



An  
Bord  
Pleanála

## Inspector's Report PL29S.247550

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<b>Development</b>	Retention of partly constructed 2-storey extension with alterations and permission for completion of extension.
<b>Location</b>	22 Portobello Road, Dublin 8
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3592/16
<b>Applicant(s)</b>	Eamon Lewis
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Eamon Lewis
<b>Observer(s)</b>	Teresa & Michael Coffey
<b>Date of Site Inspection</b>	20 <sup>th</sup> February 2017
<b>Inspector</b>	Karla Mc Bride

## 1.0 Site Location and Description

The appeal site is located in Portobello on the south side of Dublin and the surrounding residential area is characterised by a mix of single and 2-storey terraced houses. The appeal premises comprises a single storey house with a small back yard that opens onto a laneway. The existing house has been extended to the rear by the addition of a 2-storey storey which is not fully completed. The site overlooks the Grand Canal and it backs on to a terrace of 2-storey houses along Saint Kevin's Road. Photographs and maps in Appendix 1 describe this relationship in more detail.

## 2.0 Proposed Development

2.1. Planning permission is being sought to retain the partly constructed 2-storey extension with alterations and the completion of the extension.

- The permitted extension was to be c.7m deep, 6m wide & 5.02m high.
- The partly constructed extension was c.7m deep, 6m wide & 5.64m high.
- The altered extension is now c.7m deep, 6m wide & 5.36m high.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to refuse planning permission for one reason:

The current height of the extension to be retained, notwithstanding the alterations to the parapet, render the extension out of keeping with the scale and character of the original house and contrary to the visual amenities of the area, including the N and S banks of the Grand Canal which form a conservation area. The proposal to be retained would have an overbearing impact on adjoining properties and set an undesirable precedent for similar extensions of this height and design. The retention of the extension at the current height would therefore be contrary to the provisions of the Development Plan and to the proper planning and sustainable development of the conservation area.

### 3.2. **Planning Authority Reports**

Planning Officer: Recommended the refusal of permission.

Drainage Division: No objection subject to conditions.

### 3.3. **Third Party Observations**

Two objections raised concerns in relation to adverse impact on residential amenity and visually obtrusive and visible for the Grand Canal footpath.

### 3.4. **Planning History**

**Reg. Ref.3644/12** Permission granted for a 2-storey rear extension.

**Reg. Ref. 4295/15** Permission refused for the retention of the increased height of the rear extension permitted under Reg. Ref. 3644/12 for one reason:

The increased parapet height to be retained would result in the extension being visible above the ridge line of the house, which would render the extension out of keeping with the scale and character of the original house and contrary to the visual amenities of the area, including the N and S banks of the Grand Canal which form a conservation area. The proposal, in itself and by the precedent it would set for further extensions of this type along the canal bank, would therefore be contrary to the provisions of the current Dublin City Development Plan and to the proper planning and sustainable development of the area.

**E0924/14** Complaint in relation to the construction of an extension higher than permitted. Enforcement Notice issued.

## 4.0 Policy Context

### 4.1. Development Plan

The proposed development would be located within an area covered by the Z1 zoning objective in the Dublin City Council Development Plan 2016 to 2022 which seeks to “To protect, provide and improve residential amenities”.

The site is also located within the Grand Canal Conservation Area.

#### **Extensions and Alterations to Dwellings (Section 16.10.12):**

The design of residential extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy and the development should integrate with the existing building.

#### **Guidelines for Residential Extensions (Appendix 17):**

Guidance is provided in relation to residential amenity, privacy, the relationship between the dwellings and extensions, daylight and sunlight, appearance, subordinate approach, materials, contemporary extensions, roof extension, sustainable design and solar panels. The extension should not dominate the existing building and the materials used should ideally be the same as those used on the existing building and it should not be larger or higher than the existing dwelling.

### 4.2. Natural Heritage Designations

The following NPWS designated areas are located within a 5km radius of the site:

- South Dublin Bay SAC (Site code: 000210)
- South Dublin Bay & River Tolka Estuary SPA (Site code: 004024)
- South Dublin Bay pNHA (Site code: 000210)

## 5.0 The Appeal

### 5.1. Grounds of First Party Appeal

- Permission was originally granted under 3644/12 for the demolition of an existing single storey rear extension and the construction of a new 2-storey rear extension with roof garden at first floor level.
- The issues raised in the Enforcement Notice related to the impact of the works on the view from the front from along the Grand Canal towpath and the impact on residential amenity to the rear, as a result of the parapets and the c.620mm increase in height over what was permitted.
- This application has reduced the height so that view from the towpath and the relationship with neighbouring properties is acceptable.
- The parapet retained to the N is lower by 280mm and it helps to conceal the rooflights which provide light to the first floor which has no windows.
- No objections to the original application under 3644/12, and the PA placed too much emphasis on the current objections in reaching its decision.
- Permission was refused under 4295/15 for the retention of the parapets and height increase for reasons related to the visual impact on the Grand Canal CA, and the planning officer's report stated that the main concern related to visual impact, with a small impact on residential amenity.
- The Enforcement Notice required:
  1. The removal of part of the rear extension that is not in accordance with 3655/12 (Drg. No. 1226-L (002)).

2. That no part of the extension be visible from the footpath on the canal side of Portobello Road.

- No. 2 has been complied with as the parapets have been removed.
- The current application relates to no.1 and the need to regularise a portion of the extension, permission is now being sought to retain and complete the structure to the rear which is 280mm lower than originally constructed.
- The overall footprint and dimensions are the same as those permitted under 3644/12 and there are no windows in the first floor rear elevation.
- The only difference is the profile of the roof which is not visible from the path, and the lean-to shed that occupied the rear of the site was higher.
- The development as proposed to be retained with slate cladding on the front façade will have no material effect on the character of the CA.
- Proposal complies with development plan zoning objectives & standards, other larger rear extensions were granted permission in the vicinity, and it would not adversely affect the Grand Canal conservation area.
- Finally, the demolition of the existing roof would have an adverse impact on the neighbours in terms of amenity and structural stability.

## 5.2. Observations

One observation received from Teresa & Michael Coffey who live at no.22 St. Kevin's Road to the rear N of the site. The observation was accompanied by a petition which was signed by 15 of their neighbours.

- The PA had a balanced approach to the concerns raised in relation to the impacts on the works on residential amenity.
- Observers have had to endure the view of an unfinished monolithic structure over a prolonged period of time.
- The disturbance caused to neighbouring properties and the stability of the original Victorian structure by the removal of the concrete slab roof is not a relevant reason to retain it in place.
- It is possible that the floor level was not set at a sufficiently reduced level to permit the 2-storey element to be constructed in accordance with the planning permission, and that this resulted in the height increase in order to provide for an adequate floor to ceiling height.
- A view from the S side of the canal has not been provided by the applicant and the works are still visible from this location which adversely affects the views along the Grand Canal Conservation Area.
- An undesirable precedent would be set for similar extensions of this height and design in the surrounding area.

### **5.3. Applicant's Response**

No response.

### **5.4. Planning Authority Response**

No response.

## 6.0 Assessment

The main issues arising in this case are:

- Principle of development
- Visual and residential amenity

### 6.1. Principle of development

The appeal site is located within an area covered by the “Z1” zoning objectives in the current Dublin City Council Development Plan which seeks to “To protect, provide and improve residential amenities.” The proposed development would be compatible with this objective subject compliance with the criteria set out in Appendix 17 of the Development Plan in relation to Residential Extensions.

### 6.2. Visual and residential amenity

The appeal site is located in the Portobello area of Dublin. Portobello Terrace comprises single-storey houses with rear yards and several of the houses have single and two storey extensions to the rear. The terrace is not covered by any sensitive heritage designations although the Grand Canal Conservation Area is located directly opposite the site and the terrace of houses to the rear at St. Kevin’s Road lies within a Z2 conservation area zone.

The partly constructed 2-storey extension to the rear of the appeal premises permitted under Reg. Ref.3644/12 was to be c.7m deep, 6m wide and 5.02m high. The height of the 2-storey section was increased to c.5.64m during the course of the construction works and parapets were included. Permission was refused under Reg. Ref. 4295/15 for the retention of this height increase for one reason related to the visual impact on views from the nearby Grand Canal Conservation Area. The parapets were mainly removed and the height of the structure was reduced to 5.36m. Permission has been refused for the retention of these alterations for one reason related to the impact on the scale and character of the original houses, visual impact along the canal, overbearing impact on adjoining properties and precedent.



The design, layout and footprint of the permitted extension and its relationship with the neighbouring residential properties has not been altered. The main change relates to the c.0.34m height difference between what was permitted and what was constructed and subsequently altered. The main issues relate to the impact of this latest height change on the residential and visual amenities of the surrounding area.

In relation to residential amenity, the neighbouring house to the E has a small single storey rear extension, the neighbouring house to the W has a part single and part 2-storey rear extension, and the 2-storey house to the rear N has a single storey rear extension. Having regard to the design, layout, scale and bulk of the previously permitted 2-storey extension on the site, I am satisfied that the c.0.34m increase in height would not have a significant additional adverse impact on the amenities of neighbouring properties with regard to overshadowing and overbearance. The height increase in itself would not set an undesirable precedent for similar rear extensions in the area as the structure already has the benefit of planning permission.

In relation to visual amenity, the front section of the roof of the 2-storey extension as originally constructed was highly visible from both of the footpaths along the N and S banks of the Grand Canal Conservation Area. The alterations carried out to the overall height of the structure have ensured that the roof is no longer visible from the footpath along the N bank of the canal. Although a small section of the roof is still visible from the footpath along the S bank of the canal, the works are not visually obtrusive with no significant adverse impact on the visual amenities of the Grand Canal Conservation Area. It is also noted that the appeal premises is not a designated protected structure and it is not located within a Z2 conservation area. Furthermore, the works to the rear of some of the neighbouring properties to the E at nos.17 and 18 Portobello Terrace are visible above the roof ridge line along the footpaths on the N and S sides of the Grand Canal Conservation Area.

Having regard to all of the foregoing, I am satisfied that the development proposed for retention and completion would not have an adverse impact on the residential or visual amenities of the area and that it would set an undesirable precedent.

## 7.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2016-2022, and to the nature and scale of the development proposed for retention and completion and to the pattern of development in the area, it is considered that subject to compliance with the following conditions, the development proposed for retention and completion would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 8.0 Conditions

1. The development proposed for retention and completion shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 conditions attached to the planning permission granted by Dublin City Council under Reg. Ref. 3644/12 shall be implemented in full.  
**Reason:** In the interest of clarity.

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Karla Mc Bride  
Senior Planning Inspector  
21<sup>st</sup> February 2017