

An Bord Pleanála



Inspector's Report

Appeal Reference No: PL29S.246665

Development: Demolition of the existing sub-standard rear return and construction of a new two storey extension at the rear to provide new kitchen at ground level and a new bedroom and bathroom at first floor level at 24 St. Kevin's Parade, Dublin 8.

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: WEB1098/16
Applicant: Annemarie Sexton
Planning Authority Decision: Grant, subject to 9 conditions

Planning Appeal

Appellant(s): Annemarie Sexton
Type of Appeal: First party -v- Condition 2
Observers: None
Date of Site Inspection: 12th August 2016

Inspector: Hugh D. Morrison

1.0 SITE LOCATION AND DESCRIPTION

The site is located towards the northernmost end of the cul-de-sac portion of St. Kevin's Parade, a residential street off Lombard Street West, which runs between Arnott Street in the east and Clanbrassil Street Lower in the west. This portion of the Street is composed of terraces of single storey cottages. (Further to the south, St. Kevin's Parade is composed of terraces of cottages with upper and lower ground floors, too, and terraces of two storey dwelling houses).

The site extends over an area of 57.54 sq m and it is covered by the existing street-fronted cottage and a single storey rear extension, which covers the entirety of the former rear yard. This cottage is the middle one of three. To the north, No. 23 has been extended by means of a single storey kitchen extension and a rear dormer window extension, which covers the entire rear roof plane. (The kitchen extension is roughly two thirds the width of the cottage and it is accompanied on its southern side by a yard). To the south, No. 25 has been extended by means a single storey bathroom extension only, which abuts the common boundary with the appeal site.

To the east of the site lies an enclosed area of land, which has been partially built over. The use and ownership of this land is difficult to ascertain from the submitted plans and its backland position and gated entrance militated against clarification of the same during my site visit.

2.0 PROPOSED DEVELOPMENT

The proposal would entail the demolition of the existing single storey rear extension and its replacement by an extension that does not cover the entirety of the former rear yard. Thus, a patio garden would be laid out to the east of the same. This extension would be part single storey and part two storey. It would be finished in brick under a zinc seam roof and fascia detail. This extension would facilitate the provision of a double bedroom at upper floor level and the re-specification of the ground floor level front room as a sitting room.

The proposal would entail the demolition of 12.74 sq m of floorspace, the retention of 34.08 sq m, and the provision of 32.45 sq m to give a total floorspace of 66.53 sq m. Consequently, a net increase of 19.71 sq m of floorspace would arise or 42%.

3.0 PLANNING HISTORY

The site has no planning history.

The cottages on either side have the following planning history:

No. 23 to the north:

- 5361/05: Single storey flat roofed rear extension (6 sq m) + first floor attic conversion and alteration of hipped roof to gabled one to the side and flat roof

to the rear: Permitted, subject to the omission of two rooflights from the front roof plane.

- WEB1237/12: Retention of two rooflights in the front roof plane: Permitted, subject to the use of attic for storage only.

No. 25 to the south:

- WEB1235/13: First floor attic conversion and alteration of hipped roof to gabled one to the side and flat roof to the rear + two rooflights in the front roof plane: Permitted, subject to the specification of obscure glazing to the rear first floor windows to a height of 1.75m above floor level.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

- TII: No observations.
- Drainage: No objection, subject to conditions.

4.2 Planning Authority Decision

Permission was granted subject to 9 conditions, the following two of which are non-standard:

- The second requires that the development be revised as follows:

(a) The dormer shall be set back in order not to extend beyond the existing eaves line. The internal layout shall be reconfigured as necessary to reflect the reduced floor area.

The reason for this condition is “To protect the visual and residential amenities of adjoining occupiers.”

- The third forbids the use of the flat roof of the rear extension as a balcony.

5.0 GROUNDS OF APPEAL

- The proposal would entail the removal of the existing single storey rear extension. This extension covers the entire rear yard, including a drainage access point in the living room. A smaller single storey rear extension would be constructed clear of the said access point. A small yard area would be restored to the property thereby.

- The proposal would also entail the construction of a first floor rear extension in conjunction with the conversion of the attic to provide a double bedroom and a shower. (The existing double bedroom to the front of the ground floor could thus be restored to its original use as a sitting room). This extension would project 1380 mm beyond the eaves line.
- Condition 2 of the draft permission requires that the first floor extension be set back to the eaves line. This requirement would mean that only a single bedroom could be fitted into the converted attic. If the storage spaces are excluded from this bedroom, then even it would be below the minimum CDP floorspace standard. The provision of this type and size of bedroom would be unsustainable.
- The said projection would be modest and so it would not be overbearing. It would be clad in brick, a more sympathetic finish than adjacent upvc clad first floor extensions.
- Likewise, this projection would not lead to any appreciable overshadowing of neighbouring properties. It needs to be assessed within its immediate context, which is not necessarily typical of surrounding terraced streets.
- Examples of permitted extensions that project further than that which is proposed are cited at Nos. 8, 22, and 24 Curzon Street.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

Awaited

6.2 First party response

n/a

6.3 Observations on grounds of appeal

None

7.0 POLICY CONTEXT

Under the Dublin City Development Plan 2011 – 2017 (CDP), the site is shown as lying within an area that is zoned Z2 (conservation area – residential neighbourhood) wherein objective is “To protect and/or improve the amenities of residential conservation areas.” Section 17.10.8 advises on development in conservation areas. Appendix 25 sets out guidelines with respect to domestic extensions.

8.0 ASSESSMENT

1. The applicant has appealed condition 2 attached to the planning authority's draft permission. Under Section 139 of the Planning and Development Act, 2000 – 2015, the Board has the discretion to consider this condition in isolation from a *de novo* assessment of the application. I consider that such discretion should be exercised in this case.
2. Condition 2 requires that the first floor element of the proposed extension be stepped back by 1380 mm so as to coincide with the eaves line of the rear roof plane to the existing cottage. The reason given for this condition is "To protect the visual and residential amenities of adjoining occupiers."
3. The applicant draws attention to the effect of this condition, which would result in the provision of a single bedroom rather than a double bedroom. Consequently, the impetus for the project would be under-mined, as it would effectively lead to an existing cottage with a double bedroom becoming one with a single bedroom only.
4. The applicant contests the planning authority's critique of the submitted proposal on the grounds of visual and residential amenity. Thus, she draws attention to the standard of design and finishes proposed, which would compare favourably with the adjoining existing dormer window extension to the north at No. 23 and another one further to the south at No. 27. Both of these dormer window extensions are large in relation to their host roof planes and finished in either white render or white uPVC cladding, whereas the proposed one would be finished in brick under a zinc seam roof and fascia detail. She also draws attention to the modest over run of the eaves line and she contends that the proposal would not be overbearing or lead to undue overshadowing.
5. I note that the design and finishes of the proposal would be to a high standard and I consider that they would compare favourably with the precedents cited and so be more befitting to the Z2 zoning of the area. I note, too, that the more restrained glazing proposals for the first floor element would lead to a lower solid to void ratio than is evident in these precedents and so it would be perceived as having a lesser scale.
6. The 1380 mm over run of the eaves line would cause the first floor element to project forward of the adjoining dormer window extension to the north. However, this projection would be modest in its extent and, given the aforementioned aesthetic considerations, I do not consider that it would cause the first floor element to appear overbearing.
7. No. 24 lies to the south of No. 23. At ground floor level, No. 24 has a glazed opening in its original rear elevation and in the southern side elevation to its kitchen extension. The proposed first floor element would correspond with

approximately half the width of this latter opening and so some increased overshadowing of both the original one and this one would result from the introduction of this element.

8. The site lies within a tightly knit portion of St. Kevin's Parade, which is an inner city location. The applicant's proposal represents a quest to improve the amenities of her residential property by restoring a rear yard and by utilising roofspace for habitable use, in conjunction with a modest first floor extension. This quest has to be balanced against the need to ensure that the amenities of neighbouring properties are not unduly affected. I note from the pre-consultation record on the file that, as originally envisaged, the proposed first floor element would have over run the eaves line by 2256 mm. Thus, the applicant has stepped back this element appreciably. I consider that at 1380 mm the currently proposed over run would be reasonable in ensuring that the applicant's quest is not under-minded and the amenities of the neighbouring property, in terms of any increase in over shadowing, is limited to an acceptable level.

9.0 CONCLUSIONS AND RECOMMENDATION

In the light of my assessment, I conclude that condition 2 of the planning authority's draft permission is not required to ensure that the proposal would be compatible with the visual and residential amenities of the area.

Accordingly, I recommend that the planning authority be directed to omit condition 2 from its final grant of permission to application reg. no. WEB1098/16.

REASONS AND CONSIDERATIONS

It is considered that the proposal as submitted would improve the amenities of the cottage on the site in a manner that would be both appropriate to the visual amenities of the host residential conservation area, designated by the Dublin City Development Plan 2011 – 2016, and compatible with the residential amenities of neighbouring properties. Accordingly, the need to set back the first floor element of this proposal to the existing eaves line of the cottage would not arise and so condition 2 attached to the draft permission that requires this set back should be omitted. The proper planning and sustainable development of the area would be served thereby.

Hugh D. Morrison
Planning Inspector
Date