



An  
Bord  
Pleanála

## Inspector's Report PL29S.248212

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<b>Development</b>	Retention of balcony and extended utility room, relocation of balcony steps, and erection of timber screen and glazed balustrade.
<b>Location</b>	32 Wellington Road, Ballsbridge, Dublin 4 (PS)
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	4454/16
<b>Applicant(s)</b>	Abigale O'Brien & Hugh Bradley
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Abigale O'Brien & Hugh Bradley
<b>Observer(s)</b>	Two
<b>Date of Site Inspection</b>	30 <sup>th</sup> June 2017
<b>Inspector</b>	Karla Mc Bride

## 1.0 Site Location and Description

- 1.1. The appeal site is located in Ballsbridge on the south side of Dublin City and the surrounding area is predominantly residential in character. Wellington Road mainly comprises 2-storey over basement red brick houses with front and rear gardens. Several of the houses, including the appeal premises, have been modified to the rear by the addition of extensions and terraces. The appeal premises is a designated Protected Structure. Photographs and maps in Appendix 1 describe the site and surroundings in more detail.

## 2.0 Proposed Development

- 2.1. Planning permission is sought to modify the balcony and utility room which were previously permitted under Reg. Rref.1425/02).

Permission is being sought to retain:

- The balcony at rear ground floor level which is located over the utility room (c.1.76m over garden level). The 18.7sq.m balcony comprises a previously permitted section (4.8sq.m) and a new section (13.9sq.m.).
- The extension of the utility room underneath the extended balcony area and relocation of the access steps. The 15sq.m utility room comprises a previously permitted section (4.8sq.m) and a new section (10.2sq.m.).

Permission is being sought to erect:

- A timber screen which would be 1.8m high to the S boundary of the balcony to match the existing timber screen to the N boundary, with frameless glazing balustrade to the E boundary and steps.

The appeal was accompanied by the following documents:

- Planning Report
- Architectural Heritage Report

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Planning permission was refused for one reason which stated:

The proposal is for retention and permission of works to a protected structure located in a Residential Conservation Area. The works proposed are excessive in scale and would have a significant negative impact on the existing residential amenity in terms of loss of visual amenity and privacy. The proposal would also have a significant negative impact on the character and setting of the protected structure by virtue of its nature and scale. As such the proposal would result in a negative impact on the amenity of the Residential Conservation Area and would therefore be contrary to the policies and objectives contained within the Dublin City Development Plan and the proper planning and sustainable development of the area.

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

#### **3.2.1. Planning Reports**

The Dublin City Planning Officer accepted the recommendation of the Planning Officer that planning permission be refused for the proposed development.

#### **3.2.2. Other Technical Reports**

No objection from the Drainage Division.

No other interdepartmental reports attached.

### **3.3. Prescribed Bodies**

No reports on file.

### **3.4. Third Party Observations**

Several letters of observation received which raised concerns in relation to the adverse impacts on the character and setting of the protected structure and the visual amenities of neighbouring properties.

## 4.0 Planning History

**PL29S.243088 & Reg. Ref.3662/13:** Permission refused for a new inward opening gate in a shared vehicular entrance and driveway, car parking spaces for nos. 30 & 32, and alterations to front railings, for 2 reasons related to adverse impact on character and setting of PS and RCA; and loss of on-street car parking spaces.

**PL29S.2211368 & Reg. Ref. 5556/06:** Permission refused for a widened pedestrian access, new vehicular access, car parking and automated gates, for one reason related to adverse impact on character and setting of PS and RCA, impact on roadside trees, and injury to amenity.

**Reg. Ref.1425/02:** Permission granted for alterations to existing breakfast room and new balcony to rear subject to 5 conditions.

- Condition no.5 (b) required that the depth of the proposed balcony be reduced so that it does not exceed more than 1.5m at its deepest point.
- Condition no.5 (c) required replacement of the frosted glazed screen at the boundary with no.30 with a more solid type partition, in the interest of visual amenity and to protect the amenities of adjoining properties.

**Reg. Ref. 5438/08:** Permission granted for works to the adjacent semi-detached house at no. 32 which included an extension of the rear return to retain the overall height and roof profile of the return, and the provision of a 2.35m deep terrace at upper ground floor level.

**E0447/16:** Enforcement file opened in relation to the unauthorised rear extension.

## 5.0 Policy Context

### 5.1. Dublin City Development Plan 2016-2022

**Zoning objective:** The site is located within an area zoned Z2 which seeks “To protect and/or improve the amenities of residential conservation areas.”

**Protected Structures:** No. 32 and the neighbouring houses along Wellington Road are designated Protected Structures.

**Policy CHC1:** seeks the preservation of the built heritage of the city.

**Policy CHC2/4/5:** seeks to ensure the protection of the special interest, character and setting of Protected Structures and all Conservation Areas.

**Policy CHC6:** seeks to ensure a sustainable future for historic and other buildings subject to heritage protection.

**Policy CHC06:** seeks to provide guidance for owners of protected structures on upgrading for energy efficiency.

### **Section 11.1.5.3: Works to Protected Structures**

- Interventions should be to the minimum necessary and all new works will be expected to relate sensitively to the architectural detail, scale, proportions and design of the original structure.
- Where possible, existing detailing, fabric & features should be preserved, repaired or, if missing or obscured, should be re-instated or revealed.
- The materials used for alterations, extensions or repairs should match the original & the use of non-traditional materials will not normally be acceptable.
- Original & historic fabric should be retained and protected, wherever possible.
- The original plan form of protected structures should be protected or re-instated and not compromised by unsympathetic alteration or extension.
- The design, form, scale, height, proportions, siting & materials of new development should relate to & complement the special character of the PS.
- The traditional proportionate relationship in scale between buildings, returns, gardens and mews structures should be retained.

## **5.2. Natural Heritage Designations**

**European sites:** The following 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)

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The proposal arises as a result of fire damage to the property and the subsequent remedial works.
- The landscaped terrace will improve privacy and protect neighbouring amenities and will not be used as a sitting out area.
- The depth of the terrace (2.35m) and steps to the rear of no.30 and the boundary screen is 3.15m (the depth of the boundary screen with no.32 was increased from 1.65m).
- The depth of the useable area of the terrace at no.32 is 3.15m which is only 800mm more than the useable space at no.30, and the same depth as the boundary screen, which is not excessive.
- The increased scale of the terrace has the effect of improving privacy at neighbouring houses and the rear mews, as a result of the screening.
- The site is screened from view by trees with no impact on visual amenity.
- The terrace is located to the rear of the PS and does not attach to the historic fabric with no impact on the character and setting of the PS, permission was granted for the existing terrace, and there are no views from the public realm.
- The proposed extension complies with Dev Plan conservation policies and objectives as it avoids any impact on the building, and it complies with Policies CHC2, CHC6 and CHCO6 in relation to ensuring the continued protection and use of the building, and allowing for energy upgrades.
- The works to the rear would have no impact on the visual amenities of the Z2 RCA, and there has been considerable change to the rear of many properties.
- The Architectural Impact Assessment concluded that the proposed works would have no adverse impacts on the existing building or surrounding area.

## 6.2. **Planning Authority Response**

No new issues raised.

## 6.3. **Observations**

John Meade & Maire-Therese Rainey and the Upper Leeson Street Area Residents Association raised the following collective concerns.

- Undesirable and inappropriate development within an RCA.
- Excessive scale would have a negative impact on the PS, residential amenities and privacy.
- The extended utility room and terrace are not needed as a result of the fire.
- The works if permitted, would set an undesirable precedent.
- The works exceed the definition of “modifications”.
- The extended balcony results in increased overlooking of neighbouring properties and the proposed screen would be visually intrusive.
- The proposed landscape zone and the absence of a sitting out area could not be monitored by the PA.
- Noise pollution at first floor level.

## 6.4. **Prescribed Bodies**

The appeal was circulated to DAH&G, An Comhairle Ealaion and Failte Ireland with no responses received.

## 7.0 Assessment

The main issues arising in this case are:

- Principle of development
- Design, layout & built heritage
- Residential amenity
- Other issues

### 7.1. Principle of development

The development proposed for retention and the proposed development would be located within an area that is covered by the “Z2” zoning objective in the current Dublin City Development Plan which seeks “To protect and/or improve the amenities of residential conservation areas.” The appeal premises and neighbouring houses are also designated Protected Structures. The development proposed for retention and the proposed development, which relates to an extended utility room and balcony to the rear of the house, are acceptable in principle. However, the impact on built heritage and residential amenity will be addressed in sections 7.2 & 7.3 below.

### 7.2. Design, layout and built heritage

The appeal site is located within a Residential Conservation Area and the appeal premises and the neighbouring houses along Wellington Road are designated Protected Structures. Section 11.1.5.3 of the Development Plan states that interventions to Protected Structures should be to the minimum necessary; existing features should be re-instated; materials should match the original building; the original plan form should be protected; new development should relate to and complement the special character of the building; and the traditional proportionate relationship in scale between buildings, returns and gardens should be retained.

Planning permission was previously granted under Reg. Ref.1425/02 for alterations to the existing house which included modifications to the breakfast room with a new balcony to rear. Condition no.5 (b) required that the depth of the proposed balcony be reduced so that it does not exceed more than 1.5m at it deepest point and



Condition no.5 (c) required the replacement of the frosted glazed screen at the boundary with no.30 with a more solid type partition. The conditions were attached in the interest of visual and residential amenity. Taking account of Condition no. 5(b), the previously permitted and slightly curved balcony was c.3.5m wide, 1.5m deep and c.4.8sq.m with access steps at the E end, the utility room underneath the balcony was c.4.8sq.m and the remaining rear garden was c.9.5m deep.

Planning permission is now being sought to retain a larger balcony and utility room than previously permitted along with relocated access steps. The previously permitted balcony has been enlarged by an additional c.13.9sq.m to c.18.7sq.m and the previously permitted utility room underneath the balcony has been enlarged by an additional c.10.2sq.m to c.15.0sq.m. The depth of the rear garden has been reduced from c.9.5m to c.6m over c.50% of the garden width.

The existing house is 2-storey over basement and the enlarged balcony occupies an elevated position over the utility room at the equivalent of first floor level. The enlarged rectangular shaped balcony is c.3.5m wide and c.5.5m long and it would be more accurate to describe it as a first floor terrace rather than a balcony. Having regard to the nature, scale and design of the enlarged balcony, its elevated position over the enlarged ground level utility room, and its location to the rear of a Protected Structure, the development proposed for retention would be overly dominant relative to the existing building, it would have an adverse impact on the character and setting of the Protected Structure to which it is attached, and it would further erode the relationship between the Protected Structure and the garden.

The enlarged balcony and utility room would be located to the rear of the existing building and it would not be visible from the public realm along Wellington Road.

### **7.3. Residential amenity**

Planning permission is being sought to retain the enlarged utility room and balcony which is located c.1.8m above ground level, and to erect a new 1.8m high timber screen along the N boundary with no.30, with a balustrade along the E boundary of the balcony in the vicinity of the relocated access steps.

The combined c.3.6m high ground level utility room, first floor balcony and boundary screen would extend for an additional c.4.0m along the site boundary with the neighbouring house to the N at no.30 over a total distance of c.5.5m. The extended structure is set back c.3.2m from the site boundary with the neighbouring house to the S at no.34, and c.6m and c.16m respectively from the site boundary and rear elevation of the neighbouring house to the E at no.32 Raglan Road.

Notwithstanding the applicant's landscaping proposals for the rear section of the balcony and the existing shrub lined boundary to the E, the use of the enlarged balcony would give rise to an unacceptable level of overlooking and loss of privacy at the neighbouring properties to the N and S, and potential overlooking and loss of privacy to the E, if the shrubs are ever trimmed back or removed. The structure is also visually intrusive having regard to its height and scale, and it is noted that the rear garden has been reduced from c.80sq.m. to c.65sq.m. as a result of the works.

The development proposed for retention and the proposed development would have an adverse impact on the residential amenities of neighbouring properties by way of overlooking, loss of privacy and visual intrusion. This would also be contrary to the "Z2" zoning objective for the area which seeks "To protect and/or improve the amenities of residential conservation areas."

#### 7.4. Other issues

**Appropriate assessment:** The proposed development would not affect any European Sites having regard to the nature of the proposed works, the location of the site within an existing built up and serviced area, and the absence of a direct connection any SACs or SPAs in the wider area.

**Environmental services:** The arrangements are considered acceptable subject to compliance with the requirements of Irish Water and the planning authority.

## **8.0 Recommendation**

Arising from my assessment of this appeal case I recommend that planning permission should be refused for the development proposed for retention and the proposed development for the reasons and considerations set down below.

## **9.0 Reasons and Considerations**

1. Having regard to the provisions of the current Development Plan and the provisions set out under Section 11.1.5.3 in relation to works to Protected Structures, and to the nature, scale, design and location of the development proposed for retention and the proposed development to the rear of a Protected Structure, it is considered that the development proposed for retention and the proposed development would have an adverse impact on the character and setting of the Protected Structure, and in particular the traditional proportionate relationship in scale between buildings, returns and gardens would not be retained. The development proposed for retention and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the provisions of the current Development Plan and to the nature, scale and location of the development proposed for retention and the proposed development within an area covered by the “Z2” zoning objective which seeks “To protect and/or improve the amenities of residential conservation areas”, it is considered that the development proposed for retention and the proposed development would seriously injure the residential amenities of neighbouring properties by way of visual intrusion, overlooking and loss of privacy. The development proposed for retention and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Karla Mc Bride  
Planning Inspector  
4<sup>th</sup> July 2017