



An
Bord
Pleanála

Inspector's Report PL.29S.249139

Development	Removal of rear dwelling extension and construction of a new extension and additional storey. Construction of recreational building and associated site works.
Location	75 Palmerstown Road. Dublin 6.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3114/17.
Applicant(s)	Padraig Cronin & Margueritte Larkin.
Type of Application	Permission.
Planning Authority Decision	To Grant Permission.
Type of Appeal	First Party
Appellant(s)	Padraig Cronin & Margueritte Larkin.
Observer(s)	Thomas & Anita Mulloy.
Date of Site Inspection	17 th October 2017.
Inspector	Breda Gannon.

1.0 Site Location and Description

- 1.1. The site is located on the east side of Palmerstown Road. Rathgar. Dublin 6. It accommodates a mid-terrace two-storey over basement dwelling, which has been extended to the rear. The house is two bay with a red brick finish to the upper floors and a rendered finish to the raised basement level. The upper ground floor is accessed to the front by a granite staircase with cast iron railings. Wrought iron entrance gates and hedging form the boundary to Palmerstown Road.
- 1.2. To the rear of the house there is a single-storey flat roof extension at lower ground level floor that extends over the full width of the site. Above this there is a two-storey return feature, with large glazed windows dominating the rear elevation. The rear garden is enclosed by stone walls. There is a semi-detached stone outbuilding with a slated pitched roof along the rear boundary and gated access to a laneway that runs along the back of the terrace.

2.0 Proposed Development

- 2.1. The development as described in the public notices submitted with the application proposes;
 - repair and repointing works to the front of the main house, (a part three, part four-storey mid-terrace dwelling with a three-storey return).
 - removal of single-storey non original extension to the rear at lower ground floor level (17.4m²),
 - removal of non-original internal walls at lower ground floor level,
 - construction of new replacement single-storey extension to rear at lower ground floor level (20.4m²),
 - formation of new opening in rear wall at first floor level, together with new opening in rear roof slope above, all to facilitate the construction of a flat-roof rear extension at this level, being an additional storey to the existing rear return (14.4m²),

- construction of a new single-storey ancillary recreational buildings to rear including modifications to existing out-building (24.8m²) and relocation of access door to rear lane,
- all associated ancillary, conservation, landscaping and site development works.

The application is supported by the following documents;

- Planning Report.
- Historical Appraisal and Impact Assessment Report.
- Structural Report.
- Engineering Services Report.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission for the development subject to 9. no conditions which contains the following conditions of note;

Condition No 2 – Requires that the additional storey to the rear return be omitted.

Condition No 3 – All works to the protected structure to be carried out with input from a conservation architect. Method statement to be provided.

Condition No 5 – Controls the use of the recreational building to the rear to use ancillary to the enjoyment of the house.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **Planning Officer's** report notes that the new single-storey extension would project by 6.1m beyond the main rear elevation of the dwelling, at a height of 3.025m along the northern side boundary. It is considered that the extension is acceptable and would not have undue impacts on neighbouring residential amenities and would not adversely impact on the special character of the Protected Structure.

It is stated that serious concerns arise regarding the proposal to open up the rear wall at first floor level and to create a new opening in the rear roof slope to facilitate the construction of a flat roof rear extension at third floor level. Due to its height, the extent of glazing and projection above the eaves level of the Protected Structure and the terrace, the development would have a detrimental impact on the amenities of neighbouring property in terms of overlooking and adversely impact on the special character of the Protected Structure and the terrace in the residential conservation area.

The proposal also includes the construction of an ancillary single-storey recreational building to the rear including modifications to existing semi-detached out-building and relocation of access door to rear lane. It is not considered that this new building would result in undue impacts on neighbouring residential amenities and would not adversely impact on the special character of the Protected Structure. The proposed repair and repointing works to the façade of the main house are also considered acceptable, subject to a condition to ensure agreement of the method statement and full details with the Conservation Officer of Dublin City Council.

3.2.2. Other Technical Reports

The **Conservation Officer's** report of 12/7/17 raises concerns regarding the proposed alteration and additions to the rear return. It notes that the proposed development would adjoin the protected structure above eaves level and have a significant impact on the roofscape of the terrace and be highly visible from adjoining buildings.

The design would result in the loss of traditional roof profile and roofscape associated with a protected terrace, which is considered a very significant element in the character of a building. The visual impact will extend to adjoining buildings.

The proposed extra storey does not respect the uniformity of the terrace with its consistent roofline and would harm the special interest of the protected structure and the other buildings comprising the terrace. It is recommended that this element of the development should be omitted. No issues were raised regarding the remainder of the development subject to conditions.

The **Drainage Division** in their report of 17/7/17 raised no objection to the development subject to standard conditions.

3.3. **Third Party Observations**

Observations were received from the residents of adjoining properties on both sides of the proposed development. The issues raised are similar to those raised in the observation on the appeal.

4.0 **Planning History**

3380/05 – Permission granted for works to the Protected Structure at 75

Palmerstown Road comprising the demolition of existing three-storey rear extension, the construction a three-storey rear extension and single-storey garden room, internal alterations at ground floor level, refurbishment works at all floor levels and external works including landscaping, car parking, railings and gates to the front garden.

2032/05 – Permission refused for demolition, alterations and additions to 75

Palmerstown Road to include internal alterations to the ground floor of the main house and refurbishment works on all floors, demolition of existing three-storey rear extension and construction of a new four-storey rear extension, relocation of front gate, maintenance of 2 no car parking spaces and ancillary development.

Permission was refused on the grounds that the four-storey extension would have a significant overbearing impact on adjoining residential property and would have a negative impact on the Protected Structure and adjoining structures on Palmerstown Road, and that the proposed car parking would be contrary to development plan standards in relation to parking in the curtilage of protected structures and detract from the character of the Protected Structure.

5.0 **Policy Context**

5.1. **Development Plan**

The operative development plan is the **Dublin City Council 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’.

Residential development is a permitted use in this zoning category.

Section 16.10.12 (Extensions and Alterations to Dwellings) and Appendix 17 (Guidelines for Residential Extensions) of the Plan are relevant to the consideration of the proposed development.

Policies in relation to Conservation Areas/Residential Conservation areas are set out in Section 11.1.5.4 of the Plan.

Policy CHC2 – Seeks to ensure that the special interest of protected structures is protected.

Policy CHC4 -Seeks to protect the special interest and character of Dublin’s Conservation Areas.

Volume 4 of the Plan contains the Record of Protected Structures. The policies in relation to Protected Structures are set out in Section 11.1.5.1.

Relevant sections of 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 appeal is against Condition No 2 of the planning authority’s decision, which relates to the omission of the additional storey to the existing rear return of the property. It is considered that the condition is unwarranted as the additional second storey rear return has been scaled and designed with finishing materials that complement the character of the existing property. It is contemporary in style to allow a clear differentiation between the existing building and the modern design. The Board is requested to exercise its powers under section 139(1) of the Planning and Development Act 2000, as amended.

The applicants consider that it is appropriate to offer the Board an alternative option in respect of an additional floor. Apart from the design of the additional floor to the rear, the drawings are otherwise identical to the drawings approved by Dublin City Council. The revised design is more conventional in form, with a hipped roof and standard window detail, conforming to similar extensions at No's 78, 79 and 86 Palmerstown Road.

The grounds of appeal may be summarised as follows;

Design and appearance – The proposal is of contemporary design which is encouraged by Dublin City Council (Policy SC26). Materials have been selected to complement the main house. The extension will enhance the existing dwelling and not impact adversely on its scale and character. It will harmonise positively with surrounding properties. It is considered that the proposal is reasonable in scale and appearance and will have no adverse impacts on the residential amenity of the area, or of adjoining property. Revised proposal are submitted and the Board is requested to consider both options.

Overlooking – The second floor level addition proposed for the existing rear return has been designed with 1 no. rear facing glazed window that partially wraps around the side (south) elevation, with a second glazed window located on the north (side) elevation. The proposed additional floor level above the existing rear return will serve a bedroom.

Overshadowing - It is not considered that the proposed second floor level addition to the existing three-storey rear return will impinge on the residential amenity of adjoining properties by way of overshadowing. The floorplate of the rear return is modest in comparison to neighbouring rear returns and the second floor level addition follows the same floorplate of existing return. There will not be a discernible change to the shadowing of neighbouring properties. The revised plans would not result in any undue overshadowing of adjacent properties.

Overbearing – The separation distance between the first floor windows and opposing first floor windows to the rear of No 27 Kileen Road will be in excess of 30m and will not therefore result in overbearing impacts. The extension will maintain the established scale, form and footprint of the existing rear return and will not be overbearing to surrounding properties.

Precedent - There is precedent for additional floors over existing three-storey return at 23 Northumberland Street. Fig 6.0 demonstrates how a similar proposal can integrate well with surrounding dwellings and respect the residential character of the area. The proposed second floor extension is acceptable due to its high quality contemporary nature that respects the existing building at No 75 Palmerstown Road.

Alternative option – The revised option favours a hipped roof profile with standard window detail conforming to similar extensions on the street. It seeks to address the local authority’s concern with regard to loss of original roof fabric (thereby protecting the original fabric of the Protected Structure). In amending the roof profile the revised proposal is more sensitive to the locational context of the area and status of the building as a protected structure. It also seeks to address neighbours’ concerns with regard to perceived loss of privacy.

The revised second floor addition for the existing return has been designed with 1 no. rear facing glazed timber framed window. It will serve a bedroom and no overlooking will occur due to the separation distance of 30m to the rear façade of 27 Killeen Road. The revised extension has no north or south facing windows, thus avoiding the perception of overlooking.

A shadow study has been prepared to demonstrate that the proposed revised extension will not cause any further loss of sunlight to the adjoining properties. It shows the level of sunlight that would be received by adjacent properties.

Neighbouring rear gardens and adjacent habitable rooms will still receive adequate access to sunlight after the construction of the proposed extension. The shadow diagrams produced demonstrate that there is no discernible change to the shadow environment as a result of the proposed extension at second floor level to the rear return.

There are precedent examples of similar rear return extensions in the vicinity of the appeal site including 70, 78, 79 & 86 Palmerstown Road (photographs attached).

Conclusion – The proposed second floor rear extension represents an appropriately scaled development that would not give rise to undue impacts on the amenity of adjoining property. It is fully compliant with the development plan, in that it is a high quality contemporary design solution for a residential extension.

The revised proposal for consideration by the Board is a more conventional design proposal, which will provide additional living accommodation while protecting the residential amenity of adjoining properties and will not harm the appearance and character of the area.

6.2. Planning Authority Response

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

6.3. Observations

An observation was received from the adjoining property at 74 Palmerstown Road. The following summarises the issues raised.

- The appeal refers to an extension to the second floor. The phrase is misleading as it is understood that the applicants are seeking permission for a fourth floor return. The appeal should be rejected due to lack of clarity.
- The applicants propose changing the entire design. This form of appeal is an attempt to gain permission for a structure without going through the planning process and should be rejected on that basis.
- The existing boundary wall installed as part of construction works at No 75 Palmerstown Road has an unfinished exposed blockwork finish adjoining No 74 as a result of no agreement regarding access during previous works at No 75.
- No roof detail is provided but is likely to involve some form of overhang or guttering within the property boundary of No 74.
- Any possible positive impacts of creating an additional bed space at No 75 is disproportionate with the negative impact during and post construction on the residents of No 74.
- The proposed extension is contrary to the provisions of the development plan as it harms the conservation area by breaching the existing roofline of the terrace, using non-traditional materials and forms and constitutes a visually obtrusive and dominant form by virtue of its height, mass and construction materials.

- By reason of its height and depth, the proposed extension would have an overbearing impact on the residents of No 74 and seriously injure their residential amenity.
- The proposed glazing to the fourth storey extension is to the east elevation which will result in overlooking of No 74 with impacts on its amenity.
- The proposed extension would have a negative impact on the character of the existing protected structure and the adjoining structures on Palmerstown Road and would be contrary to the Z2 zoning objective for the area.
- No permission for access which will be necessary during demolition/construction has been sought from No 74.
- The three examples set out in the appeal do not create precedent. In the case of one of the dwellings, the return is an original structure and not an extension and in the case of the other two the houses are of a greater scale and size allowing the extension to remain subservient to the main dwelling. No 75 is a smaller mid terrace dwelling and the proposal will be overbearing and out of scale given the size of the main dwelling and its immediate neighbours.

7.0 **Assessment**

7.1. I consider that the main issues that arise for determination by the Board in respect to this appeal relate to the following;

- Principle of the development
- Impacts on the residential amenity of adjoining property
- Impacts on the character of the Protected Structure and the Residential Conservation Area.
- Appropriate Assessment.

1. Principle of the development.

Subject to good planning practice and the protection of the residential and visual amenities of the area, I consider that the proposal to extend the existing dwelling and

provide ancillary accommodation is acceptable in principle in this Z2 zoned area, where the primary land use is residential.

2 Impacts on the residential amenity of adjacent property.

The potential for impacts on the residential amenities of adjacent properties arise from the extensions to the rear. The proposed single-storey extension is broadly similar to that been replaced, with marginal increases in floor area and height. There are no new windows proposed in the side elevations that would increase the potential for overlooking. The new extension will project by an additional 1.2m from the rear of the house and with a marginal increase in height, would not result in diminution of residential amenity arising from overshadowing or overbearing impacts.

In contrast, the proposed extension to the rear return would significantly increase the height of the structure (2.1m). It would incorporate a large floor to ceiling glazed ope, to the rear and side, which would significantly impact on the residential amenity by way of overlooking. On the grounds of impacts on the amenity of adjacent dwelling, I consider that this element should be refused.

The applicants have submitted an alternative proposal for the Board's consideration. It has a more traditional design format. The size of the ope to the rear has been reduced and the opening in the side elevation has been omitted. In terms of the protection of residential amenity, the proposal is an improvement.

Provided the use of the recreational building to the rear is controlled and limited to purposes incidental to the enjoyment of the house, I do not consider that there is significant potential for adverse impacts on adjacent property.

3 Impacts on the character of the Protected Structure & Residential Conservation area.

There are a number of components to the proposed development, each of which will be considered in terms of its potential impacts on the character and setting of the Protected Structure and the Residential Conservation Area.

Repair and repointing works to the front of the main house - It is considered that the replacement of the existing non-original sand cement pointing to the original brick façade and the repointing of the brick with a lime based mortar will contribute positively to the character of the Protected Structure and the overall terrace. Subject

to the works being carried out in accordance with an approved method statement and under the supervision of a Conservation Architect, as required by the planning authority, I consider that this aspect of the development is wholly acceptable. No other works are proposed which would impact on the front façade of the building.

Single-storey extension - The works include the removal of an existing lower ground extension and its replacement with a new extension. The rear and internal walls would be removed and replaced with a similar structure with marginal increases in both floor area and height. The works proposed are a modern addition to the protected structure and the walls to be removed are not original fabric. Having regard to the scale and design of the existing extension at lower ground floor level, it is not considered that the development as proposed would result in additional impacts which would detract from the character or setting of the Protected Structure or the overall integrity of the terrace.

Provision of an additional floor to the existing three-storey return - The most contentious part of the development relates to the work proposed to facilitate an additional floor to the three-storey return. It is proposed to remove part of the external wall and window and part of the roof slope in the rear elevation and to build a new extension extending over the footprint of the return. The works proposed would involve the removal of original fabric.

I share the concerns of the planning authority regarding the proposed alterations. Whilst I accept that the development plan encourages contemporary design, the proposal fails to have regard to its guiding principles. The development as proposed dominates the rear elevation of the house and results in a significant portion of the roof being concealed from view. It fails to have adequate regard to the character of the Protected Structure or the remaining terrace and would, if permitted, significantly detract from the visual amenities of the area. It is contrary to the policies of the development plan (CHC2) in that it fails to relate to the scale, proportions, design and architectural detail of the existing building and fails to harmonise with the Conservation Area (CHC4)

An alternative design is put forward for the Board's consideration, which is more traditional and is provided with a hipped roof. I accept that the amended design is less intrusive, both in terms of its impact on original building fabric and the overall

amenities of the area. Whilst I accept that there are examples of similar type development that have been developed nearby, these should not be relied upon as setting any sort of precedence for the current proposal. The house itself is of special architectural interest because of its design and building fabric. It is also part of a terrace of houses, which is acknowledged (Historical Appraisal and Impact Assessment Report) contributes significantly to the historical character of the area.

The proposed extension would protrude above eaves level and conceal part of the original roofscape. It fails to complement or enhance the special character of the protected structure and will distort the uniformity of the original historic terrace in contravention of the development plan policies. The potential replication of this type of development on adjacent properties would fundamentally alter the character and pattern of the terrace and detract from the amenities of the conservation area. It is my opinion that permission for this part of the development should be refused.

Construction of a new single storey recreational building to the rear - The new building would be located at the rear of the site and would be connected into the existing stone outbuilding. The works would include the removal of the side wall of the outbuilding and the provision of a new window to a newly formed opening in the front. The majority of the original stone structure including the roof, would be retained. The new building would be contemporary in design and finished with a stone cladding to match existing stone walls. The building is designed as a more modern feature, which complements the existing outbuilding within the curtilage of the protected structure. Arising from the separation distance to the main house (10m), I do not consider that it would detract from the character or setting of the Protected Structure or its curtilage. Subject to a condition controlling its use, to a use incidental to the enjoyment of the house, I have no objection to this part of the proposal.

Relocation of arched door to laneway - Along the rear site boundary, it is proposed to relocate the existing arched door opening onto the adjoining laneway. The height and width of the opening would remain unchanged and it is intended to reinstate the bricks in the same sequence as existing. Subject to of the works being carried out under the supervision of a Conservation Architect, I have no objection to this part of the development.

4 Appropriate Assessment

Having regard to the location of the development within a built up area which is connected to public services, 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.

Note: I accept that the drawing titles do cause confusion (i.e. Lower Ground Floor, Upper Floor and Third Floor) but it is clear from the drawings themselves that the proposal includes an additional storey to the rear return. I do not therefore consider that third party rights have been compromised in any way. Any unfinished works as a result of previous developments on the appeal site are outside the Board's remit, who does not have enforcement powers.

8.0 Recommendation

8.1. Having regard to the nature of the condition the subject of the appeal and the alternative plans and particulars submitted for the Board's consideration, I consider that the Board should consider the appeal as if it had been made to it in the first instance. I recommend that permission be granted for the development, subject to the omission of the additional storey to the rear return for the reasons and considerations set out below.

9.0 Reasons and Considerations

10.0 Having regard to the established use of the site for residential purposes, it is considered that subject to compliance with the conditions set out below, the proposed development would not detract from the visual or residential amenities of the area and would not detract from the character or setting of the Protected Structure or its curtilage and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 particular received by the Board on the 29th day of August 2017, 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 the development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity.

2. The additional storey to the existing rear return shall be omitted from the development. Revised plans showing compliance with this condition shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To protect the character of the protected structure and the form and pattern of the existing terrace.

3. All works to the protected structure, to the outbuilding to the rear and works to relocate the access door to the rear laneway shall be carried out under the supervision of a Conservation Architect. Prior to the commencement of any work on the site a method statement shall be submitted for the written agreement of the planning authority detailing proposed works, procedures to be followed and the materials to be used.

Reason: In order to protect the character and setting of the protected structure.

4. The use of the proposed recreational building to the rear shall be restricted to purposes incidental to the enjoyment of the dwelling and shall not be used for human habitation, for commercial or industrial purposes or for the housing of animals.

Reason: In the interests of residential amenity.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, no development falling within Class 1 or Class 3 of Part 1 of Schedule 2 of the Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

Reason: In the interests of residential and visual amenity and in order to ensure that a reasonable amount of private open space is retained for the occupants of the dwelling.

6. 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 interests of public health.

6. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 hours Monday to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall be allowed only in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of adjoining property in the vicinity.

7. Prior to commencement of development, a Construction Management Plan shall be submitted to and agreed in writing with the planning authority. The plan shall include details of intended construction practice, proposals for traffic management, noise management and measures for off-site disposal of construction/demolition waste.

Reason: In the interests of amenities, public health and safety.

Breda Gannon
Senior Planning Inspector

6th November 2017.