

An Bord Pleanála



Inspector's Report

Appeal Reference No : PL29S.246087

Development : Demolish side / rear non-original sunroom and replace with single storey side / rear extension, internal alterations, alter rear return 1st floor window (Protected Structure).

Location : 54 Highfield Rd, Rathgar, Dublin 6

Planning Application :

Planning Authority : Dublin City Co.

Planning Authority Reg.Ref.No. : 3938/15

Applicant : John & Mary Donohue

Planning Authority Decision : Refuse Decision

Planning Appeal :

Appellant(s) : John & Mary Donohue

Type of Appeal : 1st Party

Observers : Maurice & Dympna Dorney

Date of Site Inspection : 28th April 2016

Inspector : Leslie Howard

1. **SITE LOCATION AND DESCRIPTION :**

The c. 377m² application site comprises a 2-storey, red brick, midterrace house – Protected Structure located at No.54 on the northern frontage of Highfield Road, Rathgar, Dublin 6. The house façade has a red brick finish, with a 2-storey bay window to the front. The front garden area is gravelled over for car parking, with steel gates and railings supported on red brick piers, comprising the sites frontage onto Highfield Road. The rear of the house has a 3-storey return, with a hipped slated roof. A single window exists in the rear elevation of the main house, at 1st floor level. A further two windows, one on each of the 1st and 2nd floor levels, exist in the rear elevation of the return. At garden level, the rear of the return has been faced in yellow brick, with the remainder in sand and cement render. A conservatory has been added to the side of the rear return, projecting beyond the return into the garden, and spanning between the side of the return and the site's eastern boundary. The conservatory has a timber framework, octagonal bay facing north, onto the rear, well presented domestic garden. Highfield Road passed No.54 is well trafficked, with all vehicle types. No on street parking is possible immediately in front of No.54, along both sides of Highfield Road. Adequate onsite car parking is however possible.

2. **PROPOSED DEVELOPMENT :**

The proposed development comprises two elements –

- to demolish the side / rear, non-original sunroom / conservatory, and
- to construct a single storey side / rear domestic extension, including internal alterations, and alteration to the rear return 1st floor window.;

3. **PLANNING HISTORY :**

Relevant planning history on the application site –

Reg.Ref.No.: 3896/09 Permission granted to J. & M. Donohue, dated 27/10/2009, for development consisting of a single storey domestic extension to the rear (26.36sqm), and alterations to existing the conservatory, all at No. 54 Highfield Road – Protected Structure, subject to Conditions.

Relevant planning history proximate to the application site –

Reg.Ref.No.: 2929/09 Permission granted to S. & A. Baird, dated 22/06/2009, for development comprising works to the existing 2-storey dwelling including –

- demolition of lower ground floor section of existing 3 storey return, associated out-building and store to rear of property

- remodelling of existing roof to main house to remove hip for the provision of attic conversion
 - provision of dormer window at attic level to rear
 - provision of roof lights to existing roof of return at rear
 - internal alterations to existing layout at upper levels of return and first floor of main house
 - enlargement of existing opening to rear elevation at ground floor level
 - repair of and remedial works to existing windows
 - provision of a new single storey extension at lower ground floor to the rear of the property comprising of new kitchen and dining area
 - provision of screened terrace at first floor level to side & rear of property
 - upgrading of existing mechanical and electrical installations
 - provision of new vehicular entrance with associated gates to front of property
 - provision of on-site parking and associated landscaping
 - the conservation and repair of existing historical features
- all at No. 53 Highfield Road – Protected Structure, subject to Conditions.

Notably, these Conditions included the required omission of the proposed dormer window at attic level to the rear, and that the extent of the 1st floor terrace be set back so as to not project beyond the rear (north) building line of the rear return.

4. PLANNING AUTHORITY DECISION

(1) Planning Authority Decision :

REFUSE PERMISSION, for 1no. stated ‘Refusal Reason’, summarised as follows :

- Refusal Reason :**
- serious injury to adjacent residential amenity, consequent of size and length of the proposed extension.
 - serious impact on the character of the Protected Structure, consequent of the proposed overall size.
 - all contrary to the Z2 Zoning Objective, and the proper planning and sustainable development of the area.

(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) Relevant provisions of the Dublin City Development Plan 2011 as follows :
- | | |
|-------------------|---|
| Section 17.9.8 | Extensions and Alterations to Dwellings |
| Section 17.10.1 | Works to Protected Structure |
| Appendix 25 | Guidelines for Residential Extensions |
| Section 17.10.8.1 | Development Proposals in Architectural Conservation Areas |
- (ii) Reference the following characteristics of the proposed extension development :
- it will extend out over 13m
 - it will extend across the width of the site
 - floor area of 56m², compared with the 24m² of the existing conservatory
 - as proposed, the length and height of the rear extension, will impact negatively on adjoining residential amenity
 - reference the independent daylight analysis submitted by the adjoining neighbour at No.55. The analysis concludes that their daylight will be impacted
- (iii) note no details proposed regarding the boundary wall. However, the Drawings show the rear extension to be built within the boundary wall.
- (iv) Reference following concerns of the Dublin City Conservation Officer :
- impact of the large extension on the rear reception room, particularly access to natural light and aspect;
 - the expanse of the roofscape from upper windows;
 - the alterations to the window at bedroom no.3;
 - the detail of the work;
 - proposed development is excessively large as a ground floor extension, negatively impacting the character of the building;

- (v) Planning Authority do not consider the above issues could best be resolved by way of further information request, because the applicant would need to redesign the roof and overall size of the extension –
- so as to limit the impact on the neighbouring property, and
 - so as to complement the existing character of the Protected Structure.
- (vi) Accordingly, conclude planning permission be refused.

(b) **Recommendation :**

That planning permission be refused, consistent with the refusal reason set out in the Managers Order above;

(3) **Departmental Technical Reports :**

Conservation Officer : Whilst no objection clearly apparent, request additional information as follows –

- contiguous plan information contextualising impact at garden level, and to demonstrate / justify scale of proposed development;
- revised drawings indicating reduced depth of floor plan, and the relationship to adjoining property;
- detailed design of the extension, reflecting the architectural quality and detail of the protected structure, re. quality of materials and detail;
- Drawings delineating : scope of proposed works and structural intervention to all new finishes / opening to the kitchen; and indicating proposed character of the proposed roof covering and rooflight;
- omission of the proposed window alteration to Bed 3;
- a schedule of window repairs, in accordance with best conservation practice, ensuring retention and upgrade to extant historic windows, as necessary;
- a schedule of conservation works to the exterior, where structural alteration intended;

Supplementary to issues for additional information attention, set out several recommended Conditions, were

the Planning Authority to decide to grant planning permission. These include –

- depth of extension not to exceed that of adjoining No.53;
- an area / courtyard space to be left enabling lighting and ventilation in favour of the protected structure;
- omit alterations to the window at bedroom no.3;
- schedule of window repairs in accordance with conservation best practice;
- detailed specification of works to be provided by an appropriately skilled Conservation Architect;

Engineering Dept. – Drainage Div. : ‘No objection’ subject to Conditions;

(4) Prescribed / Statutory Bodies :

No comments on file.

(5) 3rd Party Objections / Submissions:

- (a) 1no. 3rd party objection noted – M. and D. Dorney, adjoining neighbour at No.55.
- (b) Planning issues argued summarised as :
 - (i) inadequacy of application drawings
 - (ii) negative impact on their residential amenity
 - (iii) overbearing, negative visual impact
 - (iv) the Conservation Report does not assess impact on adjacent No.55
 - (v) negative impact on property value
 - (vi) loss of sunlight amenity in the kitchen / livingroom of No.55

5. 1st PARTY GROUNDS OF APPEAL – John and Mary Donohue (c/o Brian O’Donoghue Architects Ltd. – 26/01/2016) :

(1) Comparable / Similar Development granted planning permission by the Dublin City Council – Reg.Ref.No.4076/15 :

- (a) Emphasise comparable similarities between the two applications as follows –
 - (i) Proposed flat roofed single storey rear extension; and
 - (ii) Protected Structure.

- (b) Clarify that B. O'Donoghue Architect and R. Goodbody, comprised the consultant team for both of the applications **Reg.Ref.No.4076/15** and **Reg.Ref.No.3938/15**.
- (c) Emphasise that under the revised, downscaled proposals submitted with the appeal, no alterations to the existing building – Protected Structure are now proposed, other than to the rear return ground floor kitchen.
- (d) In comparison, the rear extension granted planning permission under **Reg.Ref.No.4076/15**, included extension alterations to each floor of the existing building, plus an attic conversion.
- (e) Conclude the City Councils Decisions to Grant planning permission under **Reg.Ref.No.4076/15**, and to Refuse planning permission under **Reg.Ref.No.3938/15**, “seem inconsistent and unreasonable”.

(2) **Planning Appeal – Reg.Ref.No.3938/15 :**

(a) **Introduction :**

- (i) the motivation for the proposed single storey rear extension, is “to provide a flexible kitchen / dining / family area.
- (ii) the appeal submission, “includes critical downscaling alterations to the 3938/15 proposals, to address all and any concerns indicated in the Dublin City Council DECISION and the Planner’s Report in respect of same”.
- (iii) Applicants’ still have regard to the initial application lodged under **Reg.Ref.No.3938/15**, as reasonable. If the Board were to be of the same view, request that the Board grant planning permission as initially proposed.
- (iv) However, emphasise the applicants’ would accept the Board granting planning permission for the “downscaled proposals”, lodged with the appeal.

(b) **A Rear Extension – Principle of the Development :**

- (i) The planning report under **Reg.Ref.No.3938/15**, confirms the acceptability, in principle, of a rear extension at No.54.
- (ii) point out that on the 9th December 2009, under **Reg.Ref.No.3896/09**, permission was granted at No.54, for a single storey rear extension.
- (iii) confirm the rear extension permitted at No.54 under **Reg.Ref.No.3896/09**, was never constructed. The

reason was that as proposed, the “rear extension did not integrate well into the existing house”

- (c) **Existing extension to attached adjacent No.53 :**
- (i) Under **Reg.Ref.No.2929/09**, permission was granted at adjacent No.53 Highfield Rd, for a modern single storey rear extension. This extension has been constructed.
 - (ii) Emphasise the current proposals under **Reg.Ref.No.3938/15**, both initially, and as revised in terms of the current appeal submission, contain similar elements – “a single storey flat roof, paint on plastered wall, with a parapet”.
- (d) **Drawing No.06 – Downscaled Proposals for Rear Extension :**
- (i) Drawing 06 included with the appeal submission, shows the proposed rear extension development, reduced in scale to match, identically, the as-built scale of the domestic rear extension constructed consequent of **Reg.Ref.No.2929/09**.
 - (ii) Depth : Drawing 06 shows a reduced depth projection into the rear garden. Confirm that the revised rear wall depth of the extension “lines up exactly with the rear wall of the extension to No.53.
 - iii) Height : Drawing 06 shows the height of the proposed extension has been reduced, to “exactly match the height of the extension to No.53”.
- (e) **Proposed Alterations to existing Protected Structure :**
- (i) Reference that the original drawings submitted under current **Reg.Ref.No.3938/15**, included minor interventions to the existing house at No.54 – a Protected Structure
 - (ii) However, in terms of the revised Drawing No. 06 included with the appeal submission, confirm the following omissions from that originally proposed –
 - the proposed alterations to the ground floor rear lounge rear wall double doors
 - the proposed alterations to the first floor rear Return Bedroom 3 window
 - (iii) Confirm the only alterations proposed to the existing house, are confined to the ground floor Rear Kitchen area. Radical interventions were historically undertaken to this area of the house, to the extent that no original doors or windows now exist.

- (iv) confirm that no alterations are proposed to any of the following :
- any other rooms in the existing house
 - the front elevation, and
 - the rear elevation
- (f) **Brian O'Donoghue Architects / Rob Goodbody Historic Buildings Consultant – Record of recently completed projects to Protected Structures :**
- (i) Confirm that B. O'Donoghue – Architect and R. Goodbody – Historic Buildings Consultant, comprised the consultant team for the following rear extensions to Protected Structure projects, now constructed, consequent of planning permission granted under – **Reg.Ref.No.2842/13, Reg.Ref.No.3678/14 and Reg.Ref.No.2295/15**
- (ii) Each of these above extensions included flat roofs with raised parapets and reconstituted stone copings, comparable with similar elements currently proposed under **Reg.Ref.No.3938/15**
- (g) **Existing Sunroom – to be Demolished :**
The existing, unsatisfactory 20 year old sunroom (located to the rear of the ground floor rear lounge, with a depth of 10,090mm), is to be removed.
- (h) **Proposed External Finishes :**
- (i) Emphasise concern at the implication in the Council's Planning Report under **Reg.Ref.No.3938/15**, that the finishes proposed, were not of a high standard.
- (ii) In response, clarify and substantiate the materials, colouring and finishes proposed for each of the following elements comprising the proposed rear extension – Flat Roof; Rooflights to Flat Roof; Parapet Copings and Rear Sliding Door.
- (iii) Confirm reference that these above materials, colouring and finishes proposed, have been used to good effect on the recently completed extension projects at Nos. 34 and 44 Dartmouth Square (ie. **Reg.Ref.No.3678/14 and Reg.Ref.No.2295/15**).

(4) **Conclusions :**

Having regard to all of the above, the proposed downscaled revised proposals included with the appeal submission, “we trust the proposed considered development can be seen as reasonable”.

6. RESPONSES / OBSERVATIONS TO THE 1st PARTY GROUNDS OF APPEAL :

(1) **Planning Authority Response – 29/01/2016 :**

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 – Maurice and Dympna Dorney (25/02/2016) :**

(a) **General :**

- (i) Confirm objection to both initial proposed development, and the revised designs included with the appeal. Emphasise that serious injury to their residential amenity would result from each of these proposals, particularly having regard to the reduction of western light.
- (ii) Whilst the applicants’ should reasonably expect positive consideration of a sensitive, well designed extension, argue the applicants proposed development does not meet this criterion.
- (iii) Request the Board have regard to their 3rd party objection dated 04/12/2015, inclusive of the sunlight and daylight assessment.

(b) **Applicants comparison to development permitted under Reg.Ref.No.4076/15 – Not Relevant :**

- (i) Whereas the applicants argue the difference in decision made by the planning authority under **Reg.Ref.No.4076/15** (22 Morehampton Terrace), and in the current case, is “inconsistent” and “unreasonable”, the Dorney’s argue that the built context at No.22 Morehampton Terrace is entirely different, particularly with regard to the adjacent No.23. Therefore, the proposed development was concluded as having no adverse impact on the residential amenities of adjacent No.23.

- (ii) The 1st party appeal references the existing extension to the rear of No.53 Highfield Road – **Reg.Ref.No.2929/09**. This extension development did not have the same capacity to adversely impact the residential amenity of another house. Located at the end of a terrace, adjoining a laneway, this extension has little impact on the residential amenities of the house on the other side of the laneway.
- (iii) By comparison, whereas under **Reg.Ref.No.2929/09** daylight to only one window in the rear wall of the return of No.54 was affected, under the current proposed rear extension to No.54, all of their ground floor windows will be impacted, because they face towards the proposed development.
- (iv) Reiterate that the precedents under **Reg.Ref.No.4076/15** and **Reg.Ref.No.2929/09** do not apply in the current instance. Whereas those permissions related to end of terrace houses, the current proposed development would fill the space left between a pair of facing rear returns, thereby diminishing the light received into the rear ground floor rooms and creating an enclosed yard out of the adjoining garden. Rather, argue the purpose of the space between two rear returns, “is to allow for a 3rd room at each level, whilst ensuring light enters the two rear rooms, especially at ground level”.
- (v) Natural light available to the dining room and kitchen / livingroom at No.55, is already reduced by the existing rear extension at No.54. However, the glass pitched roof enables a lighter appearance of this extension and reflecting more daylight than a solid wall would. Comparatively, the proposed extension, with increased height at the shared boundary, over a greater length, “will block access to daylight and evening sunlight to the rear of our ground floor”.
- (vi) Whereas the refusal reason for the current proposed rear extension at No.54 included reference to the consequent serious injury to adjacent residential amenity, the enabling precedent developments above, argued by the applicants on appeal, were considered to not negatively impact on adjacent residential amenities.

- (vii) Request the Board dismiss the applicants' references in their appeal submission, to the precedent developments permitted under **Reg.Ref.No.4076/15** and **Reg.Ref.No.2929/09**.
- (c) **Conservation Officers Report – Recommend a set back from our Boundary :**
- (i) Confirm their consideration of the design solution, offered by the Dublin City Conservation Officer, at Section 4 Mitigation Response, Bullet Points One and Two, of the report (ie. reduced depth of the extension and inclusion of a courtyard space)
- (ii) They do not agree with the view of Rob Goodbody (), that the Conservation Officer has misunderstood this aspect of the proposed development. Rather than suggesting that permission for the sunroom be rescinded, the Conservation Report notes the following issues :
- the depth and height of the proposed development, and
 - the relationship with the adjoining property No. 55
- (iii) Argue that the relationship with the adjoining No. 55 has not been addressed in the alternative proposal.
- (iv) Rather, comment that the applicants' appear confused with respect to the nature of works proposed within the Protected Structure. Specific reference made to the variation in detail between the Applicants' Conservation Assessment and the Conservation Officer's report as follows :
- Applicants' Conservation Assessment :
the proposal to partially remove a chimney breast at ground floor level is not noted in the conservation assessment of both the Application and the Appeal Stage
 - Conservation Officer's report :
the proposal to omit the chimney breast at ground floor level informed the recommendation regarding ventilation of chimney flues and the retention of historic fabric in-situ. Comment this is "not a misunderstanding on the Conservation Officer's part"

- (v) Argue the issues raised at Section 1 of the Conservation Officer's report are indicative of concern regarding the relationship between the proposed extension and their house at No.55. This relationship is not clear in the absence of a contiguous plan, which they include at Figs 5 and 6 of their Observation submission.
- (vi) Express agreement with the Conservation Officer's concerns that there are significant negative impacts consequent of the applicants' approach, including that the "vast area of flat roof ... will intrude on adjoining properties amenity as well as the protected structure". Emphasise that this visual impact is particularly significant from the upper floor rear windows of their house.
- (vii) Reference the first three, of five mitigation measures concluded in the Conservation Officer's report. These addressed – depth; width and height issues regarding the proposed rear extension. Note that the alternative proposal submitted for the Board's attention, as follows :
 - a reduction in height relative to the window at first floor
 - a reduction in depth, relative to No.53
 - the width of the proposed development, which negatively impacts lighting to two Protected Structures, remains unchanged
- (viii) Consequent of enclosure and overshadowing of that portion of their garden closest to the house (No.55), the proposed development "will have a detrimental impact on the relationship between our house and garden"

(d) **Lack of Clarity in Drawings :**

Express concern that consequent of the lack of clarity in the drawings submitted, "some dimensions would be open to interpretation". These include :

(i) **Proposed height is unclear :**

- note existing vs. proposed ground levels, relative to the adjoining gardens do not match. Whereas the existing ground levels are the same, the proposed rear elevation ground level is shown as lower than the gardens on either side.

- note the overall height is not shown for either proposed scheme.
- the only height measurement of c. 3060mm is shown for the alternative proposal, to a point under the parapet coping only. This is not the overall height. In addition point out variation in unspecified overall height, between the alternative scheme rear elevation drawing (Fig 7) and the increased height shown in the proposed side elevation / section drawing (Fig 8).
- The increased height, as shown at Fig 8, will impact the daylight received at No.55.
- The maximum height of the proposed development is not provided.

(ii) **Existing height is Ambiguous :**

- The c. 2891mm height shown on existing side elevation drawing 3098/02B (Fig9) is ambiguous, selectively indicating there is only a small increase to the height proposed at the shared boundary between No.54 and No.55. Argue this is not the case.
- Rather point out the eave height of the existing conservatory is 2450mm. The height of the garden wall is 1850mm.
- Point out the proposed alternative, smaller extension seeks to increase the height at the shared boundary by :
 - “more than 1200mm along c.3.6m length of the garden wall beyond the side elevation of the existing extension as it abuts the shared boundary (3060mm less 1850mm)”, and
 - “more than 900mm alongside the return (c.3360mm (assuming a 300mm increase in the height at the proposed flat roof where it adjoins the return) less 2450mm).
- Having regard to the contextual proximity of their kitchen / living room windows, a 900mm height increase at that boundary, to c. 3360mm “will have an enormous impact on our home”.

- Their garden and patio would also be negatively impacted, having regard to the boundary “increase by more than 1200m for a further 3.6m in length”.

(e) **Conclusion :**

- (i) Emphasise City Council Conservation Officer’s view that a well-designed extension, “should sit comfortably within this historic setting and the protected structure”.
- (ii) Rather, as proposed, the rear extension fails to comply with the Conservation Officer’s requirements, due to the significant negative impacts on their home and garden, including :
 - overbearing and visual impact.
 - reduction of natural daylight and sunlight.
 - the context, setting and amenities of a largely unaltered Protected Structure – No.55.
- (iii) Hope the applicant would propose revised designs for their rear residential extension, which would enable improved residential amenities, but without negatively impacting their adjacent residential amenity.
- (iv) Request the Board refuse planning permission for the proposed development, having regard to consequent :
 - serious injury to their residential amenities at No.55, and ;
 - serious impact on two Protected Structures (Nos 54 and 55),
 contrary to the zoning objective.

7. POLICY CONTEXT :

Dublin City Dev. Plan (2011 – 2017):

Adopted by Dublin City Council on 24th Nov. 2010, the plan came into effect on 22nd 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 – incl. Residential.
17.9.8		<u>Extensions and Alterations to Dwellings</u>
17.10.1		<u>Works to Protected Structure</u>
Appendix 25		<u>Guidelines for Residential Extensions</u>

8. ASSESSMENT :

- (1) I have examined the file and available planning history, considered the prevailing local and national policies, physically inspected the site in its surrounds, 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 of the proposed development;
- (b) Additional information request, or not ...;
- (c) Visual Impact / Streetscape – Highfield Road;
- (d) Residential Amenity Impact;
- (e) No.54 – Protected Structure; and
- (f) ‘Appropriate Assessment’.

(2) Principle of the proposed development :

I believe the planning ‘principle’ of residential development at No.54 Highfield 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, City Conservation Officer, or 3rd 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 Highfield 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”. 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 (8(5)), as well as on the Protected Structure (8(6)), below.

Section 17.9 Standards for Residential Accommodation, of the Dublin City Development Plan 2011, then further enables the principle of the proposed rear extension development at No.54, by emphasising that residential development be “sufficiently flexible to allow for changing circumstances (e.g. aging, disability, growing family) and sufficiently spacious with all the necessary facilities to provide a level of residential amenity attractive to families, with children on a long term basis”. In my view, it is in this context that the applicants’ - J. & M. Donohue, reasonably make their application or development.

Access to reasonably sized and laid out living space by the applicants’ – J. & M. Donohue, in accordance with modern liveability standards, is a reasonable expectation of their domestic unity of everyday life, living at No.54 Highfield Road. Having regard to the information available on file, and to my observations made at the time of physical inspection, weighting reference to both the existing functional and visual dichotomy at the rear, between the existing sunroom / conservatory and the rear return / kitchen, I understand and am empathetic to their motivation 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. This visual and functional dichotomy would have been consolidated in my view, if the Donohue’s were to have gone ahead in accordance with the permission granted to them in 2009, under **Reg.Ref.No.3896/09**.

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 single storey domestic extension development has no disproportionate adverse impact on the scale & character of existing No.54 – Protected Structure itself, and no unacceptable impact on the amenities enjoyed by adjacent neighbours at No’s. 53 and 55 respectively (ie. access to natural / sun light & visual). Having regard to the 3rd Party Objection and Observation lodged by M. and D. Dorney, it is this which they understandably want to protect.

Noting these sustained concerns, on the information available, I have particularly weighted reference to the proposed scale, depth, height and proximity to the shared boundary with their own property, No.55 Highfield Road, of the proposed single 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.54 – Protected Structure, and to residential amenity, perceived and / or actual, consequent of overshadowing (ie. loss of direct sunlight) & visual obtrusion particularly, 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 appropriate Conditions, would be in accordance with the proper planning and sustainable development of the Highfield Road Conservation Area.

(3) **Additional Information request, or not :**

In deducing its decision to refuse planning permission to the Donohue's, for their proposed single storey rear domestic extension, I note the direct reference given by the Planning Authority to its conviction that the concerns of the City Conservation Officer particularly, could not best be resolved by requesting additional information (06/01/2016). The Planning Authority argue this because, in their view, the applicants' would need to redesign the roof, and the overall size of the rear extension, thereby limiting impact on neighbouring property, and ensuring a rear extension which complements the existing character of the Protected Structure. Having regard to all of the information available, I do not share the approach followed by the Planning Authority (06/01/2016).

In this regard, I have had detailed review of all the plans and drawings outlining the proposed development, submitted by the applicants', both initially as part of the original application documentation (PA date stamped 03/11/2015), as well as the revised, downscaled drawings included as part of the 1st Party Appeal submission (ABP date stamped 29/01/2016).

Having regard to the single refusal reason given by the Planning Authority, for its decision to refuse planning permission under **Reg.Ref.No.3938/15**, I have prioritised my attention to the proposed revised and downscaled drawings received by the Board date stamped 29/01/2016, which in my view, reasonably reflects due consideration by the applicants', of all of the material concerns expressed by all of the Planning Authority (06/01/216), the Conservation Officer (11/12/2015)

and the 3rd party objectors' at that time – the Dorney's (4/12/2015). Contrary to the view expressed by the Planning Authority in its initial report, I believe the applicants' have been able to reasonably and satisfactorily, clearly address the issues raised by the Conservation Officer particularly, by way of the revised, downscaled proposals for their single storey rear extension. In my view, these issues could have reasonably been addressed by the Planning Authority, by way of an additional information request. In fact, I believe this was exactly what the Conservation Officer was hoping to achieve at paragraph 2. of their report (11/12/2015).

I do not believe that any party's interests in the current application would be prejudiced, by the Board giving consideration to the applicants' revised, downscaled proposals submitted with their 1st party appeal. Having regard to Drawing No.3098/06, dated 10/01/2016, prepared by Brian O'Donoghue – Architects, and received by the Board together with the written appeal submission on 29/01/2016, I note –

- the nature and substance of the proposed development, remains exactly the same (ie. the demolition of the existing side and rear, non-original sunroom / conservatory, and the construction of a single storey side and rear domestic extension)
- the proposed single storey rear extension has been reduced in scale to match closely, with the as-built scale of the adjacent rear extension at No.53, completed under **Reg.Ref.No.2929/09**
- the depth projection into the rear garden at No.54, has been reduced, lining up with the rear wall / building line of the extension completed at No.53
- the proposed height of the rear extension at No.54 has been reduced to match the height of the adjacent extension at No.53, whilst avoiding any compromise at all to the 1st floor rear return bedroom no.3 window
- that whereas the original drawings submitted under current **Reg.Ref.No.3938/15**, included several minor interventions to the existing No.54 – Protected Structure, the only alterations relevant to the existing house are now confined to the ground floor rear kitchen area, where historically, significant changes have already occurred to the house, to the extent that no original doors or windows now exist. Certainly, consequent of the scale reductions and downsizing proposed in Drawing No.3098/06, the alterations originally proposed to the ground floor rear

lounge rear wall double doors, and to the 1st floor rear return bedroom no.3 window, can reasonably be entirely omitted

- that no alterations or changes are required to any other rooms in the existing house No.54 – Protected Structure, as well as to each of the front and remaining rear elevations
- the adjacent 3rd party objectors – the Dorneys’, resident at No.55 Highfield Road were clearly notified of the lodgement of the 1st party appeal under **Reg.Ref.No.PL29S.246087**, were able to view and give detailed consideration to the revised, downscaled proposals by the applicants’ submitted with the appeal, and then subsequently exercised their rights by way of a 3rd party Observation to the current appeal. Certainly in my view, the rights and interests of the 3rd party objectors / observers – the Dorneys’, have not been prejudiced or compromised. Nor in my view, would any other 3rd party interest, be negatively impacted

Having regard to the above, and to the concerns expressed by all of the Planning Authority, Conservation Officer and the adjacent 3rd party objectors / observers, I am accordingly satisfied that the Board give due, diligent consideration to the applicants’ revised and downscaled proposals, submitted with the 1st party appeal. In my view, this practical approach, without clear prejudice to any of the parties, could have reasonably been achieved by the Planning Authority, by way of an additional information request to the applicants’. I certainly believe it to have been in the applicants’ best interests, to have adopted this reasonable and practical approach, on appeal. I therefore deem it as unfortunate, that the Planning Authority has not been able to substantively respond to the 1st party appeal submission, and specifically the inclusion of the revised, downscaled proposals, which were clearly informed by all of the Planning Authority, Conservation Officer and 3rd party objector concerns, themselves all of which substantiated the Planning Authority decision to refuse planning permission.

(4) **Visual Impact / Streetscape – Highfield Road :**

The sense of place of the Highfield 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 terraced houses, all set in a local topographical and environmental context. The historical background to, and the evolution of this neighbourhood has been clearly chronologed, in some detail, by the applicants, c/o Rob Goodbody –

Historic Buildings Consultant (29/10/2016). 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 Highfield Road generally, and proximate to No.54 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 Highfield Road, no visibility is possible at all, of the rear of any of the houses, and including and specifically, the rear of No.54.

Consequently, the proposed single storey rear domestic extension at No.54 would have no bearing on the established unique character and streetscape of Highfield Road, in accordance with the Z2 zoning objective and the proper planning and sustainable development of the area.

(5) **Residential Amenity Impact :**

The PA decided to refuse planning permission to the Donohue's, for their proposed rear single storey domestic extension, as originally submitted on 03/11/2015. A principal reason for this refusal decision was that consequent of the size and length of the proposed extension, serious injury would result to adjacent residential amenity. I understand that the Planning Authority were directly referring to the adjacent No.55 Highfield Road, the residence of M. and D. Dorney (3rd party objectors / observers). In their 1st party appeal submission, the applicants' – the Donohue's have included revised, downsized / scaled proposals for their proposed extension, directly addressing these amenity impact concerns, as well as threat to No.54 – Protected Structure (Drawing No. 3098/06). At 8(3) above, I conclude as reasonable, relevant and without prejudice to any of the parties, that the Board give due, diligent consideration to the Donohue's revised and downsized / downscaled proposals for their domestic single storey extension. I proceed accordingly on this basis.

In as much as I understand residential amenity values as referring to those natural or physical qualities and architectural characteristics of the Highfield Road ('Z2' – Residential Conservation Area), that contribute to residents appreciation of its pleasantness, liveability and its aesthetic coherence, I believe that the proposed new rear single storey domestic extension at No.54, will have no serious, or disproportionate negative impact on this prevailing residential amenity

generally, and with specific reference to the Dorney's resident at No.55. Certainly in my view, their residential amenity will be no worse off than what they currently enjoy. I express this view having regard to the following.

At 8(4) above, I discuss the threat of impact on the visual amenity associated with the local Highfield Road streetscape. I affirm the view that the Donohue's proposed modest single storey rear domestic extension, would not negatively influence the character and quality of the contextual residential amenity currently enjoyed in the neighbourhood generally, and by the Dorney's specifically, resident adjacent the application site to the east, at No.55.

Privacy or a freedom from observation is, I believe, a basic qualitative aspect of residential design, and which is given weighted reference at Section 17.9.8: Extensions & Alterations to Dwellings and Appendix 25 Guidelines for Residential Extensions, of the Dublin City Development Plan 2011. In my view, the proposed development would not at all, threaten the levels of privacy currently enjoyed by the Dorney's. With no windows proposed in the E-elevation at ground level, and which itself is screened by the existing approximately 1.85m high solid boundary wall, no overlooking of the Dorney's at No.55 is possible. Neither, is overlooking possible of any other property, surrounding the application site. Accordingly, I conclude no 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' 54 and 55 Highfield Road respectively, threat of overshadowing and consequent loss of natural light is a weighted consideration, emphasised at Section 17.9.8 and Appendix 25 of the Dublin City Development Plan 2011. This threat has been a sustained, principal argument made by the Dorney's, resident adjacent and to the east at No.55, who included in their 3rd party objection a Daylight Impact Assessment, completed by Aurea Sustainable Architecture and Engineering. I am empathetic to the Dorney's concerns. However, having had detailed regard to the arguments submitted by the Dorney's, I am inclined to the view that the impact on overshadowing and consequent loss of sunlight directly consequent of the existing rear return to the original house at No.54, has not been clearly accounted

for. This rear return, c.8.3m high from ground level, extending c.7.0m out from the original rear of the house and only c.2.6m away from the shared boundary wall (itself c.1.85m high) with the Dorney's, is itself a significant existing presence, already restricting directly the amounts of natural light, and direct sunlight particularly, to the rear rooms at No.55 and the adjacent courtyard / patio area. Weighting reference to this physical presence, c.2.6m away from the shared boundary wall, I believe that any overshadowing consequent of the existing conservatory, and that which reasonably would be anticipated consequent of the Donohue's extension, would be subsumed within the existing shadow cast by the existing rear return at No.54. In this regard, and noting the revised depth and height of the Donohue's proposed extension shown at Drawing No.3098/06, the extension will now be only c.2.85m beyond the existing conservatory. Curiously, at the time of detailed physical inspection, I note the presence on the Dorney's / No.55 side of the c.1.85m high boundary wall, of a mature 'privet' type small tree, whose crown / foliage had been manicured over several seasons, to itself form a box-like screen, extending both beyond the existing conservatory in length, and higher than the c.2.60m eave height of the conservatory. I refer the Board's attention to photographs no.14-17 attached, taken at the time of physical inspection. Whilst currently serving possibly as a screen, in favour of the Dorney's, from the visual impact of the existing conservatory, I am inclined to the view, that being approximately of the same dimensions, placement and scale as the additional length and height of the revised, downsized extension, any threat of overshadowing of the Dorney's rear patio / courtyard, would be no worse than that already existing consequent of the manicured crown / foliage. In itself I believe this enables an in situ mitigation of any perceived visual or overshadowing threat to the Dorney's residential amenity currently enjoyed. Accordingly, I conclude that no disproportionate threat of negative impact on the prevailing residential amenity enjoyed by the Dorney's, is clearly apparent, by way of overshadowing. Nor is there overshadowing possible, of other properties proximate to No.54.

Further, when viewed from the rear adjacent patio / courtyard and associated garden at No.55, I believe that the associated bulk and massing of the revised, downsized / scaled proposed rear single storey domestic extension at No.54 would not be overbearing on the residential amenity enjoyed by the Dorney's, immediate adjacent residents at No.55. In fact, I am rather inclined to the view that at the

reduced length and height shown at Drawing No.3098/06, and with the external materials, colouring and finishing proposed, real visual amenity improvement will result, when compared with the existing conservatory / sunroom, with its well weathered eclectic mix of materials and finishing particularly. I also point out that the c. 8.3m high and c.7.0m long 3-storey rear return to No.54 Highfield Road will always stand over and dominate any rear single storey extension proposed by the Donohue's.

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 rear single storey domestic extension 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 as shown at Drawing No.3098/06, whilst the proposed new rear single storey domestic extension at No.54 Highfield 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.

(6) **No.54 – Protected Structure :**

At 8(3) above, I have referenced the significant of the concerns of the City Conservation Officer (11/12/2015) as being a principal consideration by the Planning Authority, in its decision to refuse planning permission to the applicants" – the Donohue's, under **Reg.Ref.No3938/15**, on the basis of the original application documentation and associated Drawings' received by the Planning Authority on the 03/11/2015.

Subsequently, as part of the 1st party appeal submission received by the Board on 29/01/2016, the Donohue's included significantly revised and downscaled proposals, including Drawings, regarding their proposed extension.

I affirm my view at 8(3) above, that the Donohue's revised and downsized / scaled proposals and associated Drawing No.3098/06, directly and satisfactorily address the concerns expressed by the Conservation Officer (11/12/2015), regarding potential impacts on No.54 – Protected Structure. These changes to that originally proposed include : reduction in scale to closely match the adjacent completed rear extension at No.53; reduction in depth projection and height, so as to align with and match adjacent No.53; the omission of alterations originally proposed to the ground floor rear lounge rear wall double doors, and to the 1st floor rear return bedroom no.3 window; and confirmation that no alterations or changes are required to any other rooms in the existing house No.54, as well as to each of the front and remaining rear elevations.

Accepting that some impact and consequent change is unavoidable, I am of the view that aesthetically, the extension has been designed so that it stands on its own as a more contemporary element and thus subordinates itself to and respects the integrity of the existing house at No.54. This is consistent with the single storey rear extension completed adjacent the west of No.54, at No.53 under **Reg.Ref.No.2929/09**. In my view, weighting reference to the revised and downscaled / sized proposals included with the 1st party appeal submission (Drawing No.3098/06), the Donohue's 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 believe the revised and downscaled architectural design and associated materials, colouring and finishing characterising the proposed rear single storey extension, will help to emphasise the distinction between new and original, whilst mitigating the impact of the new addition, and ensuring compatibility with that completed adjacent at No.53 under **Reg.Ref.No.2929/09**. These also contribute towards satisfactorily addressing the concerns expressed by the City

Conservation Officer (11/12/2015), which I affirm in my view, could reasonably have been addressed by the Planning Authority by way of an additional information request.

Having regard to the Conservation Officer's views expressed date 11/12/2015, I concur that it would be 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. Such a precautionary approach, would be consistent with the Dublin City Conservation Officer's view (11/12/2015). This insurance could reasonably be Conditioned to any grant of planning permission, should the Board be of such opinion in favour of the applicants'.

Accordingly, I am inclined to the conclusion of the resultant change to the rear of No.54 – Protected Structure, as modest, with no obvious disproportionate negative impact on the existing house as Protected Structure. 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.

(7) **'Appropriate Assessment' :**

Having regard to the nature and scale of the proposed development, to the location of the site in a fully serviced, predominantly residential urban environment, and to the separation distance to any 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. 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 Highfield 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 and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 29 day of January, 2016, 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) 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.

- (3) All works to the Protected Structure, shall be carried out under the supervision of a qualified professional with specialised Conservation expertise.
- 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.
- (4) 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:** To restrict the use of the extension in the interest of residential amenity.
- (5) 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.
- (6) 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 interests of public safety and residential amenity.
- (7) 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.

Leslie Howard
Planning Inspector
13/05/2016