



An  
Bord  
Pleanála

## Inspector's Report PL29S.248883

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<b>Development</b>	Partial demolition of building and construction of 2 houses.
<b>Location</b>	17 Serpentine Avenue, Dublin 4.
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	Reg. Ref.2139/17
<b>Applicant(s)</b>	Concept Fusion Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	First and Third Party
<b>Appellant(s)</b>	Patrick & Noreen Rice Concept Fusion Ltd.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	20 <sup>th</sup> October 2017
<b>Inspector</b>	Karla Mc Bride

## 1.0 Site Location and Description

The appeal site is located in Ballsbridge on the S side of Dublin and the surrounding area is mixed use in character. The site is located opposite the AIB Bank Centre and it is bound to the SE by the rear gardens of the houses along Sydenham Road. The site was occupied by a 2-storey, 4-bay, mid terrace house which was subdivided into 6 self-contained apartments. The bulk of the building has been demolished with only the façade remaining, and the site is separated from the street by hoarding.

The attached photographs and maps describe the site & surroundings in more detail.

## 2.0 Proposed Development

The proposed 412sq.m. development on the 0.04ha site and it would comprise:

- Demolition of the bulk of the existing building and rear extensions and retention of the front façade.
- Construction of 2 x 4-bed, 2-storey houses, 2-storey rear extensions and dormer level accommodation, with additional front door.
- Alterations to the existing vehicular access off Serpentine Avenue.
- Provision of 2 entrances and off street car parking spaces for each house.
- The two houses, which would have similar dimension to the original structure. would be c.12m wide, c.16m deep and between c.8m and c.9m high (overall height reduced to c.8.7m by FI).
- Provision of two c.12m long rear gardens.
- Associated site works including a new plinth wall and railings.

Accompanying documents:

- Planning report
- Natural Impact Statement
- Conservation report
- Sunlight and Daylight Report

## 3.0 Planning Authority Decision

### 3.1. Decision

Further Information was requested and submitted in relation to: - provision of a justification for demolishing the bulk of the existing building on environmental and conservation grounds and submit a conservation report; and the depth of the first floor section relative to neighbouring houses and residential amenity.

Following the receipt of FI, the Planning Authority decided to grant permission subject to 14 standard conditions.

**Condition no. 3** required the submission of revised plans to reduce the depth of the rear extension at first floor level by 2m on both properties and omit the second floor extensions on both properties.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planning Officer recommended a grant of planning permission.

#### 3.2.2. Other Technical Reports

The Roads Division: No objection subject to compliance with conditions.

The Drainage Division: No objection subject to compliance with conditions.

### 3.3. Prescribed Bodies

**Irish Rail:** No objections

### 3.4. Third Party Observations

Two submissions received which raised concerns in relation to scale and bulk, overlooking & overshadowing, visual impact, and loss of historic building.

## 4.0 Planning History

**Reg. Ref. 3254/10:** Permission granted for the refurbishment and extension the appeal premises comprising the:- retention and restoration of the facade; the reconstruction of the roof to match the existing; the demolition of the rear return and single storey extensions; the construction of a 2-storey rear extension to provide for the reconfiguration and extension of the 6 existing one bed units; ancillary works; and the provision of 6 cycle spaces and 2 car parking spaces to the rear with access via a right of way over a lane which opens onto Serpentine Avenue.

**Reg. Ref. 3254/10/x1:** An extension of the duration of the permission for the above development was granted until 08<sup>th</sup> December 2020.

**Reg. Ref. 3382/16:** Permission granted for the construction of a house to the rear of nos.19, 21, 23 & 25 Serpentine Avenue subject to 11 standard conditions.

## 5.0 Policy Context

### 5.1. Development Plan

#### **Zoning objective:**

The proposed development would be located within an area covered by the “Z1” zoning objective in the Development Plan which seeks to “To protect, provide and improve residential amenities” and the proposed use is listed as permissible.

#### **Extensions and alterations to Dwellings**

**Section 16.2.2.3** states that residential extensions should respect any existing uniformity of the street, retain a significant proportion of the garden space, not adversely affect architectural features, be confined to the rear, and be subordinate to the existing building, whilst extensions at roof level should respect the scale of the building, not adversely affect the character of terraces or result in the loss of roof forms, coverings or features which contribute to local character.

**Appendix 17** states that proposals should not have an adverse impact on the scale and character of the dwelling; have no unacceptable effect 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.

**Site development standards:**

Plot ratio:	0.5 - 2.0
Site coverage:	45% - 60%
Separation distance:	22m normally required
Private amenity space:	10sq.m. per bedspace (60-70sq.m rear garden)
Car parking:	1 space per dwelling

**5.2. Natural Heritage Designations**

The following designated areas are located within a 10km 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 Appeals**

**6.1. Grounds of Third Party: Patrick and Noreen Rice**

- Appellants occupy the adjoining house to the NE, they generally, welcome the Condition no.3 revisions although the wording should be more precise.
- Loss of historic building fabric, subdivision of the historic building plot and destruction of part of the architectural heritage of Ballsbridge.
- No.17 forms part of an early C.19<sup>th</sup> Georgian terrace which dates from c.1821-1837 and it represents the last years of the Georgian era.

- The house is in reasonably good structural condition and it contains several elements of value in addition to the front façade.
- Nos.13 & 15 date from the same time and they share the same building line, parapet height and simple stucco finish, they are 3-bay whilst no.17 is 4-bay in width, whilst later houses in the terrace are 2-bay.
- The plot width & single roof span design relative to the neighbours is of particular interest, and its place in the terrace is of heritage value in itself in terms of its age, design and layout.
- The house should not be demolished nor the building and site subdivided without good reason, and despite not being a Protected Structure s.16.10.1 of the Plan seeks to retain and reuse older buildings.
- Proposal should have been assessed by the Conservation Officer.
- Proposed demolition would prejudice the structural integrity of no.19 with insufficient demolition and construction details provided.
- Early C19<sup>th</sup> buildings were often not well founded, and there is a substantial chimney stack on the boundary of nos.17 & 18 which serves both houses and should be retained.
- Submitted drawings are inadequate with inaccurate site levels, and the levels at no.17 & 19 are similar although no.17 is slightly higher.
- The mechanical and electrical report mainly relates to a modern building and not a refurbished Georgian building.
- Previous permission cannot be implemented within the terms of its grant as the site boundaries are different in the extant permission (3254/10), the current proposal and the permitted house to the rear (3382/16).

- Under 3254/10, the permission for 6 flats requires vehicular access to the rear on a permanent basis however the permission granted under 3382/16 would close off this access.

## 6.2. **Grounds of First Party Appeal: Concept Fusion Ltd.**

- Appeal against **Condition no.3** to reduce the depth of the first floor rear extensions by 2m and omit the second floor extensions.
- Proposal complies with the Z1 zoning objective and all relevant planning policies, standards and guidelines (design, density, sustainability, accessibility, extensions & alterations and roof profile).
- The conversion of 6 substandard units into two high quality houses will provide for an acceptable level of amenity with good sized rear gardens.
- Proposal is more preferable to extant permission for 6 units (3254/10) which would have a greater adverse impact on neighbouring amenities.
- No adverse impacts on neighbouring residential amenities by way of overshadowing, overlooking or loss of privacy as per FI amendments, with less of an overlooking impact that under the extant scheme (3254/10).
- The Shadow Analysis describes the existing, extant (3254/10) and proposed situations and concludes that the extant and proposed overshadowing impacts would be similar.
- The depth of the first floor extensions is modest relative to the neighbourhood and a c.12m long rear garden would remain and the second floor extensions would be stepped so as not be overbearing.
- The building is not a PS or located in an ACA.
- Conservation report submitted by way of FI concludes that the building is not of any architectural significance, except for the façade.

- Refurbishment of the front facade will enhance the streetscape and building will be restored to its original character and charm.
- Roof of the second floor rear extension will not be visible from the street.
- The overall scale and contemporary design of the rear extensions is not dissimilar to other developments in the vicinity and the wider city (examples cited Clontarf, Palmerston, East Wall & Ringsend).
- Existing site boundaries will be upgraded and a new 2m high rear wall will be provided with the laneway.

### 6.3. Applicant Response to Third Party

- **Build heritage:** apart from the front façade, the existing building has no architectural or heritage merit and the historic fabric has long been lost as a result of numerous interventions and subdivisions.
- **Structural integrity:** propose to commence appropriate demolition works in respect of the extant permission (3254/10); the specialist demolition contractor will conduct the necessary dilapidation surveys on the existing properties pertinent to the application site, relevant parties will be provided with a method statement and party wall treatment works prior to commencement of any works. Commencement Notice served on Council.
- **Submitted drawings:** the originally submitted plans do not show a substantial difference in ground levels with the neighbouring sites.
- **Conservation Officer:** No need for a referral to the CO as the building is not a PS, located within an ACA or a CA (Z2), nor listed on the NIAH.
- **Mechanical & electrical report:** over 50% of the floor area relates to non-original and alter day additions to provide the 6 units, and the costs associated with upgrading the building would be prohibitively expensive, and the demolition is also justified on energy conservation grounds.
- **Extant planning permission:** provision of 6 cycle spaces and 2 car parking spaces to the rear of no.17 are ancillary to the proposal and not



fundamental to the refurbishment and extension of the building, and car parking can be satisfactorily provided to the front without a substantial departure from the permitted development.

**6.4. Further correspondence**

Maintain the view that the proposal would constitute an overdevelopment of the site in terms of scale, height and proximity to boundaries; be out of character with the area and would seriously injure the amenities of the adjoining house at no.19, and it would and adversely affect the value of property in the vicinity. Request the retention of Condition no. 3 in the event that the Board decides to grant permission.

**6.5. Planning Authority Response**

No new issues raised.

**6.6. Observations**

None received

## 7.0 **Assessment**

The main issues arising in this case are:

- Principle of development
- Design, layout & visual amenity
- Residential amenity
- Access & car parking
- Other issues

### 7.1. **Principle of development**

The proposed development would be located within an area zoned Z1 in the Dublin City Development Plan, 2016-2021 which seeks “To protect, provide and improve residential amenities.” The proposed development would comprise the partial demolition of an existing house and the construction of two new houses behind the retained façade along with a change of use from 6 one-bed units to two single family houses. The proposed development, including the proposed change of use change of use, would be compatible with the zoning objective for this area subject to compliance with Development Plan other policies and standards.

### 7.2. **Design, layout and visual amenity**

The appeal premises comprises a mid-terrace, double-fronted, 4-bay, 2-storey building which dates from the early 19<sup>th</sup> Century which is flanked on either side by 2-storey houses of a similar age but slightly different design and width. None of the buildings are Protected Structures and the terrace is not located within an Architectural Conservation Area or a Z2 Conservation Area. The terrace of houses is nonetheless an attractive heritage feature in the area and the front façade of the appeal premises is worthy of retention. However, the interior of house retains few original features of interest according to the applicant's Conservation Report and the most recent use of the house as 6 apartment units would have entailed substantial changes to the internal layout.

Permission was previously granted under Reg. Ref. 3254/10 for the refurbishment and extension the appeal premises at no.17. The permitted works included the retention of the front façade, reconstruction of the roof, demolition of the rear extensions and construction of a 2-storey rear extension to enlarge the existing one bed units. The works also included bicycle and car parking spaces to the rear with access via a right of way over the rear laneway. The duration of this permission was extended to 2020 and, except for the front façade, the entire house (and not just the rear extensions) has recently been demolished. Permission was also recently granted under Reg. Ref. 3382/16 for the construction of a house to the rear of nos.19 to 25 Serpentine Avenue which would be partly located on lands that originally formed part of the site covered by the permission granted for no.17 as well as the area identified as a right of way to the permitted rear bicycle and car parking spaces.

The proposed development would comprise the demolition of the existing building and rear extensions, the retention and restoration of the front façade which would be altered by an additional second entrance, and the construction of two 2-3 storey houses behind the façade with rear extensions. The two houses would be c.12m wide, c.16m deep and between c.8m and c.9m high. However, the overall height was reduced to c.8.7m by way of the applicant's FI response, and Condition no.3 required a 2m reduction in the depth of the rear extensions at first floor level and omission of the second floor extensions at both houses.

The Third Party has raised concerns in relation to the loss of built heritage and the impact of the proposed works on neighbouring residential and visual amenities. The submission also highlights the effect that the recently permitted house to the rear of no.19 to 23 has had on any future implementation of the previous permission for the refurbishment and extension of no.17. The First Party appellant submits that the proposed development would be acceptable in terms of built heritage, and visual and residential amenity. The First Party has requested the omission of Condition no.3 of the planning authority's decision to grant permission whilst the Third Party appellant has requested its retention in the event that the Board decide to grant permission.

The front section of the two houses, which would be located to the immediate rear of the retained façade, would be 2-storey in extent and the proposed height and roof profile would respect the existing character of the terrace, which is acceptable in terms of visual amenity. The proposed installation of an additional front door would not detract from the character of the existing façade.

Under the original proposal the mid to rear sections would be 3-storey in extent and the roof profiles of each of the houses would extend above the original roof ridge by c. c.0.5m to 1m and the finishes would comprise a mix of slates and zinc. This element of the proposed development would be visually obtrusive and out of character with the surrounding terrace. The design was amended by way of a Further Information response.

Under the amended proposal the design of the rear elevations and roof profiles were revised to provide a metal clad block structure at second floor level which would be c.9m wide c.8m deep and c.2.8m high. The structure would be set back c.1.5m from the neighbouring properties on either side and it would extend c.0.7m above the front roof ridge. This element of the proposed development would continue to be visually obtrusive and out of character with the surrounding terrace. The second floor extensions on both houses should be omitted in line with Condition no.3 of the planning authority's decision, in the interest of visual amenity.

The design and layout of the ground and first floor levels of the proposed houses and their respective rear and side elevations are considered acceptable in terms visual amenity and they would not be visible from the public domain.

### 7.3. Residential amenity

#### **Proposed houses:**

The original proposal, the proposal as amended by way of Further information, and the proposal as amended by way of Condition no.3 would provide for an acceptable level of residential amenity in relation to room sizes, floor to ceiling heights, orientation, storage, and private amenity space in the form of two c.12m long rear gardens. The proposed development would therefore provide for an acceptable level of residential amenity in accordance with National Policy and Development Plan standards.

#### **Relationship to No. 15 and 19 Serpentine Avenue:**

The proposed 2-3 storey houses would be c.16m deep and between c.8m and c.9m high, and the overall height was reduced to c.8.7m by way of the Further Information response. The proposed structure would extend along the neighbouring site boundaries with no.15 and no.17 to the Serpentine Avenue to the SW and NE.

No.15 Serpentine Avenue: The proposed structure would project beyond the neighbouring rear elevation to the SW by c.8m. There would be no windows in the side elevation and the neighbouring site would not be overlooked. Having regard to the orientation of the proposed houses to the NE of no.15 it is unlikely that the neighbouring site would not be overshadowed to any significant extent. However, having regard to the excessive depth of the proposed structure, its location along the site boundary, and its height (original and amended) the proposed development would be overbearing and visually obtrusive relative to the neighbouring property.

No.19 Serpentine Avenue: The proposed structure would project beyond the main rear elevation of the neighbouring house by c.6m and it would be set back from the side elevation of the neighbouring extension by c.3.4m at ground and first floor levels and by c.5m at second floor level. There would be no windows in the side elevation and the neighbouring site would not be overlooked. Having regard to the orientation of the proposed houses to the SW of no.17 it is likely that the neighbouring site would be overshadowed from the middle part of the day onwards. Furthermore, having regard to the excessive depth of the proposed structure, the narrow

separation distances, its location along the site boundary and its height (original and amended), the proposed development would be overbearing and obtrusive relative to the neighbouring property.

Having regard to all of the foregoing, the second floor levels on both houses should be omitted, and the first floor levels should be set back by c.2m in line with Condition no.3 of the planning authority's decision, in the interest of residential and visual amenity.

**Relationship to no.10 Sydenham Road:**

The proposed houses would be located over 30m from the rear elevations of the neighbouring houses to the SE. This would be well in excess of the minimum 22m separation distance between opposing first floor rear windows required by the Development Plan. Therefore, the proposed development would not overshadow, overlook or result in a loss of privacy at this house or any of its neighbours.

**Relationship to new house to rear of nos. 19-23 Serpentine Avenue:**

The proposed houses would not be located directly opposite permitted house to the NE and the proposed development would not overshadow, overlook or result in a loss of privacy at this house.

**7.4. Access and car parking**

One off street car parking space would be provided for each of the houses with direct access off Serpentine Avenue which is considered acceptable in terms of traffic safety and compliance with Development Plan standards. The proposal would not give rise to a traffic hazard or endanger the safety of other road users and the site is located in close proximity to several Dublin Bus routes and a DART station.

**7.5. Other issues**

**Appropriate assessment:** Having regard to the long established built up character of the area and the separation distance with the nearest European site, the proposed development would not affect any SACs or SPAs in the wider area.

**Boundaries:** The proposed reinstatement of the front garden boundaries is considered acceptable in terms of visual amenity.

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

**Financial contributions:** Compliance with the Council's S.48 Scheme is required.

**Flood risk:** The proposal would not give rise to any additional flood risk, subject to compliance with the requirements of Irish Water and the planning authority.

**Structural stability:** The concerns raised by the Third Party are noted however the building has already been demolished.

## 8.0 Recommendation

Arising from my assessment of this appeal case I recommend that planning permission should be granted for the proposed development for the reasons and considerations set down below and subject to the following conditions.

### Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2016 to 2021, and to the nature, and scale of the proposed development, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity or give rise to a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 9.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 interest of clarity.

2. For the avoidance of doubt the development shall be constructed in accordance with plans and particulars that were received by the planning authority on the 29<sup>th</sup> day of May 2017, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity

3. The development shall be amended as follows:



- (a) The second floor extensions at both properties shall be omitted in their entirety.
- (b) The first floor extensions at both properties shall be set back 2m from the ground level rear elevations.

The developer shall submit revised drawings, including elevations and floor plans, to planning authority for its written agreement before development commences.

**Reason:** In the interest of visual and residential amenity.

- 4. The following Roads and Traffic Planning Division requirements shall be complied with:
  - (a) Any alterations to the public road network including removal and/ or relocation of on-street spaces shall be agreed in writing with Dublin City Council. Works shall be carried out at the applicant's expense.
  - (b) The driveway entrance shall be at least 2.5m or at most 3.6m in width and shall not have outward opening gates.
  - (c) One car parking space per dwelling shall be provided in the front garden area.
  - (d) Footpath and kerb to be dished and new entrance provided to the requirements of the Area Engineer, Roads Maintenance Department.
  - (e) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
  - (f) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

**Reason:** In the interest of the proper planning and sustainable development of the area.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

**Reason:** In the interest of public health and to ensure a proper standard of development.

6. The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

**Reason:** To protect the residential amenities of property in the vicinity.

7. The site works and building works required to implement the development shall only be carried out between 7.00 hours and 18.00 hours, Monday to Friday and between 08.00hours and 14.00 hours on Saturdays and not at all on Sundays or Bank Holidays.

**Reason:** To safeguard the residential amenities of adjacent dwellings.

8. The developer shall pay to the planning authority the sum of eight thousand, one hundred and seventy three euro and forty four cents (E8, 173.44) as a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the

planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Karla Mc Bride  
Planning Inspector

26<sup>th</sup> October 2017