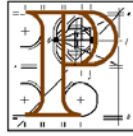


An Bord Pleanála



Inspector's Report

Appeal Reference No: PL29S.246826

Development: Alterations, extensions and refurbishment, to include demolition of existing substandard extensions and structures at the side and the rear and the construction of a new extension, part single storey, part two storey to the side and rear together with the reinstatement of the original front boundary with period railings and gates and the restoration of the original front elevation and its brick façade at 1 Garville Road, Rathgar, Dublin 6.

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: WEB1147/16
Applicant: Jonathan Ford
Planning Authority Decision: Grant, subject to 10 conditions

Planning Appeal

Appellant(s): Sandra Lawler & Barry Cramer & Others
Rathgar Residents' Association
Type of Appeal: Third parties -v- Decision
Observers: None
Date of Site Inspection: 4th October 2017
Inspector: Hugh D. Morrison

1.0 SITE LOCATION AND DESCRIPTION

The site is located on Garville Road, which runs between Frankfort Avenue, to the north east, and Rathgar Road, to the west. This site lies on the southern side of the Road and towards its western end. Garville Road is composed of a variety of mainly two storey dwelling houses. The dwelling house on the site and the majority of other dwelling houses to the east and on the southern side are pairs of semi-detached dwelling houses of Victorian Villa style, which are distinguished by their centrally placed steps up to front doors at first floor level. Elsewhere there are examples of two storey red brick Victorian terraced dwelling houses and a modern three storey detached dwelling house and a modern three storey scheme of apartments with duplexes over.

The site is of rectangular shape and it extends over an area of 613.06 sq m. This site accommodates an end of row dwelling house, as described above. This dwelling house is accompanied by single storey extensions to the side and to the rear. It is served by front and rear gardens. The former is paved and serves as a drive-in area behind a dwarf wall. The latter accommodates a centrally sited, substantial, flat roofed shed, beyond which it is overgrown.

The rear garden abuts the parallel rear garden to No. 2 Garville Road, to the east, the extremity of the rear garden to No. 26 Vernon Grove, to the south, and rear gardens to Nos. 4 & 4A Belleville Avenue to the west.

2.0 PROPOSED DEVELOPMENT

The proposal would entail the following elements:

- The reinstatement of the front boundary with period railings and gates, i.e. a centrally placed pedestrian gate and a pair of vehicular gates to the RHS.
- The restoration of the brickwork to the first floor of the front elevation of the dwelling house.
- The demolition of the existing side and rear extensions (total floorspace 54.47 sq m) and a freestanding garden shed.
- The construction of a rear extension that would comprise ground and first floor elements (total floorspace 136.27 sq m). The ground floor element would include a courtyard to the east and to the west it would extend beyond the line of the exposed side elevation of the original dwelling house. The first floor element would include a projecting music room and an extension to facilitate a bathroom. The rear extension would be of contemporary design with tall windows to the two storey portion, flat roofs, and brick and render finishes.

The floorspace of the retained dwelling house would be 136.40 sq m and so the envisaged overall floorspace would be 272.67 sq m.

3.0 PLANNING HISTORY

None on site.

Comparable sites on Garville Road:

- At No. 5: 6507/06: Demolition of existing side and rear extensions + construction of part single/part two storey flat roofed rear extension and two storey double pitched roof side extension: Permitted and implemented.
- At No. 9: WEB1130/09: Demolition of existing two storey extension + construction of part single/part two storey rear extension: Permitted, subject to a condition that restricts the depth of the new extension to 6m, and implemented.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

The case planner's report:

- Acknowledges that the proposal is large, but accepts that its siting and design, which would include a court yard and a first floor element, would be such as would reduce its impact upon both the original fabric of the dwelling house and neighbouring properties. Potential overlooking is addressed under condition 3.
- Welcomes the restoration of the front elevation of the dwelling house and the reinstatement of the front boundary treatment.

Drainage: No objection, subject to conditions.

4.2 Planning Authority Decision

Permission was granted subject to 10 conditions, including one, denoted as no. 3, which requires the following revisions on the grounds of neighbour privacy:

- a) The two upper glass panes to the stairs windows in the eastern elevation of the extension shall be permanently glazed with obscure glass.
- b) A 1.8m high obscure screen shall be provide along the western side of the first floor landing area between the stairs and the music room.

5.0 GROUNDS OF APPEAL

A: The group of third party appellants is compose of the following residents:

- a) Miriam Mooney of 1B Garville Road
- b) Sandra Lawler & Barry Cramer of 4 Belle Ville Avenue,
- c) Bryan Hockley of 4A Belle Ville Avenue,
- d) Geraldine McDonough of 25 Vernon Grove, and
- e) Olive Le Bas of 26 Vernon Grove.

The following grounds of appeal are cited:

- Draft condition 3(a) refers to “the eastern elevation” and yet no such elevation was submitted, only Section BB, which shows the window in question. This condition is therefore flawed and the submission of the missing elevation would require a further public consultation exercise.
- The proposal would overwhelm the original Victorian dwelling house and so views of this dwelling house from the rear would be lost, save for its roof.
- The specific amenity concerns of the appellants are as follows:
 - In relation to (a), dominance, overlooking and overshadowing of rear garden,
 - In relation to (b), inadequate separation distances and dominance, overbearing, overlooking, and overshadowing of rear elevation of dwelling house,
 - In relation to (c), inadequate separation distances, overbearing and overlooking,
 - In relation to (d), size, overlooking, and possible noise nuisance of music room, and
 - In relation to (e), scale and overlooking.
- The proposal would result in the relationship between the original dwelling house and the garden being broken. As this dwelling house is a Victorian Villa, this relationship should be maintained on conservation grounds.
- The proposal would pay insufficient regard to the other of the pair of semi-detached dwelling houses at Nos. 1 & 2 Garville Avenue.
- The proposed full-height windows are considered inappropriate for inclusion in a tightly-knit urban context and they could be accompanied by an extended first floor in the future.

- The proposed flat roof would likewise be inappropriate to the historic context of the site.
- At a minimum the first floor of the proposal should be omitted.

B: Rathgar Residents' Association

- Attention is drawn to the modest and relatively rare design of the original dwelling house and its location within a conservation area.
- The proposal is critiqued on the basis that its size and design would engulf the original dwelling house and so be at odds with its location in a conservation area.
- The proposal would adversely affect the residential amenities of the area.
- The proposal would lead to a loss of rear garden and its attendant water attenuation properties.

Both appellants support each other's grounds of appeal.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

None.

6.2 First party response

- Attention is draw to the design of the proposal, which would combine retention of the original period dwelling house and the addition of a new contemporary extension.
- The proposed extension would be c. 400 mm lower than the existing parapet and so it would be sub-servient to the dwelling house.
- The proposed extension, which would incorporate a flat zinc-seam roof, would not cause any significant overshadowing.
- The combined footprint of the original dwelling house and the proposed extension would represent a site coverage factor of 32% and so the proposal would not lead to over development.
- The design of the proposal is fully depicted on the submitted plans.

- The music room would simply be used for the purpose of listening to music. Its side elevations would be curved and set back from the common boundaries of the site to respect the residential amenities of neighbouring properties. Its elevations would be finished in brick to a traditional Flemish-bond and pointed in a “tuck” style lime-mortar to match the front elevation of the original dwelling house.

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 zoned Z2, wherein the objective is “To provide for and/or improve the amenities of residential conservation areas.” Policy FC41 and Section 17.10.8.1 address development in conservation areas.

8.0 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) Legal/procedural,
- (ii) Conservation,
- (iii) Amenity, and
- (iv) AA.

(i) Legal/procedures

1.1 Appellant A draws attention to the reference to “the eastern elevation” in condition 3. As there is no submitted plan of this elevation, they state that this condition is invalid and that, if the Board is minded to replicate it, then a plan of the same would be required and a further public consultation exercise would be necessary.

1.2 The applicant has responded by stating that a full set of plans has already been submitted.

1.3 I note that appellant A is correct in stating that there is no plan of the eastern elevation in its entirety. However, I note, too, that the submitted plans are sufficient to enable this elevation to be envisaged. Thus, if Sections AA and BB are read in conjunction with the proposed ground

and first floor plans, then it can be fully understood. Specifically, the cited reference is to part of the eastern elevation, which is recessed, and so it is depicted explicitly in Section BB. If the Board is minded to replicate condition 3, then in the interests of clarity, this Section could be referred to.

1.4 I conclude that the submitted plans do depict the proposal satisfactorily and so there is no legal/procedural impediment to the Board assessing/determining the proposal in the normal manner.

(ii) Conservation

2.1 Policy FC41 of the CDP undertakes to protect and conserve the special interest and character of conservation areas in the development management process. Section 17.10.8 of the CDP states that particular regard will be given to the impact of proposals on the surrounding environment and streetscape.

2.2 The appellants express concern that the proposal would engulf/overwhelm the rear elevation of the applicant's dwelling house, which is of Victorian Villa style, and it would sever the existing relationship between this elevation and the rear garden. They contend that this proposal would be inappropriate within a conservation area.

2.3 The applicant has responded to these concerns by stating that the proposal would entail the retention of the original dwelling house and the addition of a contemporary rear extension, in place of sub-standard existing ones, that would be subservient in scale to the original rear elevation. He, therefore, contends that it would be appropriate to a conservation area.

2.4 I note that the emphasis of the CDP on conservation of the streetscape. I note, too, the pattern of recent development on Garville Road (cf. planning history), wherein the planning authority has permitted substantial rear extensions of contemporary design to comparable dwelling houses on Garville Road.

2.5 The proposal would include the reinstatement of railings and gates to the front boundary and the restoration of the brickwork to the front elevation of the dwelling house. Both these measures would enhance the streetscape of the conservation area. Details of the type of railings to be installed and the methodology of the restoration work proposed could be conditioned.

2.6 The proposed rear extension would have limited visibility from Garville Road, i.e. only along the passageway beside the exposed side elevation of the dwelling house. The height of this extension would either coincide with or come below the eaves lines of the rear elevation. The design

would incorporate curved features to the ground floor rear elevation and the two side elevations to the first floor music room and tall more extensive windows to the recessed portions of the eastern and western elevations. Finishing materials would include render and brickwork, which would reproduce the bonding and mortar detail of the restored brickwork to the front elevation of the original dwelling house.

2.7 I conclude that the streetscape aspects of the proposal would enhance the conservation area. I conclude, too, that the proposed rear extension would be a well-considered addition to the original dwelling house that, in keeping with current thinking on good conservation practice, would be clearly distinguishable from this dwelling house, while respectful of it in terms of its scale and design.

(iii) Amenity

3.1 The proposed rear extension would comprise a ground floor that would be considerably more extensive than the first floor.

3.2 The ground floor would be sited adjacent to the common sides boundaries in two places. Thus, on its eastern elevation, beyond the proposed court yard (2.7m in depth), it would extend over 5.4m. The accompanying boundary comprises a wall with a timber fence above it and so, if this is retained, the visibility of this extension would be minimal. On its western elevation, the ground floor of the utility room would be adjacent to the intersection between the common walled boundaries between the site and No. 1B Garville Road and No. 4 Belleville Avenue, which is well away from the dwelling houses on these two neighbouring plots.

3.3 The first floor would comprise two elements, i.e. an extension to the existing shallow return on the eastern portion of the rear elevation to facilitate a bathroom internally and a music room that would be connected by a landing and stairs to both the ground floor of the extension and the original dwelling house. The rear elevation of the former extension would align with the rear elevation of the adjoining two storey extension to the dwelling house at No. 2 Garville Road. The side elevations of the music room would be curved. Thus, the western one would lie between 1305 and 2084 mm from the nearest common boundary. External windows to this room would be in the southern elevation. Internal ones would overlook the atrium above the proposed kitchen. The western side of this atrium would contain one of the tall extensive windows, cited above under the heading of conservation, while the second of these windows would accompany the proposed stairs and it would overlook the proposed court yard.

3.4 The appellants express concern that the proposal would adversely affect the amenities of neighbouring properties. Specifically, the potential noise

nuisance of the proposed music room is cited, as are the impacts of overlooking and overshadowing. Furthermore, this proposal is critiqued as being over-development that would be overbearing.

3.5 The applicant has responded to the first of these concerns by stating that the room in question would only be used for the purpose of listening to music electronically rather than practise/rehearsals. He considers that over-development would not arise as the site coverage factor would be 32% and he considers that the incorporation of flat roofs would ensure that the presence of the proposed rear extension would not have the dis-amenity impacts feared.

3.6 The applicant's semi-detached dwelling house is orientated just off a north/south axis and it is virtually paralleled to the south by the dwelling houses at Nos. 25 & 26 Vernon Grove, which would lie 30m away from the nearest two storey element of the proposed rear extension. The nearest dwelling house to the north west, at No. 1B Garville Road, has a single storey rear extension with glazing in its south eastern elevation, which would lie 13.5m away from the aforementioned element. The nearest dwelling house to the south west is at No. 4 Belleville Avenue. This dwelling house has a single storey rear extension with glazing in its north eastern elevation. It would lie 6.8m away from this element. The nearest dwelling house to the south south west is at No. 4A Belleville Avenue. It has glazing in its ground floor rear elevation that would be 12.5m away from the same.

3.7 In the light of the foregoing paragraph, the siting, orientation, design, and height of the proposed rear extension would be such that I do not consider that it would lead to any appreciable overlooking or overshadowing of adjacent dwelling houses. In this respect, I dissent from the planning authority's condition 3, as I do not consider that that the windows in question would afford appreciable views into neighbouring properties and any incidental views would be from circulation spaces and so would be akin to conventional stairs windows in side elevations. Furthermore, I do not consider that this extension would be overbearing, when viewed from neighbouring properties.

3.8 I, therefore, conclude that the proposal would be compatible with the amenities of the area.

(iv) AA

4.1 The site is located neither in a Natura 2000 site nor near such a site. It presently accommodates a dwelling house that is fully serviced and the proposal is to simply extend this dwelling house.

4.2 Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

9.0 RECOMMENDATION

It is considered that the proposed development should be granted for the reasons and considerations hereunder.

REASONS AND CONSIDERATIONS

Having regard to the Dublin City Development Plan 2011 – 2017 and the pattern of recent development in the area, it is considered that, subject to conditions, the proposal would fulfil the Z2 objective for the site and Policy FC41 for development within conservation areas. The proposal would be compatible with the residential amenities of the area. No Appropriate Assessment issues would arise. 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. Prior to the commencement of development, the developer shall submit to and agree in writing with the planning authority the following items:
 - (a) Details of the railings to be installed along the front boundary to the site, and
 - (b) The methodology for the restoration of the brickwork to the front elevation of the existing dwelling house on the site.

Reason: In order to afford the planning authority an opportunity to control these aspects of the proposal, in the interest of good conservation practice.

3. 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.

4. 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.

5. The following requirements of the planning authority shall be met:

- (a) The lamp stand in the public footpath adjacent to the front boundary of the site shall be retained insitu.
- (b) The public footpath shall be dished to correspond with the proposed vehicular entrance.
- (c) The proposed gates shall open inwards only.

Reason: In the interest of visual amenity and road safety.

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.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to 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.

8. 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.

9. The developer shall pay to the planning authority a financial contribution of €10,454 (ten thousand, four hundred and fifty-four euro) 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 – 2015. 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. The application of any indexation required by this condition 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.

Reason: It is a requirement of the Planning and Development Act 2000 – 2015 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Hugh D. Morrison
Planning Inspector
6th October 2016