



An
Bord
Pleanála

Inspector's Report PL29S.247162.

Development	Amendment to previously permitted extension (1327/14) and alterations by addition of a single storey extension.
Location	14 Eastmoreland Place, Dublin 4.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	1227/16.
Applicant(s)	Mirka Kelly.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First party.
Appellant(s)	Mirka Kelly.
Observer(s)	None.
Date of Site Inspection	20 th of October 2016.
Inspector	Karen Hamilton.

1.0 Site Location and Description

1.1. The subject site includes a two storey dwelling which fronts onto Eastmoreland Place, off Pembroke Road. The site is 0.002 ha in size and is formerly part of the rear garden of a protected structure at No 2 Pembroke Road. Eastmoreland Place consists of a mix of uses and the unit to the south of the site is currently used for a framing business. The ground floor boundary wall abuts the gable elevation of the return of the protected structure at No 2 Pembroke Road.

2.0 Proposed Development

- 2.1.1. The proposed development relates to amendments of 1327/14 to include:
- The addition of a first floor extension (3m²) above an existing ground floor extension.
 - Amendment to roof design of winter garden granted under 1327/14.

3.0 Planning Authority Decision

3.1. Decision

Decision to refuse permission for reasons of overshadowing on the adjacent property at No 4 Pembroke Road.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner may be summarised as follows:

- This elevational treatment is more appropriate than a previous refusal on the site (1364/16).
- The first floor detail would cause a continuous two storey elevation with the rear of No 4 Pembroke Road and would cause overshadowing on this property.

3.2.2. **Other Technical Reports**

Drainage Division- No objection subject to conditions.

3.3. **Prescribed Bodies**

None received.

3.4. **Third Party Observations**

None received.

4.0 **Planning History**

1364/16

Decision to refuse a single storey extension to the side of dwelling. The reason related to overshadowing and impact on streetscape.

1327/14

Decision to grant permission for the construction of a two storey extension and changes to fenestration.

2308/09

Decision to grant single storey “winter garden” on ground floor and first floor bedroom.

5481/05

Decision to grant permission for erection of boundary wall between No 2 Pembroke Road and No 14 Eastmoreland and relocation of access. Decision to refuse permission for removal of staircase between ground and first and creation of self-contained unit in No 2 Pembroke Road.

5.0 **Policy Context**

5.1. **Architectural Heritage Guidelines for Planning Authorities, 2004.** Development guidelines for Protected Structures and Areas of Architectural Conservation.

5.2. **Dublin City Development Plan 2016-2022**

The site is split between **Z2** “To protect and/or improve the amenities of residential conservation areas” and **Z1** “To protect, provide and improve residential amenities”

- 5.2.1. The site is located adjacent to a protected structure (No2 Pembroke Road), is partially within a conservation area and is within a Zone of Archaeological Interest, therefore the following policies apply.

Policy CHC2: To ensure that the special interest of protected structures is protected.

Section 11.1.5.3 Protected Structures - Policy Application. The design, form, scale, height, proportions, siting and materials of the new development should complement the special character of the protected structure. The traditional proportionate relationship in scale between buildings, returns, gardens and mews structures should be retained.

Appendix 24: Protected Structures and Buildings in Conservation Areas.

Section 11.1.5.13 Preservation of Zones of Archaeological Interest and Industrial Heritage. Development standards relate to the protection of archaeology in line with relevant legislation, DAHG policy documents and guidelines.

- 5.2.2. **Extensions to dwellings.**

Section 16.10.12 Extensions and Alterations to Dwellings: Extensions to dwellings must not have an adverse impact on the scale and character of the dwellings or adversely affect the amenities of the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

Appendix 17: Guidelines to extensions to dwellings.

6.0 The Appeal

6.1. Grounds of Appeal

The main issues raised in the grounds of appeal can be summarised as below:

- There is a drafting error in the drawings which suggests the proposed extension is higher than intended. Additional drawing submitted with the appeal (570.1 PP4) include a ridge line to the return of No 4 rather than No 2 as originally indicated.

- The design was amended to address a previous refusal 1364/15 and the proposed flat roof was changed to a pitch. The fenestration detail has also been changed.
- Shadow projection drawings have been submitted to illustrate there is no overshadowing on the return of No 4 Pembroke Road.
- The window to the rear of No 4 Pembroke is not the original window for this room nor the main source of daylight.

6.2. **Planning Authority Response**

The main issues have been dealt with in the original planner's report.

6.3. **Observations**

None received.

7.0 **Assessment**

7.1. The following assessment has regard to the revised plans submitted with the applicants' response and includes an amendment to the ridge of the roof, in keeping with the rear return of No. 2 Pembroke Road. No response was received from the planning authority on this amendment. The main issues of the appeal can be dealt with under the following headings:

- Principle of development
- Residential Amenity
- Built Heritage
- Appropriate Assessment

Principle of Development

7.2. The proposed development includes the construction of a first-floor extension to the side of an existing dwelling. The site is zoned for residential development in the

current development plan and therefore subject to complying with other planning requirements as addressed in the following sections, the principle of the proposal is acceptable.

Residential Amenity

- 7.3. The reason for refusal relates to the proximity of the proposed development to No 4 Pembroke Road and the potential to overshadow this property. The grounds of appeal contend that based on the orientation and massing of the extension the proposed development will not cause any overshadowing on No 4 Pembroke Road. The applicant has submitted a shadow protection report from BPG3 Ltd.

Overshadowing: The proposed extension is to the north west of No 4 Pembroke Ave, and as a result has limited potential to result in a significant level of overshadowing. I note that the submitted shadow projections illustrate an increase of overshadowing on the garden of No 4 in the evening during June. I also consider that based on the orientation of the building there is potential for an increase in overshadowing on the rear first floor window of No 4 Pembroke Road in the late evening. It has been argued in the grounds of appeal that the rear window in No 4 Pembroke is not an original and the room it serves also has a large window along the eastern aspect. Based on the duration and location of overshadowing from the proposed development I do not consider the amount of overshadowing is of significance to have a serious negative impact on the residential amenities of No 4 Pembroke Road.

Overlooking: The proposed development does not include any windows on the rear aspect and therefore I do not consider there to be any issue of overlooking on No 4 Pembroke Road.

Overbearing: The proposed first floor extension extends the width of the existing first floor of the dwelling by an additional 4m. I consider the proposed development taken in conjunction with the current dwelling would result in a 2 storey structure along the entire lateral boundary with No 4 Pembroke which would be overbearing and have a serious negative impact on the residential amenity of that property, particularly the rear garden area.

Built Heritage

- 7.4. No 14 Eastmoreland Road is located in the former rear garden of protected structure at No 2 Pembroke Road. There is a separation distance above ground level (4m) between the rear of No 2 Pembroke Road and the first floor side elevation of No14 Eastmoreland Road. The proposal relates to the construction of a first-floor side extension which will abut the first-floor rear wall of No 2 Pembroke Road resulting in the loss of this 'gap' between the two buildings.
- 7.5. A previous refusal on the site,1364/16, included a proposal for a similar flat roof extension. The design of the proposed extension and the negative impact on the streetscape was stated as the reason for refusal. In an attempt to overcome this refusal, the current proposal is designed to replicate part of the rear return of No 2 Pembroke Road with similar window design and natural slate tiles. The external finish of red brick is to match the existing dwelling and the two storey extension granted in 1327/14.
- 7.6. Policy CH2 of the development plan requires that the impact of proposed development respects the character and setting of the protected structures. In addition to this Section 11.1.5.3 seeks to ensure that the design, form, scale, height, proportions, siting and materials of the new development should complement the special character of the protected structure, and that the traditional proportionate relationship in scale between buildings, gardens and mews structures should be retained.
- 7.7. I consider the removal of the existing separation distance on the first-floor between No 2 Pembroke and 14 Eastmoreland results in additional mass and bulk to both dwellings. The design of the first floor extension includes elements from both No 2 Pembroke and No 14 Eastmoreland Road, where the window and roof pitch will match No 2 Pembroke. I do not consider the attempt to replicate the design of the protected structure at this location satisfactory and further creates a negative impact on the setting of No 2 Pembroke Road.
- 7.8. Therefore, based on the removal of the separation distance and the design of the proposal, I consider the proposed development would be visually obtrusive and dominant in form in terms of design, location and external finishes and would be

contrary to Policy CHC2 and would have a negative impact on the character and setting and integrity of a protected structure at No 2 Pembroke Road.

Appropriate Assessment

- 7.9. Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance to 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 the conservation objectives of any European site.

8.0 Recommendation

I recommend that planning permission should be refused for the two reasons as set out below.

Reasons and Considerations

1. The proposed first floor extension would result in the loss of the visual separation between No 14 Eastmoreland Place and No 2 Pembroke Road, a protected structure. It is considered, therefore, that the proposed development would be detrimental to the setting and integrity of the protected structure and would be contrary to the provisions of CHC2 of the Dublin City Development Plan 2016-2022 "*To ensure that the special interest of protected structures is protected*". The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development would result in a two storey structure along the entire lateral boundary with No 4 Pembroke Road. It is considered that this would result in an excessive bulk and mass which would have an overbearing impact on that property particularly the rear garden, and would seriously injure the residential amenity of the property. The proposed development

would, therefore, be contrary to the proper planning and sustainable development of the area.

Karen Hamilton
Planning Inspector

28th of November 2016