



An
Bord
Pleanála

Inspector's Report PL29S.246999

Development

The demolition of scullery/outside w.c. block to rear for the provision of a single storey rear extension, alterations to existing second floor storage area for the provision of 2 no. additional bedrooms with an increase to ceiling height, external works to roof and front boundary, and provision of garden shed in the rear garden.

Location

Ivy Lodge, 62 Belmont Avenue, Donnybrook, Dublin 4.

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

2898/16

Applicant(s)

Dolours Reynolds

Type of Application

Permission

Planning Authority Decision

Grant, subject to 13 conditions

Type of Appeal	Third Party
Appellant(s)	Frank O'Rourke
Observer(s)	None
Date of Site Inspection	3 rd November 2016
Inspector	Hugh D. Morrison

1.0 Site Location and Description

- 1.1. The site is located on the south eastern side of Belmont Avenue, a residential street which runs on a north east/south west axis between Donnybrook Road (N11) and Sandyford Road (R117). This site lies in the south western portion of this Avenue, which is composed of a mixture of single storey and two storey detached, semi-detached, and terraced dwelling houses, which exhibit a variety of designs from different architectural periods. The resulting streetscape is quite eclectic.
- 1.2. The site itself is of elongated rectangular shape and it extends over an area of 768 sq m. This site accommodates a mid-terrace five bay two storey Georgian townhouse with a half-width two storey return, attached to which is a small single storey rear extension. This return and lean-to abut the south western boundary of the site, as does a freestanding garden shed, which is sited just beyond the lean-to. The townhouse is served by an ungated vehicular access from Belmont Avenue, which serves a gravelled area enclosed by boundary walls. The townhouse is also served by a long rear garden, punctuated by mature trees and shrubs, and, likewise, enclosed by boundary walls.

2.0 Proposed Development

- 2.1. The proposal would entail the demolition of the lean-to rear extension, which comprises a scullery/outside w.c. block (2.2 sq m), and the construction of a single storey rear extension (60 sq m). This extension would be attached to the return and it would accommodate a kitchen, dining room, and a lounge. The majority of the extension would be the full width of the rear garden. The space enclosed by it, the said return, and the rear elevation of the townhouse would be laid out as an external courtyard.
- 2.2. The proposal would entail alterations to two existing second floor storage areas, which are largely within the roofspace of the townhouse, to provide two bedrooms with en-suites under higher ceilings than pertain at present.
- 2.3. The proposal would comprise the following external works, too:

- The full stripping of the existing slates from the existing retained roofs and the re-slating of these roofs with either recovered salvaged slate or new replacement natural blue Bangor slate,
- The widening of the existing vehicular entrance, by means of the partial demolition of the front boundary wall, and the installation of new vehicular gates,
- The construction of a detached garden shed (15 sq m) towards the foot of the rear garden,
- The installation of metal railings above the retained front boundary wall, and
- All associated works.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 13 conditions, including those cited below under other technical reports and one that requires the widening of the vehicular access to be 2.8m, "To protect the integrity of the protected structure and the ACA."

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Reference is made to Section 17.10.6 of the Dublin City Development Plan 2011 – 2017, which seeks to cap vehicular access widths at 2.6m. Reference is also made to the cap of 2.8m that was acceded to at No. 60 Belmont Avenue and so this width is conditioned.
- The dwelling houses at Nos. 60 and 64 are protected structures and they have both been the subjects of rear extensions.
- Concerns about overshadowing to No. 64 from the proposed single storey extension to the north east are set aside on the basis that any such overshadowing would not be significant.

3.2.2. Other Technical Reports

- Drainage: No objection, subject to conditions.
- Roads & Traffic Planning: No objection, subject to conditions, including one that requires the widening of the vehicular access to be to the north and thus into the existing double yellow lines rather than south and into an on-street parking space.
- City Conservation Officer: No objection, subject to conditions, including one that requires the submission of a methodology for damp proofing works.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

See appellant's grounds of appeal.

4.0 Planning History

The site:

- **D0722/15**: A Section 57 declaration was issued on 25th February 2016.

At No. 60 Belmont Avenue:

- **3230/15**: New single storey rear extension + internal and external alterations to the existing dwelling house: Permitted.
- **2579/16**: Rooflight in the rear roof plane + widening of vehicular access to 2.8m: Permitted.

5.0 Policy Context

5.1. Development Plan

The dwelling house on the site is a protected structure (ref. 669) and it lies within the Belmont Avenue/Mount Eden Road & Environs ACA and in an area that is zoned Z2

under the Dublin City Development Plan 2016 – 2022 (CDP), wherein the objective is “To protect and/or improve the amenities of residential conservation areas.” Policies CH1 & 3 address protected structures and ACAs.

5.2. **Natural Heritage Designations**

None.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The proposed extension would be 3.55m above ground level from within the site and 3.67m from with the appellant’s rear garden.
- Consequently, it would block morning light to adjacent openings in the rear portion of the dwelling house at No. 64 and enclose views from the dining room.
- The demolition of the scullery would entail the demolition of the old boundary wall between Nos. 62 & 64.
- No. 64 would be devalued.

The appellant proposes a solution to the problem encapsulated by the above grounds. Thus, the proposed extension should be re-sited adjacent to the boundary with No. 60, where a long two storey windowless rear extension abuts this boundary. A passageway could be introduced between this extension and the boundary with No. 64.

6.2. **Applicant Response**

Returned as received out with the statutory 4-week period.

6.3. **Planning Authority Response**

Attention is drawn to the case planner’s report that informed the planning authority’s decision.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

7.0 **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) Conservation,
- (ii) Amenity,
- (iii) Access, and
- (iv) AA.

(i) Conservation

7.1.1 The subject townhouse is a protected structure that lies within an ACA. The proposal would entail works to this townhouse, including the demolition of a single storey lean-to rear extension and the construction of a single storey rear extension.

7.1.2 The applicant has submitted a Conservation Statement, which comments on the proposed works. This Statement advises that most of the original features of the townhouse have been retained intact and the original plan form remains unaltered apart from the said rear extension. (A Section 57 declaration (D0722/15) on the townhouse concludes that the demolition of this extension *per se* would not require planning permission). It discusses both this demolition and the construction of the proposed single storey rear extension. The conservation impact of these works upon the townhouse would be “medium” insofar as integral to the said extension would be the removal of part of the ground floor rear elevation of the return, including two six-over-six timber framed sliding sash windows. The applicant proposes to re-use the older of

these two windows to replace the external door in the north eastern side elevation of the return, which would no longer be needed. Thus, only one of these windows would be lost. The proposed single storey rear extension would represent good conservation practice insofar as it would be constructed largely clear of the townhouse and in a contemporary idiom. Thus, the original townhouse would remain legible.

7.1.3 The Conservation Statement itemises the other proposed internal and external works and deems their impact to be either low or neutral or positive. This Statement also interacts with a further document, submitted by the applicant, which provides an Outline Methodology for these works.

7.1.4 The City Conservation Officer accepts the appropriateness of the aforementioned works. She draws attention to the omission of any reference to a methodology for damp proofing works and so submission of the same is the subject of a condition in the planning authority's draft permission. I concur with her assessment of the proposal.

7.1.5 I conclude that the proposal would be appropriate from a conservation perspective.

(ii) Amenity

7.2.1 The appellant expresses concern that the proposed single storey rear extension would adversely affect his residential amenity insofar as it would overshadow the ground floor dining room window in the rear elevation of the dwelling house at No. 64 and curtail the outlook from the same. Consequently, his property would be devalued.

7.2.2 The rear elevation in question aligns with the rear elevation of the two storey return to the subject townhouse. The amenity value of the ground floor dining room window, which faces south east, is, at present, affected by a number of factors. Thus, while this window overlooks an external yard, this yard is enclosed to the south west by a projecting two storey return and to the south east by a single storey extension. A stone wall runs along the common boundary between Nos. 62 and 64 and, within the application site, the existing lean-to rear extension and the freestanding garden shed beyond it further enclose the yard to the north east. Thus, the baseline formed by these factors

is such that the lighting to and outlook from the window in question are restricted.

7.2.3 Under the proposal, the aforementioned rear lean-to extension and freestanding garden shed would be demolished and a single storey rear extension would be constructed in their place. The depth of the former and the latter along the common boundary would be comparable. Thus, only the presenting height to the yard would change and so a marginal increase in overshadowing and additional loss of outlook would ensue, however, not to the extent that the residential amenity of the ground floor dining room window would be significantly affected. Accordingly, I do not consider that objection to the proposal would be warranted and I do not consider that the appellant's property is in danger of being devalued.

7.2.4 The appellant has suggested a re-siting of the proposed single storey rear extension further away from the common boundary between Nos. 62 and 64. However, as the majority of this extension would be the full width of the rear garden, this suggestion would entail redesigning the same. Given my view that objection to the proposed extension is not warranted, I do not consider that requiring such redesign would be reasonable.

7.2.5 The appellant also expresses concern that this extension would lead to the partial removal of the historic stone wall along the common boundary between Nos. 62 and 64. However, the submitted plans indicate that this wall would be retained in conjunction with the construction of the proposed single storey rear extension.

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

(iii) Access

7.3.1 The proposal would entail the widening of the vehicular access to the site from 2.35m to 3.5m in a south westerly direction. The planning authority's draft permission seeks by condition to cap the width of this access at 2.8m and to require that it take place in a north easterly direction. It justifies these stipulations by reference to the fact that a comparable widening at the neighbouring property (No. 60) was capped at 2.8m and the change of direction

would encroach on a portion of Belmont Avenue that is subject to double yellow lines rather than a formally laid out on-street parallel car parking space.

7.3.2 While I concur with the planning authority's approach to the revision of the proposed widening of the vehicular access to the site, I consider that it should also incorporate a lip to the mouth of the vehicular access to ensure that the gravel surface of the parking area remains contained.

7.3.3 I conclude that the proposed widening of the vehicular access to the site would be acceptable, provided it is capped at 2.8m, occurs in a north easterly direction, and the gravel surface is contained.

(iv) AA

7.4.1 The site is located neither in or near to a Natura 2000 site. It lies within an established suburban area that is fully serviced. Accordingly, no Appropriate Assessment issues arise.

7.4.2 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.

8.0 Recommendation

8.1. In the light of my assessment, I recommend that the proposal be permitted.

9.0 Reasons and Considerations

Having regard to the Dublin City Development Plan 2016 – 2011 and the planning history of the site and adjoining sites, it is considered that, subject to conditions, the proposed works to the protected structure would represent good conservation practice, the proposed single storey rear extension would be compatible with the residential amenities of the area, and the proposed widening of the vehicular entrance would be acceptable, provided its width is capped, the direction of widening is changed, and the gravel surface to the parking area is contained. No Appropriate Assessment issues arise. The proposal would thus accord with the proper planning and sustainable development of the area.

10.0 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) The vehicular entrance shall be widened to a maximum of 2.8m.
 - (b) The vehicular entrance shall be widened in a north easterly direction only.
 - (c) A lip shall be installed across the mouth of the vehicular entrance.
 - (d) Details of the design of the railings and the gates to be installed shall be prepared.

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 safeguard the streetscape of the Architectural Conservation Area, to ensure that the adjacent on-street car parking space is not encroached upon, and to prevent gravel from being dragged onto the public road.

3. (a) The existing dished footpath shall be extended to correspond with the widened vehicular entrance in accordance with the detailed standards of the planning authority for such works.
- (b) The pair of gates to be installed in the widened vehicular entrance shall open inwards only.

Reason: In the interest of road safety.

4. 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.

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.

7. Prior to the commencement of works to the townhouse, the developer shall submit to and agree in writing with the planning authority a scheme showing the extent of and specifying the methodology for damp proofing works.

Reason: To safeguard the integrity of the protected structure.

8. Except where they are the subject of works authorised under this permission, all existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

Reason: To ensure that the integrity of the retained features is maintained and that they are protected from unnecessary damage or loss of fabric.

9. All proposed works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

Reason: To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

10. The developer shall pay to the planning authority a financial contribution of €768 (seven hundred and sixty-eight 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

4th November 2016