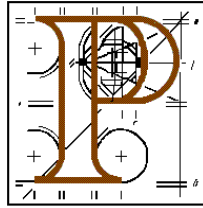


An Bord Pleanála



Inspectors Report

Appeal Reference No:	PL29S.246827
Development:	New 1 st floor extension to side and over garage and modifications to rear window layout at 21 Belmont Gardens, Donnybrook, Dublin 4.
Planning Application	
Planning Authority:	Dublin City Council
Planning Authority Reg. Ref.:	2664/16
Applicant:	Darragh Lyons and Karen Lawless
Planning Authority Decision:	Grant permission
Planning Appeal	
Appellant(s):	Darragh Lyons and Karen Lawless Suzanne and Vincent Dempsey
Type of Appeal:	First and Third party
Observers:	None
Date of Site Inspection:	22/09/2016
Inspector:	Gillian Kane

1.0.0 SITE LOCATION AND DESCRIPTION

- 1.0.1 The subject site is located at the end of the residential cul-de-sac Belmont Gardens, to the south of Belmont Avenue in Donnybrook D4. The cul-de-sac is comprised of pairs of semi-detached dwellings with garages to the side. A number of the dwellings have converted the garages to habitable accommodation and some have extended at first floor level over the garage.
- 1.0.2 Currently on site, is a two storey semi-detached dwelling of similar style to the dwellings in the rest of the cul-de-sac. A unique feature of this pair of semi-detached dwellings is a concrete balustrade running across the first floor elevation between the pair of dwellings. This balustrade is not replicated anywhere else in the cul-de-sac.
- 1.0.3 Photographs and maps in Appendix 1 serve to describe the site and location in further detail.

2.0.0 PROPOSED DEVELOPMENT

- 2.0.1 Permission was sought for the construction of a new first floor extension to the side of an existing two storey semi-detached dwelling and modifications to window layout on rear elevation.
- 2.0.2 Details provided in the application form are as follows: Total site area is 495sq.m. with 18.65sq.m. new floor area proposed, and 197.77sq.m. to be retained. Proposed new floor area total 216.42sq.m. The application form states that this results in a plot ratio of 1:0.43 and a site coverage of 24%.

3.0.0 PLANNING HISTORY

- 3.0.1 Planning Authority reg. ref. **4214/07**: Planning permission granted for new dormer window to rear.
- 3.0.2 Planning Authority reg. ref. **0057/02**: Planning permission granted for conversion of garage to playroom.

4.0.0 PLANNING AUTHORITY DECISION

4.1.0 Planning and Technical Reports

- 4.1.1 **Drainage Division Engineering Dept**: No objection subject to conditions.

4.1.2 **Planning Report:** Proposed minor modifications to rear will not affect neighbouring properties. Proposed side extension may effect light entering neighbours gable window. Extension should be set in by 0.5m, reducing bedroom two to 1.8m in width. Overlooking not considered an issue due to number of windows overlooking Eglinton Road.

4.2.0 **Planning Authority Decision**

4.2.1 By order dated 03/06/2016 a notification of intent to GRANT permission was issued, subject to 6 no. conditions. Condition no. 2 states:

“Prior to the commencement of development the applicant shall submit revised plans for the written approval of the Planning Authority pulling in the first floor extension from the side boundary with no. 23 Belmont Avenue by 0.5m with bedroom 2 being used as a study / store only. Reason: In the interest of the residential amenity of the area.”

5.0.0 **GROUNDS OF APPEAL**

5.0.1 The grounds of the First party appeal against Condition no. 2 can be summarised as follows:

- Many of the dwellings on Belmont Gardens have been upgraded and extended, including side extensions over the garage to provide first floor habitable accommodation. Photographs submitted.
- Details provided of first floor extensions granted permission at no. 17, no. 15, no. 5, no. 28, no. 27, no. 29, no. 12, no; 19 and no. 15 Belmont Gardens. Current application for two storey extension to the side of no. 11 Belmont Gardens.
- Proposed development is similar to a number of first floor extensions over garages that have been completed in Belmont Gardens and the extension is in keeping with the character of the houses and the adjoining properties.
- Proposed rear extension has been carefully designed to be in accordance with the development plan policies on extensions.
- Condition no. 2 makes the extension unworkable and out of keeping with the streetscape. Bedroom no. 2 would measure 6.5sq.m. and be unusable as a bedroom with a reduction in width from 2.3m to 1.8m.
- Condition no. 2 is inconsistent with other recently permitted development in Belmont Gardens. It is stated that nine

houses have been granted planning permission to build over the garage space with one application pending a decision. It is submitted that nine houses out of the 30 in the estate does not represent a small number. The decision of the Council in those instances was that the proposed development would not result in any undue adverse effect on the residential amenities of the adjacent buildings.

- It is submitted that the 2670mm separation distance between the neighbouring property and the proposed gable is sufficient and a further setback of 0.5m is unnecessary. The proposed first floor would not have any negative impacts on the residential amenity of the area.
- The set-back required under condition no. 2 would result in a visually discordant first floor extension which would not be in proportion with the existing built form or the adjoining dwelling. Should the adjoining dwelling carry out a similar extension the 1m gap between dwellings would become an area for debris to accumulate.
- The proposed modest first floor extension does not interfere with visual or residential amenity. The Board is requested to remove condition no. 2.
- Appeal is accompanied by photographs showing recent first floor extensions in Belmont Gardens, architects drawing of the proposed development complying with condition no. 2 and a copy of the Planning Authority decision.

5.0.2 The grounds of the Third party appeal can be summarised as follows:

- No.s 21 and 23 Belmont Gardens being located at the end of a cul-de-sac are visible from Belmont Avenue a designated Conservation Area. The over garage balustrades are a unique and conspicuous feature of the Gardens. The two houses have been designed as a pair, as a visual termination to the cul-de-sac and provide a strong architectural quality to the area.
- The proposed development will result in the removal of this unique feature, adversely affecting the symmetry of the dwellings and the visual amenity of the streetscape.
- The report of DCC does not address the impact of the proposed development on the streetscape of Belmont Gardens or the Belmont Avenue Conservation Area. The negative impact on streetscape and visual amenity in an area with the zoning objective to protect, provide and

- improve residential amenity and in the vicinity of a Conservation Area are valid grounds for objection.
- The condition of the Council to set back the proposed first floor extension will exacerbate the imbalance in symmetry.
 - The impact of the proposed development on the privacy of no. 23 has not been addressed. Nor has the reduction in light available to the rear of no. 23 been addressed. Photograph attached.
 - Should the Board decide to grant permission, the Board is requested to attach a condition to protect the structural integrity of the boundary wall and garage roof of no. 23 during and after construction.
 - The appellants object to the scale of the proposed development. It is stated that no. 21 has been extended twice, with the incremental negative impact on visual amenity and the architectural quality of Belmont Gardens. It is submitted that the proposed development will exacerbate this negative impact. Photographs attached.
 - It is submitted that the proposed development did not comply with the requirements of Article 19 to 23 of the Planning and Development Regulations 2000-2015, with respect to the site notice and the content of the drawings submitted.
 - The Board is requested to refuse permission.

6.0.0 RESPONSES

6.1.0 Planning Authority Response

6.1.1 No comment on file.

6.2.0 Third Party Response to First Party Appeal

6.2.1 The response to the grounds of appeal can be summarised as follows:

- None of the other houses on Belmont Gardens form a focal point equivalent to that of no.s 21 & 23. Therefore other extensions have as significant an impact as the proposed development.
- Of the examples given by the applicant for precedent
 - no/s 19,17,15 and 5 are end of terrace with no adjoining garage / gable
 - no.s 27 and 29 were extended in tandem
 - no. 28 is extended to the rear, set back from the street front.

- the proposed extension of no. 11 extends the gable wall only 0.65m towards the adjoining dwelling
- the extension at no. 33 is pre-63
- no. 12 adjoins a rented property from which there was no objection.
- The appellants agree that the proposed 0.5m set back would be visually discordant.
- The appellants are the owners of no. 23 and have no plans to extend. One cannot presume that the Council would attach a set back condition as there would be no window in the gable of no. 21.

6.3.0 First Party Response to Third Party Appeal

6.2.1 Additional issues raised in the response to the grounds of appeal can be summarised as follows:

- The proposed extension is designed to a high standard and is sympathetic to the existing and adjoining dwelling in design and materials. It is submitted that the pair of dwellings do not form a strong visual termination. Belmont Gardens is a Stringer built estate of the 1930's with a narrow road, on-street car parking on both sides and a row of trees lining the footpath. The primary characteristic is the design of the dwellings, the width of the road and the mature gardens.
- The houses are not protected structures and their architectural merit lies in the simple design and original finishes.
- Many of the houses have undergone changes. The proposed development is in keeping with the original design and the removal of the balustrade will not have any significant impact on the streetscape.
- It is stated that Mr A. Daltun does not reside at no. 19 Belmont Gardens.
- The window on the gable of no. 23 illuminates a landing. It is north-east facing and a reduction in light would not have a significant impact on residential amenity.
- All boundary details will be overseen by the Applicant Architect and Engineer. A condition requiring structural stability is not necessary.
- The rear first floor windows of both properties overlook the gardens. The proposed window is to a family bedroom which does not have the same overlooking impacts as a first floor

living room/ kitchen. No impact will arise from the bedroom window overlooking the adjoining garden as this is a common practice in built up residential areas.

- The proposed development is not excessive. The subject site is very large and the proposed development is similar to many in the area.
- The proposed development will not and all existing development undertaken to date has not affected the architectural quality or the visual amenity of Belmont Gardens.
- The subject application was in compliance with the Planning and Development Regulations 2000-2015.

6.4.0 Observations

6.4.1 None on file.

7.0.0 POLICY CONTEXT

7.1.0 DUBLIN CITY DEVELOPMENT PLAN 2011 - 2017

7.1.1 The subject site is zoned “Z1” in the Dublin city development plan, with the stated objective “to protect, provide for and improve residential amenities” (‘Z1’–Sustainable Neighbourhood Residential Zoning).

7.1.2 Section **17.9.8 Extensions and Alterations to Dwellings**. The design of residential extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy. In addition, the form of the existing building should be followed as closely as possible, and the development should integrate with the existing building through the use of similar finishes and windows. Applications for planning permission to extend dwellings will be granted provided that the proposed development:

- Has no adverse impact on the scale and character of the dwelling.
- Has no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.

7.1.3 **Appendix 25** of the development plan outlines the Council's policies on Residential Extensions.

8.0.0 ASSESSMENT

8.0.1 On reading of all documentation submitted with the appeal, I consider the issues to be:

- Principle of the development
- Impact of the Proposed Development
- First Party Appeal of Condition no. 2
- Appropriate Assessment

8.1.0 Principle of the Development

8.1.1 The proposed development refers to the extension of a dwelling located in an area zoned to protect, improve and provide for residential amenity. It is considered that the proposed extension would be acceptable in principle subject to all other planning considerations being satisfactorily addressed.

8.2.0 Impact of Proposed Extension

8.2.1 The third party appellants, the residents and owners of the adjoining dwelling of the pair, object to the proposed development on the grounds that it will destroy the symmetry of the pair of dwellings and will negatively impact on the visual amenity of the overall area. They state that the over garage balustrades are a unique feature and form a visual termination to the cul-de-sac.

8.2.2 As noted above, the over-garage balustrades at no.s 21 and 23 appear to be the only ones in the area. They are of no particular architectural merit, notwithstanding that they are the only ones in the neighbourhood. I do not agree that they define the architectural quality of the cul-de-sac nor are they a conspicuous feature of the pair of dwellings. Certainly, they are not of such merit that they should restrict the ability of the dwelling to extend.

8.2.3 Whilst the dwellings in Belmont Gardens retain a uniformity in style and design, a number of them have undergone significant changes, in the form of extensions, refurbishments and alterations. A number of the dwellings in Belmont Gardens have extended over the garage. As noted by the third party appellant, a number of these extensions occurred at the end of a terrace however and so the impact on the adjoining dwelling is not the same. Notwithstanding the positioning of these extensions, the overall design effect of changed, upgraded and altered dwellings on the wider neighbourhood is the same – the dwellings are similar but not identical. The proposed extension is no different to that carried out on a number of the dwellings in the neighbourhood. The proposed extension is in keeping with the

architectural style and design of the existing dwelling, the adjoining dwelling and the wider neighbourhood. I do not accept that the proposed extension will visually detract from the architectural quality of the area, nor provide an unsympathetic streetscape.

8.2.4 The proposed extension will not affect the residential amenity of the adjoining dwelling in terms of overlooking or overshadowing, being entirely to the side of the subject dwelling. I am satisfied that the orientation of both dwellings will allow sufficient sunlight and daylight to enter the rear of both dwellings without injury to the residential amenity of either.

8.2.5 The proposed extension is considered to be in accordance with section 17.9.8 of the development plan, as it has no adverse impact on the scale and character of the dwelling and has no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.

8.2.0 First Party Appeal of Condition no. 2

8.2.1 The applicants have appealed condition no. 2 which states: "Prior to the commencement of development the applicant shall submit revised plans for the written approval of the Planning Authority pulling in the first floor extension from the side boundary with no. 23 Belmont Avenue by 0.5m with bedroom 2 being used as a study / store only. Reason: In the interest of the residential amenity of the area."

8.2.2 The applicants submit that the proposed modification will render the new room unusable as a bedroom, is out of character with the pattern of development in the area and will result in a visually discordant first floor extension, particularly if the adjoining dwelling seeks to extend at first floor level. I note that the third party appellants also object to condition no. 2, stating that the visual impact of the proposed modified extension would exacerbate the imbalance in symmetry of the two dwellings.

8.2.3 I can see no reason for the proposed modification of the proposed first floor extension. The proposed set back of 0.5m would not increase the light available to the adjoining dwelling to any significant degree, nor is it in keeping with the pattern of first floor extensions in the neighbourhood. I concur with both parties that the proposed set back would exacerbate the imbalance in symmetry of the proposed extension. Notwithstanding that the current owners of

no. 23 say they will not extend, should the need for same arise at a future date the proposed set-back would render such an extension unworkable. Should the Board be minded to grant permission, condition no. 2 of the Councils decision should not be included.

8.2.4 The proposed development will not injure the residential amenities of the subject or surrounding dwellings and is in accordance with the proper planning and sustainable development of the area.

8.2.0 Appropriate Assessment

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

9.0.0 RECOMMENDATION

I have read the submissions on file, visited the site, and have had due regard to the provisions of the Dublin City Development Plan 2011 - 2017, the planning history on the subject and adjoining sites and all other matters arising. It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the development plan, would not injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area. I recommend permission be GRANTED subject to the following conditions:

10.0.0 REASONS AND CONSIDERATIONS

10.1.0 Having regard to the zoning objectives for the area and pattern of development in area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity and would be acceptable in terms of traffic safety, public health and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

- 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. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours 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.

3. 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.

4. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay rubble or other debris on adjoining roads during the course of the works.
Reason: In the interest of residential amenity

Gillian Kane
Planning Inspector
23/09/16