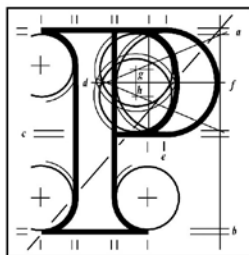


An Bord Pleanála



Inspector's Report

Development: Construction of new kitchen-dining single storey extension (45.98 sq m) to the south of the existing Riversdale dwelling and new two storey extension (43.90 sq m) to the side, consisting of toilet and utility/laundry facilities at the ground floor level and en-suite and dressing room at first floor level, refurbishment works to the existing building and all associated landscape and service works at Riversdale Avenue, 75 Bushy Park Road, Rathgar, Dublin 6.

Application

Planning authority: Dublin City Council
Planning application reg. no. 2580/16
Applicant: Eugene McQuillan
Type of application: Permission
Planning authority's decision: Grant, subject to 8 conditions

Appeal

Appellant: Insignia Investments Ltd
Type of appeal: Third party -v- Decision
Observers: None
Date of site visit: 24th August 2016
Inspector: Hugh D. Morrison

Site

The site is located to the south east of Terenure Cross Roads and to the north of the River Dodder in a position at the end of Riversdale Avenue, a cul-de-sac that runs on a north/south axis and which is accessed off Bushy Park Road.

The site is amorphous and it extends over an area of 855.91 sq m. This site accommodates a two storey dwelling house, known as "Riversdale", it has an enclosed garden to the south west, and an area of parking and access to the north east. This dwelling house is of rectangular form under a double pitched roof and it is accompanied by a lean-to greenhouse on its southern and western elevations. In plan-view the dwelling house is "L" shaped and at its southern end it adjoins another two storey dwelling house, known as Riversdale House. The grounds to this dwelling house, which is a protected structure, adjoin the site to the south.

Access to the site is via a shared gated entrance at the end of Riversdale Avenue, which serves the dwelling houses known as Riversdale, Riversdale House and The Barn. The latter property adjoins the site to the north/north west, which accommodates a two storey former coach house and an adjoining single storey extension. This former coach house is vacant at present. It is accompanied to the north east by a cleared area of ground.

Proposal

The proposal would entail the following three elements:

- The demolition of the existing greenhouse and the construction in its place of a more extensive new kitchen-dining single storey extension (45.98 sq m),
- The construction of a new two storey extension (43.90 sq m) to the westernmost side elevation of the existing dwelling house. This extension would comprise toilet and utility/laundry facilities at ground floor level and an en-suite and dressing room at first floor level, and
- Refurbishment works to the existing building and all associated landscape and service works. The refurbishment works would entail the reorganisation of the internal layout of the existing dwelling house with accompanying alterations and/or additions to openings in the external elevations.

The existing dwelling house has a floorspace of 213.51 sq m. The combined floorspace of the proposed extensions would be 89.88 sq m and so the envisaged total floorspace of the extended dwelling house would be 303.39 sq m.

Planning authority's decision

Permission was granted subject to 8 conditions the second of which requires the following:

(a) The eastern external wall of the new kitchen – dining single storey extension shall be setback by a minimum of 1.5m from the existing western external wall of Riversdale House.

(b) The new kitchen window shall be omitted or moved west along the southern elevation of the new kitchen – dining single storey extension to midway between the setback eastern external wall and windows to the dining area.

The reason given for this condition is “To ensure that the integrity of the adjoining protected structure is maintained in the interests of orderly development.”

Technical reports

- Drainage: No objection, subject to conditions.

Grounds of appeal

- The site includes a strip of land that is in the appellant's ownership and yet they have not given written consent to its inclusion.
- The subject dwelling house adjoins a protected structure and yet the public notices do not refer to this fact.
- The two storey western extension would appear as a visually bulky addition when viewed from the appellant's property to the north. Thus, it would be overbearing and it would lead to overshadowing, the extent of which should have been the subject of a shadow analysis.
- While first floor windows are omitted from the northern and western elevations of the said two storey extension, its scale and proximity to the appellant's property would render it unacceptable. This property is presently the subject of a new planning application 3014/16, details of which are set out below.
- Attention is drawn to condition 2 attached to the draft permission, which seeks to safeguard the adjoining protected structure. “The Barn” on the appellant's site has previously been recognised as being of architectural merit (cf. PL29S.221716) and yet its setting would be crowded by the western two storey extension. Overlooking would also arise.
- The protected structure Riversdale House was extended to provide the dwelling house “Riversdale” in 1934. This dwelling house was then extended

in 1966 and the current proposal envisages its further extension. Over development would thus ensue.

Response

- The strip of land in question would not be developed under the current proposal and the appellant has excluded it from their application site (3014/16) due to uncertainty over its ownership. The planning authority, in citing Section 34(13) of the Planning and Development Act, 2000 – 2015, acted correctly.
- Under Article 18(1)(d)(iii) of the Planning and Development Regulations, 2001 – 2015, where development would consist of or comprise the carrying out of works to a protected structure, the public notices are to indicate this fact. The application site does not include the adjoining Riversdale House, which is a protected structure, and no works are proposed to be made to this House. Accordingly, the absence of any reference to this protected structure from the public notices has not contravened the said Article.
- The proposal would not constitute over-development, as it comprises two elements, the first of which would entail the construction of a single storey extension, in place of an existing greenhouse, and the second of which would entail the construction of a two storey extension off the western portion of the existing dwelling house, which would be physically subsidiary in scale to this portion of the dwelling house. The resulting plot ratio and site coverage, at c. 0.35 and 19.8%, would be well within the CDP's indicative standards in these respects, and they would compare favourably with the equivalent standards expressed by the appellant's current application.
- The proposed western extension would maintain clearance distances of between 12.5 and 17.2m from "The Barn" and the relationship that would emerge between these two buildings would be mediated by the presence of a wall and mature planting. The view is expressed that the appellant's own current proposal would have a greater impact upon the barn than this extension.
- With respect to outlook from and overshadowing to the rear garden of "The Barn", this space would continue to enjoy an uninterrupted southerly aspect over the greater portion of its rear boundary.
- With respect to overlooking from the proposed western extension, this extension would have no first floor windows in its presenting northern and western elevations and its only ground floor windows in the former of these two elevations would be obscure glazed. Furthermore, the proposed rooflight in the northern roof plane would be above eye level.

Responses to report of Drainage Section

Both the applicant and the appellant acknowledged sight of this report and raise no objection to the same.

Planning history

The site has no planning history.

The site of “The Barn” to the north is the subject of 3954/06 for the demolition of the existing building and the construction of 3 new dwellings and gardens around a central hard landscaped court yard, which was permitted at appeal (PL29S.221716) and the permission subsequently extended until 10th October 2017. Condition 2(a) and (b) attached to this permission requires that the house denoted as A be omitted and, instead, the two storey former coach house be retained.

The aforementioned site is currently the subject of 3014/16 for the partial demolition, repair and extension of the existing dwelling house (known as “The Barn”) to provide a two storey detached dwelling house and the construction of 2 three storey detached dwelling houses. This application is presently the subject of a request for further information, which under item (ii) calls for a “more restrained approach” to the extension of the two storey former coach house.

Development Plan

Under the Dublin City Development Plan 2011 – 2017 (CDP), the site is shown as lying within an area that is zoned Z1 (sustainable residential neighbourhoods), wherein the objective is “To protect, provide and improve residential amenities.”

Section 17.9.8 and Appendix 25 address extensions and alterations to dwellings.

Riversdale House was added to the Record of Protected Structures (RPS) in 10th June 2013.

The site lies within the Zone of Archaeological Constraint (ZAC) for the following recorded monuments:

- DU022 044: Rathfarnham Bridge, Watermills site and Bridge site, and
- DU022 096: Millrace and Mill Pond.

Assessment

I have reviewed the proposal in the light of the CDP, relevant planning history, and the submissions of the parties. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Legalities,
- (ii) Amenity,
- (iii) Conservation, and
- (iv) AA.

(i) Legalities

- 1.1 The appellant raises two legal points.
- 1.2 The first refers to the inclusion within the red edge of the site of a strip of land along its northernmost portion, the ownership of which is claimed by the appellant and yet they gave no consent for its inclusion within this site.
- 1.3 The applicant has responded by stating that the current proposal would not encroach upon this strip. He also draws attention to the appellant's omission of the said strip from the site of their current application reg. no. 3014/16, which may indicate some uncertainty over ownership. The applicant considers that the citation of Section 34(13) of the Planning and Development Act, 2000 – 2015, by the case planner was an appropriate way to handle this matter.
- 1.4 I concur with the cited approach of the planning authority in this matter.
- 1.5 The second refers to the absence of any reference to Riversdale House in the description of the proposal and yet this House is a protected structure.
- 1.6 The applicant has responded by referring to Article 18(1)(d)(iii) of the Planning and Development Regulations, 2001 – 2015, and the need to refer to a protected structure if works would be undertaken to the same. The current proposal would not entail any works being carried out to Riversdale House and so the need to refer to this protected structure does not therefore arise.
- 1.7 I note from the submitted plans that the ground floor of the protected structure extends further to the north than the first floor and so the first floor of the applicant's dwelling house extends over the said ground floor. Thus, at ground floor level, there is a short portion of the protected structure that abuts the garden within the applicant's property. I note, too, that the proposed single storey extension would be sited 10 – 35 mm clear of the presenting elevation of this portion, thereby averting the need to carry out any works to the same. (Condition 8(a) of the draft permission would increase this distance to 1.5m).
- 1.8 I, therefore, conclude that there are no legal impediments to the Board proceeding to assess and determine this application/appeal in the normal manner.

(ii) Amenity

- 2.1 The appellant expresses concern that the proposal would represent the over-development of the site. The applicant has responded by stating that the plot ratio and site coverage figures that his proposal would exhibit would, at c. 0.35 and 19.8%, be below rather than above the indicative figures in these respects cited in the CDP for the relevant zone, i.e. for Z1 they are 0.5 – 2.0 and 45 – 60%, respectfully. I estimate that if that portion of the site that is a common means of access is excluded the said plot ratio and site coverage figures would be nearer to the indicative ranges. Nevertheless, these figures would not signal over-development.
- 2.2 The appellant expresses concern that the proposed two storey extension would have an adverse impact upon the amenities of The Barn, insofar as it would have an overbearing relationship with this building and it would lead to overshadowing and overlooking/loss of privacy. They also express concern that this extension would “crowd” the setting of The Barn, a building which is considered to be of some architectural merit.
- 2.3 The applicant has responded by drawing attention to the clearance distances of between 12.5 and 17.2m, which would separate the northern elevation of the proposed two storey side extension and the southern and eastern garden side elevations of The Barn. Existing mature landscaping and a high common boundary wall between the two adjoining sites would mediate the relationship that would emerge. The majority of the southern boundary to the said garden would continue to enjoy an uninterrupted southerly aspect and the first floor northern and western elevations of the two storey extension would be blank. The applicant, therefore, contends that overshadowing would be limited and overlooking would not arise at all.
- 2.4 The applicant draws attention to the current proposal for the appellant’s site, which he contends would have a greater “crowding effect” upon the former two storey coach house than his proposal. I note that the planning authority has, under a request for further information, asked the appellant to re-consider the scale of the extension that they proposed to the said coach house. I note, too, that under the extant permission for this site, the proposed redevelopment of the coach house was disallowed (cf. conditions 2(a) and (b) attached to permission granted to application reg. no. 3954/06 at appeal ref. no. PL29S.221716).
- 2.5 The proposed two storey side extension would be subsidiary in scale to the western arm of the existing dwelling house and it would be set back from the common boundary with the garden to The Barn by between 2.6 and 3.6m. The northern elevation of this extension would directly correspond with the southern

elevation to The Barn for c. 5m out of a total of c. 17m. Consequently, its presence would encroach only on the south easterly portion of the outlook from openings in this elevation. Accordingly, I do not consider that its presence would be overbearing and any increase in overshadowing of this elevation would be modest. Additionally, I concur with the applicant's contention that overlooking would not arise.

2.6 I, therefore, conclude that the proposal would not constitute over-development and that it would be compatible with the residential amenities of the area.

(iii) Conservation

3.1 The CDP indicates that the proposal is adjacent to the Zone of Archaeological Constraint for DU022 044: Rathfarnham Bridge, Watermills site and Bridge site, and DU022 096: Millrace and Mill Pond. This Plan also indicates that the adjoining dwelling house, Riversdale House, is a protected structure.

3.2 Given the potential for items of archaeological interest within the site, I consider that a standard monitoring/recording condition should be attached to any permission.

3.3 Given the proximity of the said protected structure, I concur with the planning authority's approach under condition 2(a) attached to the draft permission that the separation distance between this structure and the proposed single storey extension should be increased to 1.5m, to facilitate the future maintenance of the same.

3.4 The applicant's cover letter to his application states that the proposal would entail the updating and standardisation of all existing windows to 2 over 2 double glazed sash type windows. I welcome this aspect of the proposal and I consider that details of the new windows should be the subject of a condition which would make clear that they should be of painted timber joinery and genuine sliding sash type to complement those in the adjoining protected structure.

3.5 I conclude that, subject to conditions, the archaeological and conservation interest of the site can be satisfactorily addressed.

(iv) AA

4.1 The site is not in or near a Natura 2000 site. The nearest such sites are in Dublin Bay (SAC and SPA). The proposal would entail two extensions to an existing dwelling house only and so no new link to the public sewerage network would be necessary. The existing dwelling house is linked to aforementioned sites via the combined foul and surface water public sewerage network that discharges to the Ringsend WWTP. Periodic storm water surges through this Plant can lead to a

decrease in the water quality of the Bay. However, the Conservation Objectives of the said Natura 2000 sites do not refer to water quality. Furthermore, the scale of water treatment occurring at the Plant is such that the contribution of the proposal would be negligible.

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

Recommendation

In the light of my assessment, I recommend that the construction of a new kitchen-dining single storey extension (45.98 sq m) to the south of the existing Riversdale dwelling and a new two storey extension (43.90 sq m) to the side, consisting of toilet and utility/laundry facilities at the ground floor level and en-suite and dressing room at first floor level, refurbishment works to the existing building and all associated landscape and service works at Riversdale Avenue, 75 Bushy Park Road, Rathgar, Dublin 6, be permitted.

Reasons and considerations

It is considered that, subject to conditions, the proposal would be compatible with the visual and residential amenities of the area and so it would comply with the Z1 zoning objective of the Dublin City Development Plan 2011 – 2017 for the site and the adjoining sites to the north and south. The potential archaeological interest of the site and the conservation interest arising from the neighbouring protected structure can be satisfactorily addressed by conditions. No appropriate assessment issues are raised by the proposal. It would thus, accord with the proper planning and sustainable development of the area.

Conditions

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

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
- (a) Detailed drawings of the proposed replacement windows for the existing dwelling house shall be prepared. These drawings shall show double glazed 2 over 2 type genuine sliding sash windows with painted timber joinery throughout.
 - (b) The external eastern elevation of the proposed single storey extension shall be set back by a minimum of 1.5 metres from the existing western elevation of Riversdale House.
 - (c) Any re-siting of the kitchen window in the southern elevation as a consequence of item (b) shall be made explicit.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to complement and safeguard the adjoining protected structure.

3. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
- (a) Notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) Employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) Provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

4. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.]

Reason: In the interest of visual amenity.

5. 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 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.

6. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

Note

A person shall not be entitled solely by reason of a permission under Section 34 of the Planning and Development Act, 2000 – 2015, to carry out any development.

Hugh D. Morrison

Inspector

25th August 2016