



An
Bord
Pleanála

Inspector's Report 29S 247671

Development

Demolition of Single storey extension, construction of part two storey extension at rear and pedestrian access door from yard onto Clarence Mangan Square, and new window to ground floor gable wall and site development works.

Location

38 John Dillon Street, Dublin 8.

Planning Authority

Dublin City Council

P. A. Reg. Ref.

WEB 1368/16.

Applicant

John Kilraine

Decision

Refuse Permission.

Type of Appeal

First Party against Refusal

Appellant

John Kilraine

Observer (1)

Nancy Delaney

Observer (2)

Liz Mc Kenna

Observer (3)

Denis and Mary O'Donovan.

Date of Site Inspection

22nd February, 2017.

Inspector

Jane Dennehy.

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1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 46.5 square metres and is that of a nineteenth century end of terrace artisan's dwelling which has been extended into the rear yard on the east side of John Dillon Street to the front of Clarence Mangan Square, Bride Road is to the south and Patrick Street to the west. Single storey cottages are located within Clarence Mangan Square to the side and rear of the appeal site property. An apartment building (Ardilaun) is to the rear of Clarence Mangan Square.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for demolition of the existing extension to the rear (13.5 square metres) and construction of new side and rear extension to provide for kitchen and dining accommodation a ground floor level and a bedroom at first floor level with a total stated floor area of twenty-two square metres. The floor area of the cottage structure to be retained is circa forty-two square metres and it is to be increased to sixty-four square metres according to the application.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 4th November, 2016, the planning authority decided to refuse permission on the basis of the following reason:

“Having regard to its prominent location at the entrance to Clarence Mangan Square and its location within the Thomas Street and Environs Architectural Conservation Area and with a residential conservation zone, the proposed rear extension would be inconsistent in scale and character with the neighbouring residences. The scale of the proposed development would result in overhearing and overshadowing of neighbouring property. The

proposed development would have an adverse impact on the scale and character of the existing house and its neighbours while having an unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of access to daylight and sunlight, contrary to section 16.2.2.3 (Alterations and Extensions) and 16.10.12 (Extensions and Alterations to Dwellings) And Appendix 17 (Guidelines for Residential Extensions of the Dublin City Development Plan, 2016-2022). Therefore the proposed development would be seriously injurious to residential amenity and would set a precedent for similar undesirable development of this scale and character in the vicinity, contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The planning officer having considered and applied the objectives and standards in the relevant extracts concluded that the proposed development was excessive, would cause overshadowing and would adversely affect the uniformity of the terrace of cottages which has a consistent roofline. She concluded that removal of the first floor would result in the development unviable.

3.2.3. Other Technical Reports

The report of the City Archaeologist notes the location within the Zone of Archaeological Constraint of a number of recorded monuments and attachment of an archaeological monitoring condition is recommended if permission is granted.

The report of the Drainage Division indicate recommendation for attachment of a condition with a number of standard requirements if permission is granted

3.3. Third Party Observations

Objections were lodged with the planning authority by six parties in which issues of concern included negative impact on the Architectural Conservation Area (see section 5 below) and negative impact on the residential amenities of the area having regard to overdevelopment and excess in scale and height, inappropriate design, unacceptability of the proposed pedestrian access for reasons of amenity, and concerns about the adequacy of the proposed drainage arrangements.

4.0 Planning History

- 4.1. According to the planning officer report there is no record of a planning history for the appeal site. Reference is made to a grant of permission or a first floor extension at No 46 John Dillon Street. (P. A. Reg. Ref. 5818/07 refers.) and Square of a single storey extension with a two storey extension at No 50 John Dillon Street. (P. A. Reg. Ref. 3850/14 refers.)

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site location is subject to the zoning objective: Z2: / *Residential Neighbourhood – Conservation Area. to protect and or improve the amenities of residential conservation areas.*
- 5.1.2. The site location is within the Thomas Street and Environs Architectural Conservation Area, (ACA) and within the zone of archaeological constraint for a number of recorded monuments.
- 5.1.3. Relevant objectives and standards are in section 16.2.2.3 (Alterations and Extensions), Section 16.10.12 (Extensions and Alterations to Dwellings) and Appendix 17 (Guidelines for Residential Extensions.)

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was received from the applicant on his own behalf on 1st December, 2016. The submission is considerable in length and the appendices attached which comprise a copy of the application file include a copy of a shadow study, a modified design. ('option B") The appeal can be outlined in brief as follows:

- The planning authority did not offer opportunity to the applicant by way of an additional information request to revise the proposed development.
- The existing 'pre 63' extension is substandard and it needs to be replaced along with the rear boundary wall. The proposed space is only 8.3 metres greater than that of the existing extension. The proposed development would provide upgraded and much more viable accommodation. The high level gable end window will provide light tot the internal living room. Overlooking from the rear is avoided by angled windows. The rear access will be convenient for wheelie bins.
- The proposed development Is not excessive and is not inconsistent with the character of the area and neighbouring buildings. (Nos. 46 and 50) It does not interfere with any of the sensitive views listed in the ACA. The proposed development is suitable for the site location and compatible with surrounding development.
- Many other cottages in the area have undergone refurbishments and extensions at first and ground floor levels with windows on gables. There has also been significant development in the area in recent years. (Details of a number of cases is provided.) It is difficult to understand the decision to refuse permission. There is precedent at No 46 John Dillon St. which has an extension of 8.3 square metres; at 3 Nicholas Square with an extension of ten square metres; which has an alu-clad extension and extension at No 50 John Dillon Street.
- The planning officer failed to take into account the development plan guidance on rear extensions, the pattern of development in the area

including Ardilaun Court a relatively recently constructed apartment building at the rear of Clarence Mangan Square.

- The proposed development is subordinate in scale to existing building with regard to the relationship with the roof profile and eaves. Similar extensions have been permitted. The proposed extension is parallel to the boundary wall of No 36 John Dillon Street (on north side of the entrance to Clarence Mangan Square. The dwellings on Clarence Mangan Square are to the rear and only one window of these dwellings faces toward the rear of the proposed extension.
- The proposed development does not have adverse impact on access to sunlight and daylight at neighbouring buildings. This demonstrated in the shadow study submitted on behalf of the applicant and included in Appendix 5 of the appeal. Creation of a viable permanent home in contemporary design to modern standards is consistent with the zoning objective and standards in Appendix 17 of the development plan for residential extensions. The appeal contains an extensive account and discussion of policies and objectives relating to density and consolidation of use of existing historic buildings.
- The proposed development does not set precedent for undesirable development. There is precedent in the extensions which have been built in the vicinity and in the area of the ACA some of which are identified in the appeal.
- The high level window in the gable end is not contrary to the established character of the area. It is warranted and there are many precedent examples of gable windows in the area including No 50 John Dillon Street and the ACA some of which are identified in the appeal.
- The rear pedestrian access is acceptable. The planning officer does not give reasons for rejecting the proposal for this entrance. Residents have not objected on grounds of security but security is referred to by the planning officer. Wheelie bins would be wheeled out the gate and around to the front of the house. Emergency service and deliveries vehicles would not be compromised.

- The proposed development does not have adverse impact on residential amenities.
- Residents' access to the enclave would not be obstructed during construction.

6.2. Planning Authority Response

6.2.1. There is no submission from the planning authority on file.

6.3. Observer submissions.

6.3.1. Submissions were received from the following three parties:

Nancy Delaney, 1 Clarence Mangan Square,
Liz McKenna, 2 Clarence Mangan Square and,
Denis and Mary O'Donovan of No 40 John Dillon Street.

6.3.2. The submissions of **Ms Delaney and Ms McKenna** are identical and their objections can be outlined as follows;

- The proposed development is out of character with existing development and visually obtrusive. The flat roof, choice of materials and massing of the extension and the gable end at the entrance to Clarence Mangan Square inappropriate and inconsistent with the character of the established ACA. And contrary to section 6.2.10 and section 6.2.8 of the Thomas Street and Environs ACA. The aim of which is to protect the unique character of residential areas through promotion of design which is sensitive to the grain and character.
- Use of the proposed pedestrian entrance at the rear would lead to problems with deliveries, wheelie bins and refuse which would adversely affect the amenity and character of Clarence Mangan Square which is a

small, well maintained and very restricted enclave and is within the designated ACA.

- Construction of the development could compromise the vehicular access to Clarence Mangan Square.
- There are no clear proposals for connection to the drainage system. There have been problems with the sewage network in the area. drainage
- The proposed scale, elevation and rear access including the high level window in the gable would be seriously injurious to the residential amenities
- The proposed extension could be used as a separate dwelling which would be substandard.

6.3.3. The objections in the submission made by McDonnell and Dixon on behalf of **Mr and Ms O'Donovan** of the property adjoining the southern boundary at No. 40 John Dillon Street can be outlined as follows:

- The objections made the residents of Clarence Mangan Square in their submissions are fully supported.
- The proposed development is overdevelopment which obstructs access to sunlight and daylight at No 40 John Dillon Street. The modifications proposed (Appendix 2 of the Appeal) would result in minimal improvement.

7.0 Assessment

7.1. The issues central to the determination of the decision, taking into account the three observer submissions, the application and the appeal can be considered under two broad sub headings:

- Impact on the established pattern and character of development of the area.
- Impact on the residential amenities of properties in the vicinity.

7.2. Impact on the established pattern and character of development of the area.

- 7.2.1. The immediate area, (which is within the Thomas Street and Environs Architectural Conservation Area and is a residential conservation area) is characterised along the street frontage by the small, single bay, terraced two storey brick fronted houses with very confined enclosed rear yards constructed in the nineteenth century by the Dublin Artisan Dwelling Company. These neighbourhoods of terraced dwellings are which are interspersed with some larger buildings of a mainly of a commercial or institutional nature on primary streets. The appeal suite property is an end of terrace unit adjacent to the entrance to the small enclave of cottages (Clarence Mangan Square) at the rear of houses on John Dillon Street. The proposed extension which is to replace a smaller single storey extension would cover most of the space within the rear yard up to the side boundary with the entrance to Clarence Mangan Square, off John Dillon Street.
- 7.2.2. The gable end of the existing dwelling on the side boundary is visible from John Dillon Street. Otherwise the proposed development only comes into public view from the rear to the north east, north and north west. The existing low profile flat roofed extension is visible but not prominent behind the gable end in views towards Clarence Mangan Square from John Dillon Street.
- 7.2.3. The proposed extension in contrast, by reason of the mass and form at a height a little below the ridge and part built up to the boundary along two thirds of the depth of the original rear yard and by reason of the contrasting render finish and fenestration would dominate and detract from the predominance of shallow depth end of terrace units which share a uniform redbrick faced finish.
- 7.2.4. It is considered the extension developments at end of terrace artisan dwellings in the area referred to in the appeal as precedent are not similar in site context and relativity to adjoining properties to the current proposal and it therefore concluded that there is no directly comparable precedent development to support the case for the proposed development. There is no objection in principle to the combination of the contemporary with the historic design and materials. It is a matter of consideration of each proposal on the basis of its own merits and in this instance the proposal is unacceptable. However, the proposed development could set precedent

for similar development at end of terrace units. (The impact on Clarence Mangan Square is considered in the following subsection.)

7.3. Impact on the residential amenities of properties in the vicinity.

- 7.3.1. There is a very confined site configuration for the houses on John Dillon Street, the houses having small rear yards. Clarence Mangan Square has small single storey terraced cottages with direct frontage onto a communal space to which there is vehicular access and on street pay and display parking. The rear boundary walls at the back of the John Dillon Street houses which overlook Clarence Mangan Square are on the western frontage. It is considered that infill of the majority of the rear yard of No 38 and incorporation of a first floor element would be excessive in mass and scale, overbearing and obtrusive in views from the frontage and the internal accommodation of the cottages given their very limited distances from the appeal site.
- 7.3.2. This impact on views towards Nos 1-3 Clarence Mangan Square in particular would be exacerbated by the height and length of the infill along the side boundary in conjunction with the proposed render finish and high level window. The dark grey brick finish on the elevations towards the rear in conjunction with the height and mass would be visually obtrusive and exacerbate the overbearing impact from the remainder of the cottages facing onto Clarence Mangan Square.
- 7.3.3. While the high level gable end window and the first floor angled window to the north east may be at a level from which direct overlooking to Nos 1-4 Clarence Mangan Square would not occur it would be likely to give rise to perceived overlooking of these dwellings on account of the close proximity to the appeal site. Similarly, overlooking from the angled window to the south east would give rise to overlooking and perceptions of overlooking of the cottages to the south east and south west.
- 7.3.4. Although the case made on behalf of the applicant as to upgrade, extend and enhance the quality of accommodation by reason of replacement of the existing extension with the proposed extension is acknowledged, it is noted that the limited external space would be further reduced with limited space for storage only being retained within the site curtilage. As a result, private open space would be virtually eliminated in entirety to facilitate the enhanced internal accommodation and

indicative of overdevelopment in that the improvements would be at the opportunity cost of external private open space. Installation of balconies or terraces cannot be considered due to potential adverse impact on the residential amenities of the surrounding properties.

- 7.3.5. The proposed development infills at two storey level a large percentage of the space and depth of the rear yard and as such reduces the component sky and daylight access at the rear of the adjoining property to the south at No 40 John Dillon Street although this property would retain most of the light and sunlight attainable from the south and south east. The infill of the rear yard in form and mass would have a considerably greater negative impact on the amenities of that property by way of creation of enclosure than potential curtailment of access to sunlight.
- 7.3.6. The pedestrian access onto the Clarence Mangan Square would not be acceptable, in part because it would create precedent for similar external pedestrian access via the rear boundary walls to the adjoining properties to the south side on John Dillon Street. The capacity of Clarence Mangan Place to accept an arrangement for rear access at the rear of the John Dillon Street properties is very restricted, given the small size of the square and its function as public realm space to the front of the cottages facing directly on to it. It is agreed that use of the proposed rear pedestrian access would be seriously injurious to the residential amenities of the Clarence Mangan Square properties and would set precedent for further similar development.
- 7.3.7. The point made on the observer submissions as to potential for subdivision of the existing dwelling and extension into separate dwelling units, (with separate entrances) is noted. It would appear that some adjustment to the internal layout to provide for a spate entrance would be necessary. In the event of favourable consideration of the proposed development, a condition could be included to provide confirmation of restriction of use to that of a single dwelling unit as proposed in the application.

7.4. Appropriate Assessment.

- 7.5. Having regard to the location of the proposed development which is for a single dwelling unit adjacent to existing residential development on zoned lands in an area

which is serviced. it is considered that no appropriate assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. In view of the foregoing, it is recommended that the appeal be rejected and that the planning authority decision to refuse permission should be upheld. Draft Reasons and Considerations are set out below.

9.0 Reasons and Considerations

1. It is considered that that the proposed development by reason of scale, mass and height of infill along the boundary with the entrance to Clarence Mangan Square in conjunction with the proposed render finish, incorporation of a high level window would be visually obtrusive in views from John Dillon Street and out of character the established uniform scale, red brick finish and configuration of the existing artisan dwellings which come within the Thomas Street and Environs Architectural Conservation Area. As a result, the proposed development would be seriously injurious to the visual amenities, integrity and established historic character of the Architectural Conservation area and contrary to the proper planning and sustainable development of the area.
2. Having regard to the close proximity and small size of the cottages with frontage direct onto Clarence Mangan Square which is a very confined space adjoining the rear boundary of the site of No 38 John Dillon Street, it is considered that the proposed development by reason extent of coverage of the rear yard and incorporation of an upper floor element, the and scale, mass and height and depth along the boundaries and upper level fenestration to the rear and side, the grey brick and render finishes, would be visually obtrusive would give rise a visually dominant and overbearing impact and intrusiveness

on the properties at Clarence Mangan Square and enclosure obstruction of access to daylight at the rear of the adjoining property at No 40 John Dillon Street to the south. Furthermore, use of the of the proposed additional pedestrian entrance in the rear boundary wall would give use to disturbance and diminution of the and privacy and residential amenity of the cottages on Clarence Mangan Square and would set precedent for similar development at the adjoining properties with rear boundaries on Clarence Mangan Square. As a result, the proposed development would be seriously injurious to the residential amenities of properties in the vicinity and contrary to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector
22nd February, 2017.