

An Bord Pleanála



Inspector's Report

Appeal Reference No: PL29S.246774

Development: Amendments and additions to the permitted application reg. no. WEB1082/14 for the refurbishment and extension of the house at 4 St. Mary's Road South, Ballsbridge, Dublin 4.

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: 2581/16
Applicant: John Farrington & Michael McHale
Planning Authority Decision: Grant, subject to 7 conditions

Planning Appeal

Appellant(s): Pembroke Road Association
Type of Appeal: Third party -v- Decision
Observers: None
Date of Site Inspection: 18th August 2016

Inspector: Hugh D. Morrison

1.0 SITE LOCATION AND DESCRIPTION

The site is located on the northern side of St. Mary's Road South, a residential street that runs between Northumberland Road, to the east, and, via Eastmoreland Place, Baggot Street Upper, to the south west. This site was formerly one with the site to the east, No. 6 St. Mary's Road South, and the two houses on these sites were linked by an oratory and used as a convent. Today, institutional uses continue to the north and the north west, in the form of St. Mary's Roman Catholic Church and St. Mary's Boys National School. Other lands to the north and the north east have been/are being redeveloped.

The site is the middle one of three that accommodate similar two storey red brick Victorian houses. Each of these houses is of rectangular form under a pair of double pitched roofs. Openings in the principal elevations are symmetrically arranged around a centrally sited arched front doorway. The subject house has a centrally sited two storey return on its southern elevation and it has retained the front brick wall of a single storey element that formerly accompanied this house to the west. This wall aligns with a stone wall with a gate in it that separates the front garden from the side/rear garden. A rendered wall fulfils a similar purpose to the east, only in a recessed position.

The site is of regular shape and it extends over an area of 0.081 hectares. The front garden is enclosed by means of railings, which, on the front and western side boundaries, are accompanied by granite plinths, and, on the eastern side boundary, is accompanied by a concrete plinth. The rear garden is enclosed by walls.

2.0 PROPOSED DEVELOPMENT

The proposal would entail amendments to permitted application reg. no. WEB1082/14 for the refurbishment and extension of the house at No. 4 St. Mary's Road, Ballsbridge, Dublin 4:

- The addition of an upper floor to the permitted single storey west side extension to contain 2 en-suite bathrooms with 2 rooflights above,
- The addition of a cellar store with internal access stairs to be located below the permitted kitchen/dining extension,
- The addition of double doors from the rear of the 2 permitted side extensions direct into the gardens,
- Changing the external finish on the side and rear facades of the 2 permitted side extensions from render to brickwork,
- The change from slated pitched roof to parapetted flat roof above the upper floor of the permitted 2 storey rear extension, and

- The addition of aluminium framed folding doors and timber pergola to the permitted kitchen/dining rear extension, together with minor changes to the permitted elevations, hard and soft landscaping.

The proposal would lead to an increase in the overall floorspace of the house. Thus, the demolition of the existing two storey return would lead to the removal of 41.40 sq m and the retention of 216.40 sq m. The previously permitted extensions would entail the addition of 180.60 sq m and a further 63.30 sq m is now proposed. Thus, the overall total floorspace now envisaged would be 460.30 sq m, which would represent a plot ratio of 0.56 and a site coverage of 32.5%.

3.0 PLANNING HISTORY

WEB1082/14: Permission granted subject to 9 conditions, including the second which omits the proposed vehicular entrance and associated off-street parking spaces in the interest of visual and residential amenity, to the following proposal:

- Demolition of the existing two storey return to rear of no. 4 St. Mary's Road, Ballsbridge, Dublin 4 and its replacement with a part single storey, part two storey extension to rear north facing elevation providing new kitchen, dining, living area with ancillary utility/boot room and plant room with a new family bathroom over at first floor return level.
- Works will also include a new single storey extension to the west gable of existing house retaining existing front wall, and new two storey extension to the east gable providing family room, playroom and formal reception room with study on ground floor and 4 bedrooms, dressing room and two en-suites at first floor level.
- External works include provision of new realigned boundary wall with No. 6 St. Mary's Road and provision of 2 no. off street parking spaces opening off St. Mary's Road together with provision of new sliding cast iron gate to match existing railings on St. Mary's Road, all landscaping works to front and rear gardens including upgrading works to rear and side boundary.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

Drainage: No objection, subject to conditions.

4.2 Planning Authority Decision

Permission was granted, subject to 7 conditions, the second of which requires that the proposed solid 2m high steel gate be composed of timber in the interest of visual amenity.

5.0 GROUNDS OF APPEAL

- Attention is drawn to the attractive character of St. Mary's Road borne of its architectural coherence and the quality of individual elements.
- Concern is expressed that, during the construction phase, a portion of the existing railings and plinth to the front of the site would be removed to enable access to be gained. Any such removal should be followed by the restoration of the same.
- The common front boundary between Nos. 4 and 6 is denoted by railings over a cement plinth, which should be replaced by a granite one to match the front boundary treatment.
- The mature tree in the front garden should be retained. If it is damaged during the construction phase, then it should be replaced.
- Concern is expressed that the proposed gate to the west of the extended house would be wider than previously permitted and that, as such, it would be out of keeping with the established pattern of side entrances on St. Mary's Road.
- Support is expressed for draft condition 2, which requires that the gate to the east of the extended house be composed of timber rather than steel.
- St. Mary's Road is a conservation area. With respect to the overall refurbishment and extension of the house, the appellant requests that all the historic features be conditioned for retention.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

The planning authority relies upon the case planner's report to justify its decision.

6.2 First party response

The house has been vacant for some time and it is in poor condition. The applicants purchased this house in 2015 and obtained planning permission to refurbish and extend it to a high standard with a view to becoming residents themselves of St.

Mary's Road. They are frustrated that their current application has been appealed on insubstantial grounds, resulting in unnecessary expense and delay to the commencement of development. They consider that these grounds are vexatious and so they request that the Board exercise its discretion to dismiss this appeal accordingly.

Notwithstanding the above request, the following response to the above cited grounds of appeal has been made:

- They invite a condition that would require the reinstatement of any portion of the front plinth and railings that is removed during the construction phase.
- The submitted plans state that the cement plinth would indeed be replaced with a granite one as part of the current proposal.
- The applicants have commissioned a landscape architect to prepare a landscaping scheme for the front garden. This scheme may include the retention of the said tree or it may not. As this tree is not protected to require its retention would be excessive and unwarranted.
- The side gate in question would only be increased in width by 0.3m to facilitate its greater utility. Exception is taken to the suggestion that this would be out of keeping with the pattern of such gates in the area. In this respect attention is drawn to the comparable one at No. 8 St. Mary's Road, a protected structure.

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 Z15, wherein the objective is “To provide for institutional, educational, recreational, community, green infrastructure and health issues.” Section 17.9.8 and Appendix 25 address extensions and alterations to dwelling houses.

8.0 ASSESSMENT

The applicant requests that the Board dismiss this appeal on the basis that it is vexatious. Under Section 138 of the Planning and Development Act, 2000 – 2015, the Board has the discretion to dismiss an appeal, where it is considered to be “vexatious, frivolous or without substance or foundation.” I have reviewed the current appeal and I take the view that it raises several detailed matters that represent material planning considerations. I, therefore, do not recommend that the Board exercises its discretion to dismiss an appeal in this case.

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

- (i) Streetscape,
- (ii) Conservation,
- (iii) Construction phase,
- (iv) Drainage, and
- (v) AA.

(i) Streetscape

1.1 The current proposal seeks to amend the works previously approved under the parent permission for the site (permitted application reg. no. WEB1082/14). From a streetscape perspective, the most significant change now proposed would be the construction of a two storey side extension on the western side of the existing house rather than a single storey one. Under the parent permission, a two storey side extension is permitted on the eastern side of this house and so the change now envisaged for the western side would lead to a more visually balanced extended principal elevation. The comparable house to the east, at No. 6 St. Mary's Road, has permission for two storey side extensions, which is presently being implemented. Thus, the two adjacent extended houses would complement one another.

1.2 The roofscape to the extended house would be adjusted, too. Thus, the slated double pitched roof proposed for each side extension would be accompanied on its inside roof plane by an intermediate double pitched roof, the ridgeline of which would align with that of the existing house while being the same height as the ridgeline of the adjoining new pitched roof. These two intermediate roofs would be set back from the front plane of the extended principal elevation of the house. They would have the effect of visually pulling-in the roofscape of the extensions to the house.

1.3 Other amending works to the parent permission would be to the rear of the house and so the streetscape would be unaffected. Thus, for example, the replacement two storey rear extension would have a flat roof with a parapet roof edge rather than a pyramidal roof and the specification of a sedum roof to the proposed single storey dining/living room extension.

1.4 I conclude that the significant additions proposed for either side of the existing house would be appropriate aesthetically to the house within its streetscape context.

(ii) Conservation

- 2.1 The house on the site is not a protected structure and, along with the houses on either side, it does not lie within the residential conservation area that encompasses residential properties elsewhere on St. Mary's Road South. The appellant's approach to the works proposed for the house is suggestive of one that would be applicable if these conservation designations were relevant. Thus, for example, they request that all historic features be conditioned for retention.
- 2.2 The appellant draws attention to the proposed widening of the gateway on the western side of the house and to the tree in the western portion of the front garden. Exception is taken to the former on the basis that it would be out of keeping with the established character of the area. The applicants disagree and they draw attention to a comparable gateway at No. 8 St. Mary's Road South in their defence. They also attention to the fact that the widening proposed would only amount to an increase of 0.3m over that which was approved under the parent permission in this respect.
- 2.3 With respect to the latter, the appellant requests that the tree be retained. The applicants have responded by indicating that they intend to commission a landscape architect to draw up a scheme for the front garden and that this may or may not entail the retention of this tree. They do not consider that it would be reasonable for this exercise to be constrained by a retention requirement, as an attractively landscaped front garden is in prospect.
- 2.4 I note from the submitted plans that the gateway now proposed would have a shallow arched head instead of a squared off head. Thus, it would be more sympathetic in shape to the character of St. Mary's Road South than that which is already permitted. I note, too, that the increase in width would be nominal and so I do not consider that it would have any appreciable affect upon the aesthetics of the streetscape.
- 2.5 All parties agree that the new gate on the eastern side of the extended house should be finished in solid timber rather than steel.
- 2.5 During my site visit, I observed the said tree, which while visible in the local streetscape, is not, in my view a specimen tree. This tree is inclined at a severe angle and its multiple branches suggest that its growth has not been managed heretofore. I do not consider that it would reasonable to require its retention and, in view of the applicant's undertaking, I consider that a landscape condition would afford the opportunity to ensure that any landscaping scheme for the front garden is, indeed, appropriate.
- 2.6 I conclude that the proposed works would not pose any conservation issues.

(iii) Construction phase

- 3.1 The appellant expresses concern that, as access to the site from the rear would not be available, access from the front would inevitably entail the removal of railings and their corresponding granite plinths. Concern is expressed that such removal may result in damage to or the loss of the same and their subsequent replacement with materials/designs of a lesser quality.
- 3.2 The applicant has responded to this concern by concurring with the need for such removal and by undertaking to ensure that that which is removed is returned following any construction phase. A condition in this respect is invited.
- 3.3 The appellant also expresses concern over the cement plinth that accompanies the railings along the eastern side boundary. They request that this be re-specified as a granite one. The applicant has responded by referring to a note on drawing no. 1504-P-P002, which refers to their intention to specify a granite plinth.
- 3.4 I conclude that the issue of ensuring that any removal of railings and their corresponding plinths from the front boundary would lead to their subsequent reinstatement can be addressed by means of a condition.

(iv) Water

- 4.1 The application is accompanied by an engineer's report on foul and surface water drainage arrangements. Dublin City Council's Drainage Section has raised no objection to this report, subject to conditions, which include within their ambit reference to the proposed cellar.
- 4.2 I note that the footprint of the proposed cellar would be 49.02 sq m and so it would extend over 6% of the site area. I note, too, that under the advice set out in Section 17.9.11 of the CDP with respect to basements, this cellar would be acceptable.
- 4.3 I conclude that proposed drainage arrangements for the proposal would be satisfactory.

(v) AA

- 5.1 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 be linked to these 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.

5.2 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.

9.0 CONCLUSIONS AND RECOMMENDATION

In the light of my assessment, I conclude that the current proposal would accord with the proper planning and sustainable development of the area. I, therefore, recommend that amendments and additions to the permitted application reg. no. WEB1082/14 for the refurbishment and extension of the house at 4 St. Mary's Road South, Ballsbridge, Dublin 4, be permitted.

REASONS AND CONSIDERATIONS

It is considered that, subject to conditions, the proposal, as a series of amendments to the parent permission granted to application reg. no. WEB1082/14, would be compatible with the visual and residential amenities of the area. Drainage arrangements would be satisfactory and no Appropriate Assessment issues would arise. The proposal 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 conditions attached to the parent permission granted to application reg. no. WEB1082/14 shall be complied with, except where modified by this permission.

Reason: In the interest of clarity.

3. Water supply and drainage arrangements, including the attenuation and 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.

4. The proposed 2m high steel gate is to be composed of solid timber.

Reason: In the interest of visual amenity.

5. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

6. Prior to the commencement of development, a scheme shall be submitted to and agreed in writing with the planning authority pertaining to site access arrangements during the construction phase. Insofar as these arrangements may necessitate the removal of a portion of the railings to the front boundary, including their corresponding granite plinths, this scheme shall address the following:

- (a) The exact portion of railings and plinths that would be removed.
- (b) Where this portion of railings and plinths would be stored.
- (c) Means of ensuring the protection of railings and plinths that remain insitu.
- (d) A timetable for the reinstatement of the said portion of railings and plinths following substantial completion of the construction phase and prior to first occupation of the extended dwelling house, whichever is the sooner.

Reason: In order to ensure that the front boundary treatment is safeguarded, in the interest of visual amenity.

Hugh D. Morrison
Planning Inspector
19th August 2016