



An
Bord
Pleanála

Inspector's Report PL29S.247274

Development

Construction of a 116.3 sq m two storey extension to rear, alterations to the front façade to include the addition of a new porch, re-plastering and hipped roof to replace the existing flat roof section with all associated site development works.

Location

9 Shrewsbury Park, Ballsbridge,
Dublin 4

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

3242/16

Applicant(s)

Ivor & Melissa Cherry

Type of Application

Permission

Planning Authority Decision

Grant, subject to 7 conditions

Type of Appeal

Third Party -v- Decision

Appellant(s)

David & Margaret Henderson

Observer(s)

None

Date of Site Inspection

2nd December 2016

Inspector

Hugh D. Morrison

1.0 Site Location and Description

- 1.1. The site is located on the initial portion of Shrewsbury Park, a residential cul-de-sac off Merrion Road (R118). This site lies on the north western side of this portion of the cul-de-sac, which is composed of detached two storey dwelling houses set within their own grounds. These dwelling houses are of similar design and they exhibit similar brickwork with subsidiary white render finishes to their front elevations.
- 1.2. The site itself is rectangular in shape and it extends over an area of 603 sqm. This site accommodates a detached two storey dwelling house with, on its north eastern side, an attached garage and a flat roofed first floor extension over this garage. This dwelling house is served by front and rear gardens and it is accessed off the said cul-de-sac.

2.0 Proposed Development

- 2.1. The proposal would entail the following items:
 - The demolition of a 3.2 sqm lean-to conservatory on the rear elevation of the dwelling house,
 - The construction of a two storey rear extension (117.6 sqm) across the entire width of the existing dwelling house,
 - The replacement of the existing flat roof over the first floor side extension with a fully hipped double pitched roof, and
 - Alterations to the front elevation, which would entail the installation of new upvc windows and the application of a nap plaster finish to the existing brickwork.

The retained floorspace would be 169 sqm and so, under the current proposal, the total floorspace of the extended dwelling house would be 286.6 sqm.

- 2.2. At the appeal stage, the applicant submitted amended plans, which show the south western portion of the proposed two storey rear extension as a single storey element in accordance with the requirements of condition 7(a) attached to the draft permission. These plans also show the omission of the high level ground floor

window from the south western side elevation of this element and the specification of a triangular rooflight in its place.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 7 conditions, including the following one:

7. The development hereby approved shall incorporate the following amendments:

(a) The first floor of the proposed rear extension shall be permanently set back 2 metres from the north western boundary (the boundary shared with No. 7 Shrewsbury Park).

Reason: In the interests of orderly development and visual amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

See planning authority's decision.

3.2.2. Other Technical Reports

- Drainage: No objection, subject to conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

See grounds of appeal.

4.0 Planning History

Site

None

Elsewhere on Shrewsbury Park

- 1882/06 for No. 4: Part single/part two storey rear extension with, amongst other things, first floor windows in extended side elevation: Permitted, subject to a condition that omitted the first floor window to the en-suite to safeguard residential amenity.
- 3655/14 for No. 3: Demolition of garage to side and construction of part two/part single storey side extension with rear dormer window to former and rooflight to latter and various other alterations: Permitted.

5.0 Policy Context

5.1. Development Plan

Under the Dublin City Development Plan 2016 – 2022 (CDP), the site is shown as lying within an area zoned Z1, wherein the objective is “To protect, provide and improve residential amenities.” Section 16.2.2.3 and Appendix 17 of this Plan address alterations and extensions.

5.2. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

- Attention is drawn to the 2.4m long window proposed for the south western elevation. This window would appear above the adjacent common boundary wall and it would overlook the appellants’ kitchen patio, which is illuminated when in use at night.
- The said window would serve a habitable room and so the specification of opaque glazing is irrelevant.
- Attention is drawn to 1882/06 for 4 Shrewsbury Park. In this case the presence of windows in side elevations was discussed and deemed to be undesirable and so it forms a precedent for the current proposal.

- Draft condition 7 reflects the pre-application advice given to the applicants of 3655/14 for 3 Shrewsbury Park. Beyond this condition the proposal would be unaltered and so the said window would remain in a position set back only 0.349m from the appellants' patio.
- The said window would not be needed to ensure that the living room which it would serve would be adequately lit and ventilated. As a fixed light, this window would, in any event, not contribute to the ventilation of this room.
- Draft condition 7 would introduce a flat roof single storey portion of extension adjacent to the common boundary in question. If a roof light were to be installed, then in the absence of the window compensatory lighting could be obtained. Under 3655/14, such lighting was installed.
- The said window would lead to negative noise impacts arising to each adjoining residential property.

6.2. Applicants Response

The applicants have responded to the appellants concern over the said window by omitting it and specifying a rooflight in its place.

6.3. Planning Authority Response

The planning authority has reviewed this proposal and it request that the Board upholds its decision.

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) Visual amenity,
- (ii) Residential amenity, and
- (iii) AA.

(i) Visual amenity

- 7.1.1 The site lies in an area that is zoned Z1 and the proposal would entail extensions and alterations to the existing detached two storey dwelling house, guidance on which is set out in Section 16.2.2.3 and Appendix 17 of the CDP.
- 7.1.2 The proposed replacement of the flat roof over the first floor side extension with a fully hipped double pitched roof would, visually, “tie in” this extension to the original dwelling house and so it would enhance the visual amenities of the area.
- 7.1.3 The submitted plans state that the existing upvc windows would be replaced by new upv windows and that the aforementioned new roof would be clad in materials to match the existing fully hipped and double pitched roof. They also state that the brickwork on the front elevation would be the subject of a nap plaster finish. This brickwork encompasses the entirety of the walls to the front elevation, apart from the spaces between the three first floor windows in the original dwelling house and a band above these windows and underneath the eaves line. This pattern of finishes is replicated on the front elevations of the other dwelling houses on the north western side of the cul-de-sac that are of the same type and design as the applicants’ dwelling house. It thus contributes positively to the character of the local streetscape. I therefore consider that it would not be in the interest of the visual amenity of the area for the proposed nap plaster finish to be applied.
- 7.1.4 I conclude that the proposal would be compatible with the visual amenities of the area, provided that the proposed nap plaster finish to the existing brickwork in the front elevation of the dwelling house is omitted.

(ii) Residential amenity

- 7.2.1 The proposed two storey rear extension would be the full width of the existing rear elevation of the dwelling house and its eaves height would coincide with that of this dwelling house, too. Its depth would be consistently 4.55m at first floor level. Over the southern and central portions, this depth would be replicated at ground floor level. However, over the northern portion it would extend to 7.051m to encompass a single storey dining area.

7.2.2 Under condition 7(a) of the draft permission, the most south westerly portion of the proposed two storey rear extension would be reduced to a single storey element over a 2m length. The appellants have welcomed this condition. However, they express concern over a high level window that would remain in the south western elevation of this element. This window would appear above the wall that denotes the common boundary between the site and the appellants' adjoining residential property at No. 7. They consider that the presence of this window and the artificial light and possible noise that would be emitted through it would adversely affect their enjoyment of an adjacent patio/barbeque area.

7.2.3 The applicants have responded to the appellants' concern by taking up their request that the said window be omitted in favour of a triangular rooflight, which would resemble the one they already propose for above the single storey dining area.

7.2.4 In view of the aforementioned amendment and as the appellants have cited no other amenity concerns, the proposal is now presumably acceptable to both parties. I have reviewed the proposed two storey rear extension in relation to any amenity impacts that it might have upon other neighbouring properties. To the north east, the nearest dwelling house has a two storey rear extension that presents as a substantial blank side elevation to the applicants' rear garden. This extension would parallel the same. To the north west, there are other residential properties. However, as their rear gardens are 12m deep and the applicants' rear garden would be c.15m deep post-construction of the rear extension, separation distances would be more than adequate. The retention of mature landscaping along the common boundaries would, in any event, continue to screen adjoining properties.

7.2.5 I conclude that the proposal, as amended by condition 7(a) attached to the draft permission and the plans submitted at the appeal stage, would be compatible with the residential amenities of the area.

(iii) AA

7.3.1 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.

7.3.2 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

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 – 2022, the proposal would fulfil the Z1 zoning objective for the site and, subject to conditions, it would comply with the advice set out on domestic extensions and alterations in this Development Plan. The proposal would thus be compatible with the visual and residential amenities of the area and, as such, it would 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, as amended by the further plans and particulars received by An Bord Pleanála on the 18th day of October, 2016, 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 application of nap plaster to the brickwork on the front elevation of the dwelling house shall be omitted.

Reason: In order to safeguard the character of the streetscape in the interest of visual amenity.

3. The roofing materials used to finish the new roof over the existing first floor side extension and the roof over the proposed two storey rear extension shall match the roofing materials on the existing roof over the original dwelling house.

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. Site development and building works shall be carried only out between the hours of 8.00 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.

6. 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.

7. The developer shall pay to the planning authority a financial contribution of €6,687 (six thousand six hundred and eighty-seven 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

9th December 2016