



An
Bord
Pleanála

Inspector's Report PL 29S.247187

Development	Convert garage to store, two storey extension and increase in width of vehicular access.
Location	63 Belmont Ave, Donnybrook, D4.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	1104/16.
Applicant(s)	John Mullan.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party.
Appellant(s)	Maire Elliot & Peter & Judith Carcy, Pauline Kinsella.
Observer(s)	None.
Date of Site Inspection	03 rd of November 2016.
Inspector	Karen Hamilton.

1.0 Site Location and Description

1.1. The subject site includes a two storey detached dwelling with front and rear gardens and private off street parking fronting onto Belmont Avenue, Donnybrook. Belmont Avenue is predominantly residential with a mix of house types and finishes. The site is located within the Belmont Ave, Mount Eden Road and Environs Architectural Conservation Area (ACA). The site backs onto Muckross Park College and is bounded by mature hedging and trees along the rear boundaries.

2.0 Proposed Development

2.1. The proposed development will consist of:

- Conversion of attached garage to utility/ store (16.7m²).
- First floor side extension over garage (11m²).
- Part single storey and part two storey extension to the rear (88.7m²).
- Increase in width of vehicular access to 3.6m.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission. The following conditions are of note:

C. 3: Required the removal of the second vehicular entrance.

C. 4: Required reduction in the depth of the first floor extension by 1m therefore not projecting more than 4m from the rear wall of the original dwelling.

3.2. Planning Authority Reports

3.2.1. Planning Reports

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

- Concern was raised over the proposal for the second vehicular entrance and the impact of the flat roof on the streetscape in ACA.

- Additional Information was requested for the following:
 - Amendment of the flat roof on the first floor side extension to provide symmetry to the dwelling.
 - Amendment to the arrangement of the first floor circulation and windows to reduce the impact on No 61 Belmont Ave.
- The additional information request did not satisfy the concerns of the planner in relation to overshadowing on the adjoining properties therefore Condition No 4 was included to reduce the depth of the first floor level by 1m.

3.2.2. Other Technical Reports

Road and Traffic Planning Division- No objection subject to conditions.

Drainage Division - No objection subject to conditions.

3.3. Third Party Observations

There were two submissions received which relate to the grounds of appeal.

4.0 Planning History

There is no relevant history on the site.

5.0 Policy Context

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

Ch. 3: Section 3.7: Provides guidance for planning authorities for the appropriate inclusion of policies for Architectural Conservation Areas.

5.2. Dublin City Development Plan 2016-2022

5.2.1. The site is zoned as **Z2** *“To protect and/or improve the amenities of residential conservation areas”*

5.2.2. The site is located within an Architectural Conservation Area, Belmont Ave, Mount Eden Road and Environs’ therefore the following policies and guidance apply.

Belmont Ave, Mount Eden Road and Environs ACA Report. New developments should have no adverse impact on, and be sympathetic to, the character of the area in terms of scale, materials, proportions or detailing. The use of front gardens for car parking results in the loss of the leafy spacious quality.

Section 11.1.5.4 Architectural Conservation Areas. Works must not materially affect the character of the area.

CHC4: To protect the special interest and character of all Dublin's Conservation Areas.

Appendix 24 – Protected structures and buildings in Conservation Areas.

5.2.3. **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 appellants are the owners of the neighbouring properties and the grounds of appeal can be summarised as follows:

- The current dwelling is 121m² the proposed extension is to be 114m² representing a floorspace increase of 94%.
- The issues raised in relation to the impact on the Conservation Area were not dealt with sufficiently, nor has any care been given to the architecture of the area. The Conservation Officer was not consulted.
- The proposed first floor extension is the only proposal in a row of five. The further information submission had little impact on the overall scale and massing of the proposed extension.

- The proposed vehicular access would have an adverse impact on the streetscape and dominate the site in terms of hardstanding.
- The proposed development would have a negative impact on the adjoining amenity as it will overlook, overshadow and overbear these properties. The development plan requires that extensions have regard to the amenities of adjoining properties.
- Shadow projection drawings are not sufficient as the extension is not distinguishable.

6.2. Applicant Response

The applicants' agents have submitted a response to both third party appeals which may be summarised together as follows:

- The proposed development complies with Section 17.9.8 and Appendix 25 of the Dublin City Development Plan 2011-2017.
- The surrounding dwellings are not uniform in design and others dwellings in the vicinity Belmont Ave which have similar side extensions.
- The proposed rear extension projects 4m from the rear boundary although it will be located 4.5m from the side of No 65.
- There would be some overshadowing although this would be negligible because of the north facing location. Condition No 4 will help alleviate the slight overshadowing experienced by the neighbour. The proposed development complies with guidance in BRE 2009 (*"UK guidance for Site Layout Planning for Daylight and Sunlight"*).
- The proposed development would reduce overlooking as there are two bathrooms with opaque glazing and only one bedroom. These are located further from the current rear gardens.
- The inclusion of the pitch roof ensures the side extension is sympathetic to the overall surroundings.
- There is no issue with the vehicular access as the planning authority have conditioned that it be removed.

- There noise and disruption is regulated by the Traffic department and the Noise and Air Pollution section in the council.

6.3. **Planning Authority Response**

The response from the planning authority refers to the planning report to justify the decision.

6.4. **Observations**

No observations were received.

7.0 **Assessment**

7.1. 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 alterations to an existing garage, first floor extension over side and a two storey extension to the rear of a 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 proposed development includes for a first-floor side extension and a two storey rear extension. The grounds of appeal argue that the proposed extension is excessive and will have a detrimental impact on residential amenity by way of overlooking, overshadowing and overbearing. I have assessed each of these issues individually below.

- 7.4. Overlooking: The proposed development includes three windows on the first-floor rear elevation, two for bathrooms and one for a bedroom. It is argued these will have a negative impact on the amenity space of the adjoining residents. The applicants' submission states that it will improve the existing situation as the proposed windows are further from the existing immediate rear garden space of the adjoining properties. There are no windows along either the east or the west side elevation. Based on the location and proposed use of the first floor rear windows, I do not consider the proposed development will have a negative impact on the adjoining residential amenity by way of overlooking.
- 7.5. Overshadowing: The proposed development is located to the east and west of the adjoining residential properties. Shadow projection analysis drawings were submitted which illustrate overshadowing on the rear conservatory of No 65, to the west, in the late evening. I note the shadow projection drawings and the recommendation of the planning authority to reduce the size of the first floor extension to 4m from the rear of the existing dwelling. I consider the reduction in the depth of the first floor extension sufficiently addresses any significant overshadowing on adjoining properties. This can be included as a condition. Therefore, based on the orientation of the site, a reduction in the depth of the first floor extension and the size of the rear gardens, I consider the proposed development will not seriously injure private amenities of adjoining residents.
- 7.6. Overbearing: The proposed two storey extension to the rear will extend 5m from the edge of the existing rear boundary wall. The first floor is located 4.5m from the side of No 65 and 4.5m from the side of No 61. C.4 of the grant of permission required a reduction in the depth of the rear extension by 1m so as not to project further than 4m from the rear wall of the original house. The grounds of appeal argue that the scale of the rear extension will have a negative impact on their residential amenity. I note that the kitchen at No 65 faces onto the rear of the subject site, the kitchen has an additional setback of approximately 2m from the existing side of No 65. I also note C.4 requires a reduction in the depth of the first floor extension which I consider is reasonable to reduce any impact of overbearing on No.65. Therefore, based on a reduction of the first floor extension to 4m from the current rear wall and the location of the proposed development, I do not consider the proposed development would

have a negative impact on the adjoining residential amenity by reason of overbearing.

Built Heritage

- 7.7. The site is located within the Belmont Ave, Mount Eden Road and Environs ACA which radiates from Donnybrook and has an attractive streetscape with a range of house types. Many of the dwellings in the vicinity contain original features and the subject site is one of five two storey units along the southern side of Belmont Avenue which have similar features. The grounds of appeal argue that the overall proposal did not sufficiently consider the setting of the dwelling within the ACA and the impact on the streetscape.
- 7.8. Layout and Design: The proposed development includes the removal of a garage door on the ground floor, replacement with a side access door and a first floor extension above the garage. The first floor extension includes a pitched roof and slate roof, slightly lower than the current roof. I note that approximately three dwellings have undertaken similar type side extensions in the vicinity none of which I consider have an adverse impact on the character of the ACA although none of the side extensions have an access door on the ground floor, only windows to match the existing dwelling. I note the drawings submitted illustrate a change to the window design on the first floor elevation of the existing dwelling to match those proposed. Based on the variation of house design in the vicinity and the overall scale and mass of the proposed side extension, I do not consider the proposed development would have a significant adverse impact on either the current dwelling or the streetscape in the ACA. I consider the proposed access door on the ground floor front elevation has a negative impact on the proportions of the current dwelling and therefore a negative impact on the streetscape of the ACA. I consider it reasonable to condition replacement of door with a window to match the existing.
- 7.9. Vehicular access: The proposed development included the widening of an existing vehicular entrance and the creation of an additional 3.6m opening at the pedestrian entrance. Appendix 24 of the development plan states that the original boundary walls and/or railings and plinth wall must be retained when considering new access. In addition to this the ACA report for the area does not support the removal of front gardens for parking. The grounds of appeal argue that the proposed parking on the

site is not appropriate as it would dominate the streetscape with openings and the site with hardstanding. C. 3 of the grant of permission required the removal of the proposed vehicular entrance to the front of the site along the west. Based on the guidance provided in the development plan and the ACA report and the existing high quality boundary along the front of the site, I consider it appropriate to restrict the new vehicular parking.

Appropriate Assessment

- 7.10. 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

- 8.1. I recommend that planning permission should be granted for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the zoning objective, the design and layout of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. The proposed development would, therefore, be in accordance 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - a. The front access door on the ground floor of the front elevation shall be replaced with a window to match the current dwelling;
 - b. The depth of the first floor extension on drng 16.102.FID04, shall be reduced so it shall not protrude further than 4m from the rear wall fo the existing dwelling; and
 - c. Removal of the second vehicular access to the west of the site.

Prior to the commencement of development revised drawings showing the above modification shall be submitted to and agreed in writing with the Planning Authority.

Reason: To comply with the visual amenities of the Architectural Conservation Area.

3. The external finishes of the proposed extension, including roof tiles/slates, shall be the same as those of the existing dwelling in respect of colour and

texture. 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. 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.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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.

6. 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.

Karen Hamilton
Planning Inspector

29th of November 2016.