



An
Bord
Pleanála

Inspector's Report PL29S.248026

Development

Demolition of a two storey extension, elevational alterations to extension, new roof lights and erect single and two storey extensions to the rear of house.

Location

114, Sandford Road, Dublin 6

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

4139/16

Applicant(s)

Mr and Mrs John Sisk and Ms Angela Maguire.

Type of Application

Permission

Planning Authority Decision

Permission

Type of Appeal

Third Party

Appellant(s)

Patricia Quigley

Observer(s)

None

Date of Site Inspection

5th of May 2017

Inspector

Angela Brereton

1.0 Site Location and Description

- 1.1. No.114 is a two storey semi-detached property, located on the eastern side of Sandford Road. The property has been previously extended with a large single storey extension at the rear. The rear garden is at a lower level and access from the deck to the rear of the property is via steep steps. There is a timber fence along the side boundary of the rear garden with no.116 and along the rear boundary. There is a hedge along the boundary with no.112.
- 1.2. It forms a semi-detached pair with no.116 which is a similar type property with a two storey return at the rear. There are a variety of house types in the area and no.112 to the north is a different architectural style. There is a single storey property adjacent to no.116 and then a Topaz petrol station close to the junction with Belmont Avenue. Milltown Park is opposite this junction. Sandford Garage is on the opposite side of the road to the site. Muckross Park School and tennis courts are to the north east and can be seen to the rear of the site.
- 1.3. The site has onsite parking, however there is no on street parking in this area. Sandford Road is a fast busy road with cycle lanes on either side. It is also served by public transport.

2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of the existing two storey extension, elevational alterations to existing single storey extension, 2 no. new rooflights to the rear of the existing house, the construction of a single storey extension (10.3sq.m) with 2no. rooflights and a two storey extension (26sq.m) both to the rear of the existing house and all associated works.
- 2.2. A letter providing a description of the proposed development has been submitted by Alan O'Connell, OC Architects & Design.
- 2.3. A Site Layout Plan, Floor Plans, Sections and Elevations and a Sunlight Study have been submitted.

3.0 Planning Authority Decision

3.1. Decision

On the 17th of November 2016, Dublin City Council granted permission for the proposed development subject to 6no. conditions. These are generally standard relating to infrastructural and construction works. Condition no. 2 relates to amendments to the design and is as follows:

The proposed first floor extension shall not exceed the height of the eaves of the existing main dwelling and shall be in line with the height of the first floor extension of the adjoining property no.116.

Revised plans shall be submitted for the written approval of the Planning Authority prior to the commencement of development.

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

3.2. Planning Authority Reports

3.2.1. Planner's Report

The Planner has regard to the locational context of the site, planning history and policy and to the submissions made. They considered the proposed new extension to be excessive in terms of overall height, it that it would dominate the existing roof profile and not harmonise with the existing building and those adjoining. They recommended that the extension should not extend above the height of the existing main dwelling and remain at a similar height to that of the first floor extensions at No.116, and that this be achieved by way of condition. They considered that scale of the proposal extending an additional 1m from its existing building line at the rear to be acceptable. They also considered the ground floor proposal to be acceptable. They did not consider that the proposed development would have an adverse impact on the character and setting of the building or on neighbouring properties. They recommended permission be granted subject to conditions.

3.3. Other Technical Reports

3.3.1. Engineering Department – Drainage Division

This Section of the Council has no objections subject to recommended conditions.

3.4. Third Party Observations

3.4.1. A Submission has been received from the owners of no.116 Sandford Road (the subsequent Third Party Appellant). Their concerns include the following:

- An EIS should have been included with this application because of the obvious effects on their property.
- The proposal will impact adversely on the design and historical architectural quality of this semi-detached pair.
- Impact of construction works.
- Impact on visual amenity and on the privacy and amenity of the adjoining property.
- Concerns about modifications to the chimney stack to the west side of no.114 Sandford Road.
- The precedents referred to in the information submitted are for different style properties.
- Concern about proximity of first floor windows.
- Concern that the demolition of the existing extension will have structural implications for the integrity of their property.
- Previous works on the subject property have not been carried out in accordance with best practice.
- Access from the flat roof on the first floor to the flat roof at ground floor level should not be permitted except for emergency purposes.

4.0 Planning History

- 4.1.1. The Planner's Report notes that there is no planning history relevant to the subject site.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

This is the pertinent plan. As shown on Map H the site is within the Z1 Residential Land Use Zoning where the Objective is: *To protect, provide and improve residential amenities.*

It is of note that the development on the opposite side of Sandford Road is within the Z2 Residential/Conservation zoning where the objective is: *To protect and/or improve the amenities of residential conservation areas.*

Section 2.3.3 refers to 'Promoting Quality Homes' and includes: *The provision of quality housing that is suitable for citizens throughout their lives and adaptable to people's changing circumstances is fundamental to creating a compact city with sustainable neighbourhoods.*

Paragraph 16.2.2.3 refers to Alterations and Extensions and provides that: *Works of alteration and extension should be integrated with the surrounding area, ensuring that the quality of the townscape character of buildings and areas is retained and enhanced and environmental performance and accessibility of the existing building stock should also be enhanced.* The criteria for extensions includes that they should be confined to the rear in most cases, be clearly subordinate to the existing building in scale and design and be sustainable.

Section 16.10.12 provides that the design of extensions shall not have an adverse impact on the scale and character of the dwelling, or the amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

Appendix 17 (Guidelines for Residential Extensions) sets out the more detailed criteria. This includes regard to residential amenity issues, privacy, sunlight and daylight, the relationship between dwellings and extensions and the subordinate approach etc.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A Third Party Appeal has been submitted by Caroline Shaffrey of CPA Architects on behalf of Patricia Quigley who is the owner of the adjoining property no.114 Sandford Road. This also refers to her previous submission. The grounds of appeal include the following:

- While there is no objection to many parts of the scheme, there are concerns that the application is misleading and contains some inaccuracies.
- The two storey extension is not an extension but is the existing return attached to the return of no.116, which was constructed as an integral part of the houses and containing a brick chimney stack which straddles the two properties.
- They note the character of the semi-detached pair and the similar hipped roof construction, with the returns and flat roof construction.
- They are concerned that the proposed works will affect the character and the structural integrity of the now similar semi-detached pair. They enclose a number of diagrams to illustrate concerns.
- They consider that it would be impossible to demolish right up to the boundary of the two returns without causing major structural issues for the property at no.116, including the chimney stack.
- The proposed elevational treatment, including fenestration makes no attempt to mirror the scale of the adjoining building and would cause visual disharmony to the pair of houses.
- They consider that the line of the original first floor returns should be retained and that this would still allow for good bedroom size.
- They request that the Residential Zoning Objective relative to the protection and improvement of residential amenities be complied with in a modified scheme.

6.2. Applicant Response

6.2.1. Alan O'Connell of OC Architects & Design has submitted a response on behalf of the First Party. This includes the following:

- They have rectified inaccuracies in the drawings as originally submitted and incorporated minor revisions to the proposed design, involving a reduction in the height of the first floor extension as per condition no.2 of the Council's permission. They include revised drawings.
- For the avoidance of doubt they wish to confirm that there is no intention to remove the existing chimney.
- They are not proposing any structural works to the party wall or chimney breast both of which will be protected throughout the build process. They will be employing a structural engineer and will be guided by his advice with regard to the party wall and the chimney breast.
- Partial demolition of the side and rear wall of the first floor return is proposed. Demolition works will be within the applicant's property and there will be no structural works to the party wall or chimney breast.
- They are of the opinion that the more modest extension proposed by the Third Party would not give them the living space needed for the applicant's growing family.
- These are modest houses that are not protected structures.
- The existing housing stock must be allowed to adapt and change if it is to continue to be an attractive place to raise a family.
- They have incorporated the revisions the Council requested in condition no.2 of their permission and have included revised drawings to this effect. Fig. 3 shows this in diagrammatic form.

6.3. Planning Authority Response

6.3.1. Dublin City Council has no further comment to make and considers that the planner's report on file adequately deals with the proposal.

6.4. Further Responses – Third Party

6.4.1. Caitriona Shaffrey, CPA Architects has submitted a Third Party response to the First Party response to their appeal. This includes the following:

- While they welcome the amendments made to correct inaccuracies in the original application, there are concerns about the impact of the proposed extension on the returns.
- They note that the return of No.114 has had an unattractive parapet constructed at some point which takes away from the symmetry of the two buildings.
- They are concerned about rainwater goods and drainage implications of the proposed extension on their property.
- If the new extension were built as proposed the existing bathroom window of no.116 would be right up against the new wall of the extension and the boundary appears to be incorrectly drawn.
- They suggest that a corresponding equal distance should be left to the boundary line as indicated on Fig. 3.
- They have included imagery and 3D views relative to the views of the extensions.
- The new works, including fenestration should be reflective of the existing and bedroom 3 should be retained – Plan B refers.
- A compromise would be to retain bedroom 3 at its current size and adapting the windows to complement the new works, to be respectful to the existing window proportions and scale of mullions.
- They have no issue with the proposed ground floor extension nor with the extension to the first floor which forms bedroom 3.
- They consider that their suggested modifications to the proposed extensions could be done to improve family living and strongly request the proposal to be modified to take this into account.

6.5. Further Responses – First Party

6.5.1. Alan O’Connell, OC Architects & Design has submitted a response on behalf of the First Party to the Third Party response. This includes the following:

- They reiterate that the chimney will be retained and all works will be carried out by a competent building contractor under the direction of a qualified architect and structural engineer.
- The rainwater downpipes will be located so as not to impact on the adjoining property.
- They provide a rationale for retaining the additional 1m length in the first floor extension and provide that without this additional 1m bedroom 4 will be too small to act as a functional double/twin room with the necessary storage which the owners require to accommodate a young family.
- They consider that retaining the existing return in an unaltered state would have the dual impact of compromising the functionality of bedroom 3 and bedroom 4.
- While they agree that both houses are fine examples of Edwardian suburban housing, they consider that an over-emphasis is being placed on the architectural importance of the fenestration pattern.
- They believe buildings must adapt if they are to continue to be useful. Their proposed extension has been carefully designed to be a contemporary re-interpretation of the suburban house. It is respectful of the design and scale of the original building and has a design integrity of its own.
- They believe that compromising this integrity to retain symmetry between rear windows would reduce the functionality of the proposed extension and is not justified on conservation or other grounds.

7.0 Assessment

7.1. Principle of Development and Planning Policy

- 7.1.1. As shown on Land Use Zoning Map H of the of the Dublin City Development Plan 2016 – 2022 the site is located with the Z1 residential zoning where the Objective is: *To protect, provide and improve residential amenities.* The housing on the opposite side of the road is within the Z2 zoning where the Objective is: *To protect and/or improve the amenities of residential conservation areas.* Section 16.2.2 provides the Design Standards for Residential Accommodation and Section 16.2.2.3 refers specifically to ‘Alterations and Extensions’ to dwellings. This includes that sensitively designed extensions will normally be granted provided that they have regard to the amenities of adjoining properties and that the design integrates with the existing building. Appendix 17 provides ‘Guidelines for Residential Extensions’ and the general principles include that the proposed extension should not have an adverse impact on the scale and character of the dwelling, or on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight and achieve a high quality of design.
- 7.1.2. The Third Party considers that the size of the proposed extension is excessive and they ask that it be reduced in height (as conditioned) and also that the size of the two storey extension and the maintenance of the form of the existing return be retained, together with the preservation of the brick chimney stack. They consider that retaining the existing form of this pair of houses would benefit the character of the semi-detached pair and visual amenity and would be in accordance with the Residential Objective.
- 7.1.3. The First Party provides that the proposed development is a well-considered contemporary intervention in a pair of traditional semi-detached houses that respects the scale of the original structure and replaces a somewhat crude earlier extension. They note that the revisions requested in condition no.2 of the Council’s permission have been included in the revised drawings submitted in their response to the Third Party appeal. They consider that the modifications proposed by the Third Party would not gain the amount of space they need for improved family living.

7.1.4. Whereas a well-designed extension is normally permissible in this residential land use zoning in accordance with the criteria of Section 16.2.2.3, and Appendix 17 of the DCDP 2016-2022, the issue in this case is whether the proposed extension would integrate well or have an adverse impact taking into account the locational context of the dwelling, the restricted nature of the site and the amenities of the adjoining dwellings and on the character of the area. These issues are discussed further in the context of this assessment below.

7.2. Design and Layout and impact on the amenities of the adjoining properties

7.2.1. The description of the development proposed has been noted above and includes the demolition of the existing two storey extension and elevational alterations to the existing single storey extension and all associated works, including insertion of roof lights etc. The floor plans show the extent of the proposed new extensions i.e 10.3sq.m to the single storey rear extension to provide a living room area and 26sq.m for the two storey extension to provide an extended bedroom area. The total area of new build proposed is therefore 36.3sq.m which would provide for a total floor area of 170.6sq.m on this site area of 276sq.m. It is of note that all the works proposed are to the rear of the existing semi-detached dwelling.

7.2.2. It has been noted that there were some inaccuracies in the plans originally submitted, in particular having regard to showing the development as existing. This has been rectified in the drawings submitted in response to the Third Party appeal. These revised drawings also incorporate the modifications provided for in the Council's condition no.2 relative to a reduction in the parapet height to match that of no.116 Sandford Road. The proposed parapet height is now shown under the eaves height of the main house. It is provided that the windows proposed on the first floor have also been reduced to respond to this condition. The First Party response includes Fig. 3 (image) to show these alterations. These include that a 1.8m high timber screen can be erected at the boundary wall if necessary to omit any overlooking. Therefore, it is considered that the proposal can be more accurately assessed having regard to these revisions.

7.2.3. The reduction in parapet height is considered to be an improvement on that originally proposed. However, regard is also had to the Third Party concerns about the impact on the character and amenities of the adjoining property at no. 116 Sandford Road. It

is notable that nos.114/116 form a standalone similar semi-detached pair, and are of an integral and different design to the adjacent properties. This adds to the general character as provided by the variety of house types in the area. While not protected structures this semi-detached pair is distinctive and the Third Party concerns relative to the impact of the proposed development especially on the rear returns is noted.

- 7.2.4. As shown on the drawings it is considered that the increase in length of the first floor extension so that it projects 1m further than the original rear return of the adjoining semi no.116 is not desirable having regard to it appearing overly dominant and the impact on the character and integrity of the semi-detached pair. While the need for additional space as emphasised by the First Party is noted it is considered that with some internal changes to the layout that this could be achieved, particularly in that the first floor extension will be full width. It is recommended that if the Board decide to permit that this element of the extension be reduced so that the first floor rear building line be retained.
- 7.2.5. It is considered that the proposed remodelling and extension to the single storey extension to accommodate additional living space to the rear of the property is acceptable and would not adversely impact on the amenities of the adjoining properties. However as noted in the revised drawings some additional screening along the side boundary with no.116 would be desirable.
- 7.2.6. It is noted that a Sunlight Study has been submitted with the original application. This is as a result of concerns regarding the full width of the extension at the first floor in terms of potential negative impact due to overshadowing on no.112 Sandford Road. The site is orientated in a north east and south west direction. This property is located to the north west of the subject site. It is provided that the Shadow Study shows the impact of the existing and proposed, however it is noted that the Study submitted only shows the impact of the existing. However, in view of the orientation it is not considered that the proposed extension will impact adversely on no.112 Sandford Road.
- 7.2.7. The Third Party concerns about the chimney breast have been noted as has the First Party response where they provide that it is not proposed to remove the chimney breast on the side of no.114. Also that they are not proposing structural works to the party wall and that both will be protected during the building process. They provide

that they propose to employ a structural engineer and will be guided by his advice. In view of the location of the site proximate to the busy Sandford Road with no on street parking it is recommended that if the Board decide to permit that it be conditioned that a Construction Management Plan be submitted.

7.3. Precedent Cases

- 7.3.1. These are referred to by the in the information submitted on behalf of the applicant with the application. These include Reg.Ref.2553/07 where the Council granted permission subject to conditions for the construction of a 2 storey extension to the rear and conversion of attic to storage at no.100 Sandford Road. It is of note that this is a different house type and refers to a detached house.
- 7.3.2. Reg.Ref.3163/01 where permission was granted subject to conditions by the Council for a two storey extension to the rear and to complete minor internal works. It is considered that each case must be considered on its merits. Both applications refer to different type properties and were also granted some time ago and were assessed under previous development plans. Therefore, it is not considered that they set a precedent relevant to the different issues that arise in the subject case.

7.4. Appropriate Assessment

- 7.4.1. The site is not located within or near to a Natura 2000 site. It is a fully serviced suburban site. The current proposal is for an extension to the existing residential property and does not pose any appropriate assessment issues. Having regard to the nature and scale of the proposal, no appropriate assessment issues arise and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1.1. It is recommended that having regard to the documentation submitted, the submissions made by the parties and to the site visit and assessment above that permission be granted for the proposed development subject to the conditions below.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the nature and scale of the proposed development and to the existing character of development in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of neighbouring dwellings or the amenities of the area and would 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 received by An Bord Pleanála on the 15th day of March, 2017, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) As shown on the revised drawings submitted on the 15th day of March 2017, the proposed first floor extension shall not exceed the height of the eaves of the existing main dwelling and shall be in line with the height of the first floor extension of the adjoining property No. 116 Sandford Road.
 - (b) The length of the first floor extension shall be reduced so that it does not project further than the rear of the first floor of no.116.
 - (c) The existing chimney breast shall be retained and there shall be no side windows inserted in the first floor rear extension.
 - (d) The extension shall be constructed so as not to overhang the adjoining property and such that water runoff does not flow into the adjacent property.
 - (e) Details shall be submitted regarding additional boundary screening along the side boundary of the proposed extension with no.116.

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 interest of visual and residential amenity.

3. The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. 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.

5. Site development and building works shall be carried out only between 0700 hours and 1800 hours Mondays to Fridays, between 0800 hours and 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 the interest of protecting the residential amenities of adjoining properties.

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

Reason: In the interest of public safety and residential amenity.

Angela Brereton,
Planning Inspector

9th of May 2017