



An  
Bord  
Pleanála

## Inspector's Report PL29S.247584

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<b>Development</b>	Ground and first floor extension at rear and internal alterations.
<b>Location</b>	44 Charleville Close, Rathmines, Dublin 6
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3318/16
<b>Applicant(s)</b>	Nora Ward and Henry Ward
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Lorca Kelly Stewart Kelly Anne Dillon Mary and David Willis Muireann and Colm O'Briain
<b>Observer(s)</b>	None

**Date of Site Inspection**

3<sup>rd</sup> February 2017

**Inspector**

Rónán O'Connor

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## 1.0 Site Location and Description

- 1.1. The appeal site is located on the southern side of Charleville Close which is a cul-de-sac mews lane accessed off Charleville Road.
- 1.2. The appeal site contains a 2-storey red brick semi-detached property and it is located on what originally would have formed part of the rear garden area of No. 18 Charleville Road (a Protected Structure). There is a side passage running alongside the eastern elevation of the subject property. This provides connection to the rear garden area
- 1.3. The adjoining property to the west (No. 42 Charleville Close) has a ground floor extension and the eastern elevation of this extension forms part of the rear boundary treatment between these two properties.
- 1.4. There is a small ground floor rear extension at No.46 to the east as well as a glazed timber structure in the rear garden of No. 46 which, at the time of my site visit, appeared to be in use as an office//laundry area.
- 1.5. The surrounding area is residential in nature.

## 2.0 Proposed Development

- 2.1. Ground and first floor extension at rear and internal alterations.

## 3.0 Planning Authority Decision

### 3.1. Decision

Grant permission with conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority. The following is of note:

- Request for further information in relation to (i) revised drawings showing a reduced bulk and scale of the extension (ii) revised plans showing how the required 15 sq. m. rear amenity space per bedspace can be achieved (iii) details of surface water run-off.
- Upon receipt of further information, the planning officer was satisfied the revised proposal was acceptable and the recommendation was to grant permission.

### 3.2.2. Other Technical Reports

Drainage – No objection

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

- 3.4.1. The Planning Authority received one submission. The issues raised are covered in the grounds of appeal.

## 4.0 Planning History

### 4.1. Subject Site

- 4.1.1. PL29S.237873 (3462/10) – Permission granted for ground and first floor extension at rear and internal alterations. ABP omitted the first floor extension entirely and required the ground floor extension be reduced so that the minimum rear garden depth of 7.5m is achieved.

### 4.2. Surrounding sites

- 4.2.1. 17 Charleville Close - 4021/15 & PL 29S.246150 - Permission granted for demolition of 2 storey extension to rear of existing dwelling and the construction of a new 2 storey extension to the rear of existing dwelling (a Protected Structure).

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The appeal site is zoned Residential Neighbourhoods (Conservation Areas) Z2 in the Dublin City Development Plan (2016-2022) with a stated objective “to protect and/or improve the amenities of residential conservation areas”.

5.1.2. Relevant policies and standards of the Dublin City Development Plan 2016-2022 include:

- Policy CHC4 - To protect the special interest and character of all Dublin’s Conservation Areas. Development within or affecting all conservation areas will contribute positively to the character and distinctiveness; and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.
- Paragraph 16.1.2 of the Plan relates to Residential Quality Standards
- Paragraph 16.10.12 of the Plan relates to extensions to residential properties
- Appendix 17 of the Plan provides guidance on residential extensions.

### 5.2. Natural Heritage Designations

None

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal as raised by the appellants (at 42, 46 and 48 Charleville Close and 18 Charleville Road) are as follows:

- Previous application was granted by An Bord Pleanála with condition requiring substantial amendments.
- City Council disregarded An Bord Pleanála’s decision on a number of fundamental matters.

- No planners report on file prepared subsequent to the receipt of further information
- Deficiency in open space requirements
- Existing typology is two-storey houses with single storey extensions
- Proposed extension is overbearing
- Loss of daylight and sunshine
- Loss of privacy.

## 6.2. Applicant Response

- Planning Officer's report on the further information submission is online
- Sufficient open space to serve the dwelling
- Residential buildings on Charleville Close do not have a set topology
- Scale of ground floor extension permitted by the Board in 2010 is greater than that permitted by DCC on this occasion.
- The first floor extension is 2m shorter than that proposed in 2010
- Drawings submitted as part of the appeal do not represent a true reflection of what can be seen from the rear of No. 46
- Development in rear garden of No. 46 reduces useable space
- Existing tall trees on the boundary
- Overlooking can be resolved by constructing 2m high wall
- Previous extension permitted would have similar impacts.

## 6.3. Planning Authority Response

- No further comment

## 6.4. Observations

- None

## 7.0 Assessment

7.1. In my assessment of the proposal I refer to the original application drawings as well as the revised drawings received as part of the further information submission.

7.2. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

- Principle of the proposed development
- Visual Amenity Impact / Streetscape
- Impact on the Protected Structure
- Residential Amenity Impact
- Other Issues

### 7.3. Principle of Development

7.3.1. The site is zoned 'Z2' under the Dublin City Development Plan, 2011-2017. The stated objective for 'Z2' zoned land is "to protect and/or improve the amenities of *residential conservation areas*". The principle of residential development is generally acceptable on 'Z2' zoned land, subject to safeguards.

### 7.4. Design and Impact on Visual Amenity

7.4.1. The site and surrounding area forms part of a larger residential area whose character is largely defined by the larger protected structures aligning the main thoroughfares. It is an objective of the Z2 Zoning to protect them from unsuitable development that would have a negative impact on their amenity or architectural quality.

7.4.2. The proposed ground floor extension is 5.8m in depth and is set in 0.75m off the eastern boundary with No. 46 Charleville Close. The extension is on the boundary with No. 42 Charleville Close.

7.4.3. At first floor level the proposed extension is 3.3m in depth, with a ridge height of 6.85m from ground level. On the boundary with No. 42 Charleville Close, there are parapet walls at both ground and first floor levels.



- 7.4.4. I note the previous permission required the omission of the first floor extension. It also required the depth of the ground floor extension to be reduced to allow for a minimum garden depth of 7.5m and the height of the ground floor extension to be reduced so as to match the height of the extension at No. 42 Charleville Close.
- 7.4.5. In this instance the ground floor extension has allowed for a garden depth of 8.2m. As such it is reduced in depth from that previously permitted. I consider depth of the ground floor element to be appropriate in this instance.
- 7.4.6. The height of the proposed ground floor extension is higher than its neighbour at No. 42. In design terms it would be more satisfactory for the ground floor element to match the maximum and minimum height of the ground floor extension at No. 42 which also has a sloping roof. The sloping roof should still be maintained on this extension. This can be achieved by way of condition.
- 7.4.7. In terms of overall scale and massing, I consider that, as proposed, the first floor extension is excessive. There is scope to reduce the overall scale and massing by setting in the first floor extension by 0.5m on either side and removing the parapet walls at ground and first floor levels. This can be required by way of condition.
- 7.4.8. In relation to the amenity space remaining, with the extensions in place there is a garden depth of 8.2m for the entire width of the garden, which exceeds the standard of 7.5m set out for Mews Dwellings in Section 16.10.16 'Mews Dwellings' of the Dublin City Development Plan.
- 7.4.9. In relation to the overall garden area remaining, there will be 49.7 sq. m. of open space remaining on the site to the rear. The Development Plan requires a total of 15 sq. per bedspace. Once the extension is constructed there will be 5 bedspaces on the site, requiring a total of 75 sq. m. However, the Development Plan states that, where the minimum garden depth of 7.5m is provided, the 15sq.m of private open space per bedspace may be relaxed. I consider that it is appropriate to do so in this instance, given the depth of the garden which exceeds the required standards. It is of note that the rear garden of the appeal site, with the development in place, is larger than that of both No. 46 and 48 Charleville Road.
- 7.4.10. In relation to the pattern of development in the area, I note there are a number of ground floor extensions in the immediate area, namely at No. 42, 46, 50, 52 and 54 Charleville Close. There is also substantial built form to rear garden of No. 46. While

there are no first floor extensions in place, I do not consider this precludes a first floor extension in this instance, subject to it being acceptable in appearance and subject to amenity impacts. The character of this terrace is one of a diverse range of properties and I do not consider this character will be undermined by the first floor extension on this appeal site. It is of note that the extension will not be visible from the public realm and as such the impact on visual amenity is subsequently limited.

7.4.11. As such it is considered appropriate to allow a first floor extension in this instance, albeit reduced in scale from that proposed.

7.4.12. Subject to the reduction in scale of the first floor extension, the removal of the parapet walls on the boundary with No. 42 Charleville Close and a reduction in height of the ground floor rear extension, I do not consider the additional bulk and mass that results from this current proposal to be unacceptable in design terms and the proposed development has a limited impact on the architectural character or the visual amenity prevailing within the surrounding area.

#### **7.5. Impact on Protected Structures**

7.5.1. To the south of the appeal site is No. 18 Charleville Road, one of a number of Protected Structures along this road. The proposed extension is 31.2m at the closest point to the rear of this property. I note the deeper first floor extension proposed in the previous application on this site was of concern to the previous Inspector, having regard to views from the protected structure and the impact on the established built form to the rear of the properties on Charleville Close, as viewed from the protected structures on Charleville Road, in particular No. 18 Charleville Road.

7.5.2. However, I consider that the reduced depth of the first floor element now proposed, combined with a set in from either side, will reduce this visual impact considerably when viewed from No. 18 Charleville Road or from other properties along this road. As such I consider the impact on the setting of, and views from, the Protected Structures along Charleville Road will be limited.

#### **7.6. Residential Amenity**

7.6.1. The potential impacts relate to loss of outlook, overshadowing of adjoining properties, and overlooking/loss of privacy.

- 7.6.2. The ground floor extension 5.8m deep at ground floor level with a parapet wall 3.8m in height on the western boundary with No. 42. The extension is set in by 0.75m from the eastern boundary with No. 46. At first floor level the extension is 3.3m in depth, with a ridge height of 6.85m from ground level. The parapet wall on the boundary with No. 42 will be 5.65m in height from ground level.
- 7.6.3. As proposed I consider that the parapet walls of the ground and first floor extensions, as well as the proximity of the first floor extension to the boundary will be visually overbearing when viewed from No. 42 and results in a loss of outlook from this property.
- 7.6.4. However, I consider that this impact can be mitigated by the removal of the parapet walls and its replacement with guttering that is entirely within the appeal site boundary, as well as a requiring a setback of the first floor extension of 0.5m from the boundary with No. 42. This can be achieved by way of condition.
- 7.6.5. I note that the ground level of No. 46 is set below that of the appeal site. As such the relative height of the extension is increased when viewed from the rear garden of this property, resulting in an increased sense of enclosure than would otherwise be the case, notwithstanding the fact the extension is set in off the boundary. The boundary wall itself is a further 0.4m in depth. However, I consider that the reduced height of the ground floor extension as well as an additional setback of 0.5m at first floor level would mitigate any impact on No. 46. This can be achieved by way of condition.
- 7.6.6. In relation to overshadowing, I note that the orientation of the property is north/south, with No. 42 to the west of the extension and No. 46 to the east. I note the previous Inspector raised concerns in relation to loss of daylight and sunlight to adjoining properties, in particular No. 46. I note that a deeper ground floor extension than that proposed here has previously been approved by the Board although it is higher than approved. However subject to the height of the ground floor extension being reduced in line with the previous permission and the first floor extension being set in by 0.5m on either side, I consider that will be only a very limited impact on the adjoining properties.
- 7.6.7. In relation to the impact on the timber outbuilding at No. 46, I note that this has glazing on its northern and eastern elevations. I do not consider that the extensions

will adversely impact on this structure which will still gain a large amount of sunlight from the large eastern facing glazed window.

- 7.6.8. In relation to overlooking, I note there is a ground floor window on the eastern elevation of the ground floor extension. This was of concern previously and the previous decision of the Board required the removal of this window. It is still the case that this window would result in overlooking of No. 46, given the low boundary wall directly facing this aspect of the extension and the western facing ground floor glazed doors at No. 46. As such this should be removed by way of condition.
- 7.6.9. I do not consider that any overlooking that would result from the first floor element would be materially different from that occurring from the existing first floor windows.
- 7.6.10. In conclusion, I consider that, subject to a condition removing the parapet walls adjacent to No. 42 Charleville Close, requiring the first floor extension to be set in by 0.5m on either side and requiring a reduction in height of the ground floor rear extension, the impact on residential amenity is acceptable.

## **7.7. Other Issues**

- 7.7.1. The proposed development comprises a limited additional extent of floorspace to an existing residential property. The potential impacts in terms of additional discharge to the public foul and surface water drainage networks is therefore likely to be minimal.
- 7.7.2. In relation to the outbuilding at No. 46, I note that the first party has queried if this structure has planning permission. This is not a matter for the Board to adjudicate upon rather it is a matter for the planning authority.
- 7.7.3. In relation to procedural issues highlighting within the appeal submissions, stating that the planning officer's report on the further information submission was not available, this does not appear to be the case and the planning officer's report on file carries out an assessment on the further information submitted.

## **8.0 Recommendation**

- 8.1. Grant permission with conditions.

## 9.0 Reasons and Considerations

9.1. Having regard to the zoning objective for the site, the pattern of development in the vicinity and the policies of the current Dublin City Development Plan 2016-2022, it is considered that, subject to compliance with the conditions below, the proposed development would not seriously injure the residential or visual amenity of the area and would not detract from the character or setting of the adjacent Protected Structures. 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, as amended by the further plans and particulars submitted on the 12<sup>th</sup> 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 interests of clarity.

2. The proposed development shall be amended as follows:
  - (a) The first floor rear extension shall be set-in by 0.5m on both the eastern and western elevations.
  - (b) The parapet walls on the ground and first floor rear extensions, on the western boundary with No. 42 Charleville Close, shall be omitted and replaced with guttering, which shall be located entirely within the site boundary.
  - (b) The height of the ground floor rear extension shall be reduced to match the maximum and minimum height of the adjoining extension at No. 42

Charleville Close.

(c) The window serving the dining area on the eastern elevation of the ground floor rear extension shall be omitted.

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 the interests of visual and residential amenity.

- 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

**Reason:** In the interest of visual amenity

- 4 Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the rear garden area of the proposed extension, without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling.

- 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 noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

- 6 Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

- 7 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 interests of public health.

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Rónán O'Connor  
Planning Inspector

16<sup>th</sup> February 2016