection arguments submitted during the application process;
  - (b) Whereas the appeal submission asserts the proposed 2-storey extension as being “acceptable in principle”, reference the Planning Authority contrary opinion that “the 1<sup>st</sup> floor extension will have a detrimental impact on the character of the protected structure and the adjoining houses”;
  - (c) Affirm the argument that the proposed rear 1<sup>st</sup> floor extension will have a detrimental impact “on the character of the property and particularly that of our own, as well as neighbouring properties;
  - (d) Having regard to Sections 17.9 and 17.10 of the Dublin CDP, argue that the corner window proposed within the 1<sup>st</sup> floor extension, is not in keeping with the character of the visible 1<sup>st</sup> floor sash window;

- (e) Argue that “there is no absolute necessity for a 1<sup>st</sup> floor extension”;
- (f) Submit alternative design to that proposed, which is to revert back to the original plan, consistent with the adjoining Burke property. This alternate layout would include :
  - (i) 4no. bedrooms at 1<sup>st</sup> floor, with the bathroom downstairs, “perhaps as part of the proposed ground floor extension”;
  - (ii) the extra upstairs shower facility in the 1<sup>st</sup> floor conversion as an en-suite;

Such a conversion would enable the applicants’ to meet their needs, without impacting the external character of their property, or that of the Burke property, and neighbouring properties;

(g) Residential Amenity Impact :

Concern that the corner window within the proposed 1<sup>st</sup> floor rear extension, “allows someone to look into our back bedrooms”;

Reference that the architects themselves refer to this as “an adverse overlooking impact”;

- (h) By way of the appeal, the applicants’ have resubmitted the same design, and “appear to have ignored these valid concerns”;
- (i) Whilst the applicants’ weight reference to **Reg.Ref.No.1565/07**, respond that there are several critical differences between **Reg.Ref.No.1565/07** and the current proposed development - **Reg.Ref.No.3909/15**, including :

(i) **Reg.Ref.No.1565/07** “... alike for like replacement”;  
a single storey extension replaced with a single storey extension;

**Reg.Ref.No.3909/15** a short, single storey extension, replaced with a 2-storey extension;

(ii) **Reg.Ref.No.1565/07** No threat to adjoining privacy, due to no room / void at 1<sup>st</sup> floor level;

Any windows with an outlook, are at ground floor level.

Therefore no threat of overlooking;

**Reg.Ref.No.3909/15** comprises windows at 1<sup>st</sup> floor level, “with impacts on privacy as noted above, most notably

from the 1<sup>st</sup> floor corner window looking into our rear bedrooms”;

- (j) Visual Impact :
- (i) Although not visible from the ‘public view street’, the extension would be visible to the neighbours to the rear;
  - (ii) The extension “would spoil the character of the property and others affected by its appearance”;
  - (iii) By way of wording – “I do not consider that the proposed extension has no adverse impact on the neighbouring properties”, the applicants’ make a “tacit admission” that there is such an impact;
- (k) Alternative Design Options :  
Suggest internal conversion “back to its original 4no.-bedroom state, including an ensuite shower facility, with a downstairs bathroom”;
- (l) Concern the proposed rear extension will negatively impact the value of their adjacent home (ie. possible 10% - 20% loss of value);
- (m) Reiterate their objection to the proposed extension;

**Applicants’ response to Observation – 10/03/2016 :**

- (a) **Impact on Character of Adjoining Property :**
- (i) the proposed rear extension :
    - is acceptable; and
    - has no adverse impact on adjoining residential amenity;
  - (ii) the Observers argued potential impacts, have been exaggerated;
- (b) **Corner Window and Overlooking :**
- (i) Note Observers argument that the proposed rear 1<sup>st</sup> floor corner window, “is not in keeping with the character of the property”;
  - (ii) Whilst asserting “planning precedent for this type of contemporary 2-storey extension”, request that the Board consider a minor design revision to the rear window (see 3d modelling). This revision eliminates the privacy concerns argued by the Observers;
  - (iii) the Observer objection regarding consequent “extensive overlooking of their property ... is exaggerated”;
  - (iv) overlooking / privacy invasion :

- affirm original grounds of appeal;
  - purposeful, considered architectural design of the proposed extension, in order to minimise impact on adjoining properties; and
  - no adverse overlooking impact on adjoining properties, will result;
- (c) **Alternative Options :**
- (i) total disagreement with the Observers claim that the applicants' consider alternative design options;
  - (ii) the Observers comments, "totally disregard this young family's needs (ie. 4no. young children; a desperate need for additional living space);
  - (iii) noting Observers reference to alternative internal alterations, confirm the applicants' "have fully considered a range of options including internal alterations";
  - (iv) applicants domestic family requirement is for an additional bedroom. The rear domestic extension, as proposed, "is the best solution that can provide this extra bedroom";
  - (v) "the proposed rear 2-storey extension adds a modest new floor area to the dwelling";
- (d) **Burkes Family Circumstance :**
- (i) the Observers personal financial circumstances "are not a valid grounds for opposing the development";
  - (ii) clarify the applicants' local residency bonifides as follows
    - they have lived locally since 2008; and
    - the family have many friends in the neighbourhood;
  - (iii) confirm applicants' notified neighbours of their plans for a rear extension to their family home, and "have good support from neighbours";
  - (iv) dispute the Observer claim that "Ger, .... commented that the design was ugly";  
Contest that this conversation did not happen as set out by the Observer".
  - (v) the Observers reference to conversation with 'Ger', "is untrue and should not be considered by the Board";
- (e) **Impact on Value of Adjoining property :**
- (i) The Observers claim regarding property devaluation, "is not backed by any evidence";

- (ii) Disbelief as to how “a sensitively designed domestic extension could have such a dramatic impact on the value of an adjoining dwelling”;
- (iii) This argument should not be considered by the Board;
- (f) **Conclusions :**
  - (i) Disagree with Observation arguments submitted to the Board;
  - (ii) Request the Boards reconsideration of the decision to refuse planning permission for the 1<sup>st</sup> floor extension element;
  - (iii) No adverse impact on the adjoining properties will result;
  - (iv) the proposed extension :
    - achieves a high quality of design; and
    - does not impact the character or setting of the Protected Structure, or of adjoining property;
  - (v) Proposed rear extension is acceptable having regard to :
    - the existing development on site;
    - the pattern of development locally; and
    - the high quality of architectural design proposed;

## 7. POLICY CONTEXT :

### **Dublin City Dev. Plan (2011 – 2017):**

Adopted by Dublin City Council on 24<sup>th</sup> Nov. 2010, the plan came into effect on 22<sup>nd</sup> Dec. 2010. Relevant extracts include (see copies attached):

#### **15.10 Primary Land-Use Zoning Categories:**

The application site is designated with the Land-Use Zoning Objective ‘**Z2**’ – ‘Residential Neighbourhoods (Conservation Areas)’ – “To protect and /or improve the amenities of residential conservation areas” (pg.193).

The General Objective – “... to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area” (pg.194).

‘**Z2**’ Permissible Uses – Residential.

## 8. ASSESSMENT :

- (1) I have examined the file and available planning history, considered the prevailing local and national policies, physically inspected the site and assessed the proposal and all of the submissions. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application.

I believe that the relevant planning issues relate to :

- (a) Principle and location of the proposed development;
- (b) Visual Impact / Streetscape – Cambridge Road;
- (c) Residential Amenity Impact;
- (d) Precedent; and
- (e) ‘Appropriate Assessment’.

**(2) Principle and location of the proposed development :**

I believe the planning ‘principle’ of residential development at No.19 Cambridge Road has been established. Clearly zoned “Z2 – Residential Neighbourhoods (Conservation Areas)” – “To protect and / or improve the amenities of residential conservation areas”, the applicable zoning matrix designates ‘residential’ land use as being ‘permitted in principle’ within the zone (see para.7 above, together with the copy of the relevant section of the ‘Zoning Objectives Map’ attached). I do not believe that any of the PA or 3<sup>rd</sup> Party Observer interests contest this. However, in terms of the applicable “Z2 – Residential Neighbourhoods (Conservation Areas)” zoning objective, the primary consideration is to, whilst enabling residential development, ensure the protection and improvement of the amenity prevailing in the contextual, established ‘Cambridge Road Residential Conservation Area’. In fact, the General Objective applies – “... to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area” (pg.194). Understandably, this is a weighted concern of each of the parties in the current case. I will discuss the threat of negative impact by the proposed development, on adjacent established residential amenities below.

In my assessment of the proposed 2-storey domestic rear extension development at No.19, I have had weighted reference to Sect.17.9.8 – Extensions & Alterations to Dwellings, Sect.17.10 – Development Standards for Works to Protected Structures, and to Appendix 25 – Guidelines for Residential Extensions, each of the Dublin City Development Plan 2011-2017.

In my view, access to reasonably sized and laid out living space by the applicants’ – P. & G. Cole, in accordance with modern liveability standards, is a reasonable expectation of their domestic ‘unity of everyday life’, living at No.19 Cambridge Road. Having regard to the information available on file, and to my observations made at the time

of physical inspection, I understand that this would not easily be achieved in terms of the existing size, scale, composition and configuration of No.19, as purchased, and which motivated the applicants' towards extension and renovation of a size and composition, consistent with modern living and having regard to their 'stage in the life-cycle' liveability needs. The challenge to the applicants' however, having regard to planning design 'principle' and the relevant requirements of the Dublin City Development Plan 2011, is to ensure their proposed rear 2-storey domestic extension development has no disproportionate adverse impact on the scale & character of existing No.19 – 'Protected Structure'; and no unacceptable impact on the amenities enjoyed by adjacent neighbours (ie. loss of privacy; access to natural light & visual). Having regard to the 3<sup>rd</sup> Party Objection and Observation lodged by J. and M. Burke, it is this which they understandably want to protect. In this regard, I have had detailed review of all the plans and drawings outlining the proposed development, submitted by the applicants'. I have also weighted regard to the proposed scale, depth, height and proximity to the shared boundary with No.18 Cambridge Road (ie. the 3<sup>rd</sup> party Observers), of the proposed 2-storey rear domestic extension, and reconciled these onsite at the time of my physical inspection (see attached photographs).

Having regard to the discussions below, particularly that of threat to the scale & character of existing No.19 – 'Protected Structure', and to residential amenity, perceived and / or actual, consequent of overlooking (ie. loss of privacy) & visual obtrusion, and mitigation thereof, I believe that the proposed development is sufficiently compliant with the relevant provisions of the Dublin City Development Plan 2011, and subject to minor modification to be Conditioned, would be in accordance with the proper planning and sustainable development of the Cambridge Road Conservation Area.

(3) **Visual Impact / Streetscape – Cambridge Road :**

The sense of place of the 'Cambridge Road' residential 'Conservation' neighbourhood is clearly influenced by the architectural style, design, and general finishing with respect to materials and colouring of the existing generally 2-storey semidetached houses, all set in a local topographical and environmental context. All parties to the current case, in my view, understandably aspire to preserve this amenity. I have taken note of the established, contextual scale and pattern of



residential development along Cambridge Road generally, and proximate to No.19 specifically. What is certain in my view, and weighting reference to my own observations made at the time of physical inspection, is that as one moves along Cambridge Road, no practical visibility is reasonably possible of the rear of any of the houses, and including and specifically, the rear of No.19.

Having regard to the architectural design details submitted, I have no objection to the proposed rear ground floor domestic extension. I share the conviction of both the Planning Authority (17/12/2015) and the City Conservation Officer (08/12/2015) in this regard. However, I do not share the PA's conviction that the proposed rear 1<sup>st</sup> floor domestic extension, would cause such a fatally flawed, negative impact on both the existing visual character and associated residential amenity of No.19, as 'Protected Structure', as well as of associated amenity in the vicinity, so as to justify a refusal of planning permission of this element. In fact, I rather share the view advocated by the applicants' that when viewed from the front and from every reasonable vantage point possible along Cambridge Road, the proposed 2-storey rear extension would not be visible at all. From the rear, intervisibility is restricted to the rear elevations and rear yards / gardens of surrounding properties, of which there are only few. I weight reference to the fact that excepting for the adjacent 3<sup>rd</sup> party Observers at No.18 – the Burkes', no other property owners lodged an objection to the applicants' modest rear 2-storey domestic extension. I will address the merits of the 3<sup>rd</sup> party Observers concerns through this assessment, with mitigation thereof where relevant and necessary.

In my view, a refusal decision of the rear 1<sup>st</sup> floor extension element, as argued for & applied by the Planning Authority, and weighting reference to No.19 as 'Protected Structure', would be disproportionate to the argued infringement, if such were to be the case at all, and having regard to the fact that a consequent visual impact, must logically and reasonably be expected of any rear domestic extension development on the application site. In my view, this cannot be avoided, subject to compliance with the Dublin City Development Plan 2011. In my view, application of the provisions of the Dublin City Development Plan 2011, should be towards positively enabling reasonable domestic home improvements to 'Protected Structures' within 'Conservation Areas', and protection of residential amenities both of individual property owners, as well as collectively, rather than

appearing as a tool in the hands of Planning Authority's, restricting development possibility.

Positive consideration of the proposed 2-storey rear domestic extension at No.19, is assisted by the fact that the front of the existing 2-storey, semi-detached house addresses the public realm (ie. Cambridge Road), with no reasonable, practical visibility of the rear elevation of No.19 possible, at all. I certainly share the conviction asserted by the applicants' that consequently, the proposed 2-storey rear domestic extension at No.19 would have no bearing on the established character & streetscape of Cambridge Road. When viewed from the rear, I believe that no disproportionate impact will result on No.19, as 'Protected Structure', nor on neighbouring properties. Having had detailed reference to all the plans and drawings outlining the proposed development, submitted by the applicants'; the report "Conservation Method Statement – No.19 Cambridge Road", prepared by Alan O'Connell B.Arch. MRIAI, OC Architects & Design, included with the application documentation by the applicants"; and to my own observations made at the time of physical inspection; I weight reference to the following –

- the new interior space proposed at ground floor has no impact on the fabric of the existing structure;
- the existing opening currently formed across the back elevation enables connection to the new living space proposed at ground floor level;
- minor reduction in floor area of the existing rear 1<sup>st</sup> floor SE bedroom, by way of 'a stud wall' forming a hall connecting to the new rear bedroom;
- formation of a new window in the side elevation to the existing rear 1<sup>st</sup> floor bedroom, whilst retention of existing window element to rear elevation (to be enclosed);
- formation of a new minor opening at rear 1<sup>st</sup> floor elevation, enclosed by the new extension; and
- physical impact on the existing house limited to opening and approx. 900mm wide connection into the new extension.

Accepting that some impact and consequent change is unavoidable, I accept the applicants' argument as reasonable, that "aesthetically, the extension has been designed so that it stands on its own as a contemporary element and thus respects the integrity of the existing house". In this regard, I reference the enabling contribution made by

the “glazed light well”, in both creating a visual and physical break between the old and the new, whilst providing for internal illumination. In my view the applicants’ have reasonably, successfully minimised the extent of their extension required, in order to reduce the impact on the original house as ‘Protected Structure’, and on the neighbouring properties, whilst still ensuring satisfaction of their requirements for accommodation of a size and composition consistent with modern living and having regard to their domestic liveability needs.

Further, I share their view that the architectural design and associated materials, colouring and finishing characterising the rear 2-storey extension, “will help to emphasise the distinction between new and original, but will alleviate the impact of the new addition”. In my view, it is to the applicants’ advantage that in the interests of proper implementation of the zoning objective ‘Z2’, and Sect.17.10 – ‘Development Standards for Works to Protected Structures’, of the Dublin City Development Plan 2011, that designs, drawings and materials etc proposed to be used be for the written agreement of the Dublin City ‘Conservation Officer’, and that works undertaken on-site be supervised by such ‘Conservation Officer’.

Accordingly, I am inclined to the conclusion of the resultant change in the prevailing Cambridge Road ‘Conservation Area’ streetscape, consequent of supplementation with the proposed rear 2-storey modest domestic extension to No.19 in its entirety, as minor, and would not be overbearing on the common scale and uniformity of the immediate adjacent residents, and the neighbourhood in context, with no obvious disproportionate negative impact on No.19 as ‘Protected Structure’, as well as the prevailing visual and residential amenity. I believe that the proposed development would be in accordance with the proper planning and sustainable development of the area. I recommend to the Board accordingly.

(4) **Residential Amenity Impact :**

In as much as I understand amenity values as referring to those natural or physical qualities and architectural characteristics of the Cambridge Road (‘Z2’ – Residential Conservation Area), that contribute to residents appreciation of its pleasantness, liveability and its aesthetic coherence, I am of the view that the proposed new rear 2-storey domestic extension at No.19, will have no serious, or disproportionate negative impact on this prevailing residential amenity.

I consider this to be the case having regard to the discussion of the impact on the prevailing visual amenity and local estate streetscape at 8(3) above, which I have argued, would not negatively influence the character and quality of the contextual residential amenity enjoyed in the neighbourhood.

Privacy or a freedom from observation is, I believe, a basic qualitative aspect of residential design, and which is given weighted reference at Sect. 17.9.8: Extensions & Alterations to Dwellings of the Dublin City Dev. Plan 2011. In my view, subject to the minor design revision offered by the applicants' (c/o AKM Consultants) in direct response to the Burkes' concerns re. privacy, repositioning the window from the corner to a more central position in the rear 1<sup>st</sup> floor elevation, the proposed development would not threaten the levels of privacy currently enjoyed by the 3<sup>rd</sup> Party Observers'. With no windows proposed in the N-elevation at ground level, and with the repositioned window at 1<sup>st</sup> floor level away from the corner, to a more central location in the rear east facing elevation, no overlooking of the Burkes' at No.18 is possible. In regard to mitigation of 'Overlooking' and privacy protection, the Dublin City Residential Development 'Standards' require a minimum standard of 22m between directly opposing rear 1<sup>st</sup> floor windows, unless alternative provision has been designed to ensure privacy. Having regard to the 'site layout' submitted, and to my own observations made at the time of physical inspection, I confirm that the rear yard / garden space serving No.19, would have an approx. depth of 12m consequent of the 2-storey rear extension, compliant with Development Standard. This exceeds the necessary 'Standard', that each rear garden / yard depth must reasonably be expected to provide, as its share of the 22m 'Standard'. I am mindful further, of reasonable mitigation enabled by boundary treatment and perimeter planting existing, and to be reasonably anticipated around the rear perimeter of the domestic properties. Accordingly, I have no planning objection to these design elements, and conclude no undue or disproportionate overlooking and consequent loss of privacy to contextual residents to the side or rear, will result. In this regard, I emphasise that no amenity to the rear will be worse off, in my view, consequent of the proposed development.

Having regard to the zero separation distance between the No.s' 19 and 18 Cambridge Road respectively, threat of overshadowing and consequent loss of natural light is a weighted consideration. Having

reference to the scale, height, design and placement of the proposed new 2-storey rear domestic extension at No.19, with specific reference to the set back at 1<sup>st</sup> floor level of the N-elevation, away from the common boundary with No.18 and the house at No.18 itself, no threat of negative impact on prevailing residential amenity is clearly apparent, by way of overshadowing. Further, no clear threat of overshadowing is possible, to the houses to the south (ie. adjacent No.20).

Again, when viewed from the front and rear adjacent gardens, I believe that the associated bulk and massing of the proposed rear 2-storey domestic extension at No.19 would not be overbearing on the common scale and uniformity of the residential amenity enjoyed by the immediate adjacent residents, and within the Cambridge Road – ‘Residential Conservation Area’ in context.

I do acknowledge the potential for negative impact of construction activity on contextual residential amenity, whilst site works and construction activity are on the go. However, I consider that these impacts are only temporary, are to facilitate the completion of the proposed development, and certainly cannot be regarded as unique to this modest development. Further, I consider that given these impacts are predictable and to be expected, they can be properly and appropriately minimised and mitigated by the attachment of appropriate conditions to a grant of permission, should the Board be mindful to grant permission, and deem such mitigation of negative impact of site works and construction activity on contextual residential amenity necessary.

Consequently I believe that whilst the proposed new rear 2-storey domestic extension at No.19 Cambridge Road, would certainly bring a modest change to the local neighbourhood, the proposal is satisfactorily compliant with the Zoning Objective “Z2” – “To protect and / or improve the amenities of residential conservation areas”, and accordingly would be in accordance with the proper planning and sustainable development of the area. I recommend to the Board accordingly.

(5) **Precedent :**

The Planning Authority are clearly of sufficient conviction to conclude that the proposed rear 1<sup>st</sup> floor extension development at No.19 “would set an undesirable precedent for similar historic buildings”, which would

in themselves and cumulatively be harmful to the residential amenities of the Cambridge Road Residential Conservation Area. This opinion clearly constitutes a substantive consideration in the Planning Authority's decision to refuse planning permission for the 1<sup>st</sup> floor element. Having regard to the above discussion, I do not share this conviction. Rather, in the first instance, I have had regard to the proposed 1<sup>st</sup> floor element as integral and inseparable from consideration of the entirety of the proposed 2-storey rear domestic extension. Secondly, I have regard to the entirety of the 2-storey rear extension development as on the one hand, enabling a positive domestic amenity improvement for the applicants', whilst consequentially the prevailing residential amenity being no worse off than it is at present, and with no fatal, disproportionate negative impact on No.19, as 'Protected Structure', all in reasonable accordance with the 'Z2 – Residential Conservation Area' zoning objective. Contrary to the Planning Authority's expressed conviction, I do not consider the proposed rear 1<sup>st</sup> floor extension element as undesirable.

I express this view, noting that precedent may already be argued to the rear of several of the houses along Cambridge Road (see attached photographs, as well as Google earth Satellite Imagery). I further reference the clearly visible multi-storey rear domestic contemporary extension to the house – 'Protected Structure' located at the corner of Cambridge Road and Castlewood Avenue (fronting onto Castlewood Ave.), and which is of a similar contemporary architectural design, materials and finishes as proposed by the applicants" at No.19 (**Reg.Ref.No.:05/5185** – 'Protected Structure' understood home of James Joyce from Age 2-5). Whereas this multi-storey rear extension is clearly visible from the northern section of Cambridge Road, the applicants' modest rear 2-storey domestic extension is not visible from the public realm at all. I infer that it is this "planning precedent for this type of contemporary 2-storey extension", which the applicants' reference at paragraph 2.0 – 'Corner Window & Overlooking' of their response submission to the 3<sup>rd</sup> Party Observation submission.

In my view, land use management is not 'static', but 'dynamic'. 'Precedent', in my view is not always 'negative'. Rather, it can be positive and enabling, and depends on the application of reasonable discretion where possible. I am inclined to the view that it is up to the Planning Authority to manage the 'dynamic', not stop or block change, in fear of any decision to grant planning permission today, being used by future potential applicants, as a lever to force open the door to any

decision to grant planning permission in the future. In my view, it was always to be reasonably anticipated that this pressure for domestic family-home renovation and improvement would be manifest in the historic, protected 2-storey, 3-bed semi-detached houses along Cambridge Road.

If in fact the grant of planning permission for a rear 1<sup>st</sup> floor extension element at No.19 were indeed to become persuasive, when deciding future planning applications along Cambridge Road, with similar elements, issues or facts (ie. precedent), I do not believe such to be as onerous as the Planning Authority makes the case out to be, and which resulted in the Refusal Decision of this rear 1<sup>st</sup> floor extension element.

All of the houses along Cambridge Road potentially pose similar livability challenges to that currently being addressed by the applicants' at No.19. If so, and subject to compliance with relevant City Development Plan Policy, Objectives & Standards at that time, if 'precedent' were to be a relevant and enabling consideration consequent of any grant of planning permission at No.19, then so be it, in my view. I would have regard to this as a positive, enabling consideration. In my view, the current application at No.19 will not be the last along Cambridge Road. Further, the Planning Authority will be required to have regard to each new application, if such were to occur, on their unique and individual merits.

In my view therefore, the Planning Authority's 'Refusal Reason' of the applicants' proposed rear 1<sup>st</sup> extension element, on the grounds of 'precedent' should not be sustained. Accordingly, I conclude the proposed 2-storey rear domestic extension at No.19 Cambridge Road would be in accordance with the proper planning and sustainable development of the area. I recommend to the Board accordingly.

(6) **'Appropriate Assessment' :**

Having regard to the location of the application site at No.18 Cambridge Rd, proximate to Natura 2000 sites within Dublin City and beyond; to the nature and scale of the development proposed; to the nature of the receiving environment, namely an urban and fully serviced location; and to the separation distance and absence of a clear direct pathway to the nearest Natura 2000 sites, 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. RECOMMENDATION :**

Having regard to all of the above, I recommend that permission be GRANTED in accordance with the following Schedules.

**REASONS AND CONSIDERATIONS**

Having regard to the Zoning Objective “Z2” for the area and the pattern of residential development in the area, it is considered that, subject to compliance with Conditions set out in the Second Schedule, the proposed development would be in accordance with the relevant provisions of the Dublin City Development Plan 2011-2017; would not seriously injure the amenities of the Cambridge Road neighbourhood, or of the property in the vicinity; would not be prejudicial to public health; and would be acceptable in terms of traffic safety and convenience. 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 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 points of detail to be agreed with the Planning Authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

**Reason:** In the interest of clarity, and that effective control be maintained.

- (2) The proposed development shall be modified as follows :  
The proposed corner window to the 1<sup>st</sup> floor extension element shall be omitted from the development, and repositioned to a more central position in the proposed rear 1<sup>st</sup> floor elevation.  
Revised drawings showing compliance with the above requirements shall be submitted to the Planning Authority for written agreement prior to the commencement of development.

**Reason:** In the interest of clarity and to prevent overlooking of adjoining residential property.



- (3) All the external finishes shall harmonise in materials, colour and texture with the existing finishes on the house. Details including samples of the materials, colours and textures of all the external finishes to the building, shall be submitted to, and agreed in writing with the Planning Authority prior to commencement of development.
- Reason:** In the interest of orderly development, the protection of the character of the 'Protected Structure', and of the visual amenities of the area.
- (4) All proposed works to the 'Protected Structure', shall comply with the 'Conservation' requirements of the Planning Authority. All works shall be carried out under the supervision of a qualified Conservation Architect, with specialised 'Conservation' expertise and shall be undertaken in accordance with best 'Conservation' Practice.
- Reason:** To secure the authentic preservation of this 'Protected Structure', and to ensure that the proposed works are carried out in accordance with best 'Conservation' Practice.
- (5) The existing dwelling and proposed extension shall be jointly occupied as a single residential unit, and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.
- Reason:** In the interest of clarity and to restrict the use of the extension in the interest of residential amenity.
- (6) Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.
- Reason:** In the interest of public health and to ensure a proper standard of development.
- (7) The construction of the development shall be managed in accordance with a Construction Management Plan which shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction / demolition waste.
- Reason:** In the interest of amenities and public safety.

- (8) The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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**Leslie Howard**  
**Planning Inspector**  
**07/04/2016**