



An
Bord
Pleanála

Inspector's Report PL29S.248268

Development	Alterations consisting of the provision of a first floor balcony to the rear of the existing return.
Location	5 Manders Terrace, Ranelagh. Dublin 6.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	2048/17.
Applicant(s)	Clodagh O' Kane.
Type of Application	Permission.
Planning Authority Decision	To Refuse Permission
Type of Appeal	First Party
Appellant(s)	Clodagh O' Kane.
Observer(s)	None.
Date of Site Inspection	May 25 th , 2017.
Inspector	Breda Gannon.

1.0 Site Location and Description

- 1.1. The site is located at No 5 Manders Terrace, Ranelagh. Dublin 6. The terrace forms a uniform block of brick two-storey over basement dwellings, which is flanked on either side by three-storey properties. The terrace is accessed via a cul de sac that extends to the west off Ranelagh Road. To the front of the terrace there is resident car parking, beyond which lies a communal garden enclosed by railings. The elevated Luas rail line runs along a northwest-southeast axis to the east.
- 1.2. No 5 is a mid-terrace building, with a later two-storey flat roofed extension to the rear, featuring a balcony at first floor level. The house is currently being renovated and extended. There is a substantial garden to the rear enclosed by brick walls. The garden extends to a rear laneway that runs along the back of the terrace.
- 1.3. The area is primarily residential, with mixed uses becoming more predominant on the approach towards Ranelagh village.

2.0 Proposed Development

- 2.1. The proposal is to provide a first floor level balcony to the rear return of the building. The building is a Protected Structure. The application is supported by a Conservation Statement.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for the development for the following reason;

'The proposed development would materially contravene a condition attached to an existing permission for development namely, condition No 2(a) attached to the permission granted by Dublin City Council under planning register reference number 3759/16, which is still considered to be relevant. The proposed development would seriously injure the amenities of the immediate adjacent residential properties by way of overlooking and noise generation, would fail to comply with development plan standards for residential extensions as set out in Section 16.10.12, and in itself and

by the undesirable precedent set for similar development would seriously injure the amenities of property in the vicinity and would be contrary to the provisions of the Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area'.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report of 1/3/17 notes that the concerns of the planning authority remain. The proposed first floor balcony to the permitted extension would project a further 2.2m from the rear elevation of the dwelling and would be more useable than the existing first floor balcony, which has access from a bathroom. The provisions of section 16.10.12 of the development plan are noted with regard to extensions to dwellings. It is considered that notwithstanding the high level screens to the side walls, that the reconstruction of the balcony, projecting an additional 2.2m from the rear wall of the house, would lead to undue overlooking and noise impacts on neighbouring dwellings and rear garden areas. It is considered that granting permission for extensions to first floor balconies in residential areas with large rear garden areas would set an unwelcome precedent.

3.2.2. Other Technical Reports

The Drainage Division in their report of 13/1/17 raised no objection to the development.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

3759/16 – Permission granted for minor internal alterations at ground and first floor level to the original house, re-slating of the main roof and reconstruction of rear

boundary wall to laneway, modifications to the existing rear return including raising of the first floor level and roof level, extension of first floor and reconfiguration of the existing balcony within existing footprint. Condition No 2 (a) required that the balcony at first floor level be omitted.

2570/96 – Permission granted for a single storey extension to the rear.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the **Dublin City Development Plan 2016-2022**.

The site is located in an area zoned Z2 – Residential Neighbourhoods (Conservation Areas) with the following objective;

'To protect and /or improve the amenities of residential conservation areas'.

No 5 Manders Terrace is a Protected Structure (Ref No 4867) Record of Protected Structures Volume IV of the Plan) and is located within a Residential Conservation Area.

The policies of the Plan in relation to Protected Structures are set out in Section 11.1.5.1. The policies in respect to Conservation Areas are set out in Section 11.1.5.4. These policies seek to protect the structures of special interest which are included on the Record of Protected Structures and the special character of Conservation Areas.

Relevant policies include the following:

CHC1 - Preservation of the built heritage of the city.

CHC2 – Protection of the special interest of protected structures.

CHC4 – Protection of special interest and character of Conservation Areas.

Section 16.2.2.3 and section 16.10.12 (Volume 1) and Appendix 17 (Volume 2) of the Plan are concerned with extensions and alterations to dwellings.

Extracts from the Plan are appended to the back of the report for the information of the Board.

5.2. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal may be summarised as follows:

- There is an existing balcony which is used on an on-going basis at first floor level to the rear of the return. The balcony has existed at the property for over 20 years and was indicated as existing in a 1996 planning application to extend the return (2570/96).
- A new balcony is not being proposed, the internal layout is being rationalised. The house currently features a large balcony accessed from a bathroom which in turn is accessed from the main living room. The bathroom is being replaced with a sunroom which has a more meaningful relationship with the garden and the balcony.
- The existing balcony is not screened and has an open view of the adjoining private gardens (photographs attached) with a wall height of 1100mm approximately. The proposed balcony will be screened with opaque/opal glass to a height of 1500mm above balcony level to the site walls (section drawing 1516-P6) and will result in a reduction of overlooking from the balcony of No 5 and an improvement in the amenities of the adjoining houses.
- With regard to noise impacts, the projection of the balcony further into the garden would reduce any existing noise impacts by moving the balcony further from the rear wall of the dwellings on either side. The balcony is centred in the garden of No 5 and is 2.6-3.2 m from the adjoining boundaries. As such the noise and overlooking issues are mitigated as the balcony is not directly adjoining either neighbour.
- Planning permission has recently been granted by the same planning authority for the provision of a balcony to the rear of a similar protected structure at 29 Wellington Road (3577/15). In that case the house also had a

large rear garden, the balcony was closer to the adjoining boundary walls and the balcony was not screened. Dublin City Council have been inconsistent in their decisions and a precedent has been created by 3577/15.

- It is understood that the applicant consulted with adjoining neighbours and no objections were received.

6.2. Planning Authority Response

No response to the grounds of appeal were submitted by the planning authority.

7.0 Assessment

- 7.1. No alterations are proposed to the front of the building (Protected Structure) and the front elevation of the terrace is unaffected by the proposal.
- 7.2. The proposal seeks to include a balcony at first floor level in the rear return that was omitted from the previous permission (3759/16). The balcony would extend out from the permitted study/sunroom area and incorporate the remaining space at first floor level above the kitchen/dining room. The planning authority's concerns relate to impacts on the residential amenities of adjoining dwellings. No issues were raised regarding impacts on the protected structure.
- 7.3. The planning authority refers to section 16.10.12 of the development plan, which seeks to protect the amenity of adjoining properties and to ensure that extensions do not have an adverse impact on the scale and character of a dwelling. The house was previously extended and supports a rear two-storey return. The adjoining properties on both sides have ground floor extensions only.
- 7.4. Under the terms of the recently permitted development (3759/16), the ground floor projection would remain as existing and the first floor would be extended out by c 1.5m. The applicant wishes to enclose the remaining area over the ground floor with privacy screens to form a balcony area. The question that arises for determination by the Board is whether the development as proposed would impact on the scale and character of the existing dwelling and impact on the residential amenities of adjoining dwellings.

- 7.5. I accept that the provision of privacy screens around the proposed balcony would reduce the degree of overlooking, where currently there are largely unobstructed views over adjoining rear gardens. Arising from the orientation of the terrace I accept that significant overshadowing will not occur which would impact on the amenities of these properties.
- 7.6. The existing house enjoys the benefit of a substantial garden to the rear, which negates the necessity for additional private amenity space in the form of a first floor balcony. I accept that the proposed balcony, associated with the living areas of the house, will increase the usability of this space, with the potential for increase noise nuisance and general disturbance with impacts on the established residential amenity of the terrace. I also have concerns that the development, if permitted, would create a precedent for similar development, where two-storey returns are not a feature of the terrace, which would detract from its scale and character. I conclude that permission should be refused for the development on these grounds.

8.0 Appropriate Assessment

Having regard to the location of the development within a built up area, the nature and scale of the development and the separation distance from Natura 2000 sites, I consider that the proposed development either alone, or, in combination with other plans or projects, would not be likely to have significant effect on any other European Site, in view of the sites conservation objectives and that, therefore, a Stage Appropriate Assessment and the submission of a Natura Impact Statement is not required.

9.0 Recommendation

- 9.1. Having considered the contents of the planning application, the decision of the planning authority, the provisions of the development plan, the grounds of appeal and the responses thereto, my inspection of the site and my assessment of the planning issues, I recommend that permission be refused for the development for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the planning history relating to the site and the substantial area of private amenity space associated with the existing dwelling, it is considered that the balcony as proposed, associated with the living areas of the house, would create the potential for adverse impacts on the residential amenity of adjoining properties by reason of increased noise and general disturbance, which would be contrary to the zoning objective for the area 'to protect and/or improve the amenity of residential conservation areas'. Furthermore, the proposed development would contravene a condition attached to a previous permission and would create a precedent for similar development in the area which would detract from the scale and character of the terrace and would, therefore, be contrary to the proper planning and sustainable development of the area.

Breda Gannon
Senior Planning Inspector

12th June, 2017