



An
Bord
Pleanála

Inspector's Report PL29S.249331.

Development	Construction of 2-storey extension to rear.
Location	No.53, Eglinton Road. Dublin 4
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	Web/372/17
Applicant(s)	Mark and Amanda Collins
Type of Application	Permission
Planning Authority Decision	GRANT subject to 7no. conditions
Type of Appeal	2no. Third Party
Appellant(s)	Michael and Deirdre Somers Paul and Sylvia Kiernan
Observer(s)	None
Date of Site Inspection	11/01/18
Inspector	John Desmond

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1.0 Site Location and Description

- 1.1. The application site is located on Eglinton Road, to the southwest of Donnybrook village, c.3km south of Dublin city centre. Eglinton Road is an old suburb, characterised by period dwellings of 2-3 storeys, in detached and semi-detached arrangements and, for the most part, finished in redbrick.
- 1.2. The application relates to the site (area stated as 696.25-sq.m) of a 3-storey (2-storey over pediment basement) semi-detached period dwelling of a little over 300-sq.m GFA. The property is oriented along a north-south axis, with the rear garden extending north for c.34m from the rear elevation. It is evident that the dwelling has been extended to the side in modern times. The immediately neighbouring dwellings to the west and east have rear extensions.

2.0 Proposed Development

- 2.1. It is proposed to erect a 2-storey rear extension (75.1-sq.m stated GFA) at pediment-basement and raised ground floor level, with a screened external staircase on the eastern side and entailing the removal of an existing external staircase to the rear and alternations at basement and ground floor level.
- 2.2. Supporting documentation – A cover letter submitted by Chris Boyle Architecture summarises the amendments made to the proposed development (reduced height, depth and width; relocation of and provision of screen to external staircase; change of roof style from pitched to flat; altered fenestration arrangements; revised materials) compared to the previously proposed development which was refused by the Planning Authority. The letter also explains, inter alia, that the existing drainage system has been examined and found that no.53 is the first property on the system (i.e. there are no properties connecting in upstream for which the works to interrupt; and that all additional surface water runoff will be accommodated to soakpits).

3.0 Planning Authority Decision

3.1. Decision

To **GRANT** permission subject to 7no. standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planners report (11/09/17) – The report noted the reduction in scale of the proposed extension relative to that previously proposed and refused under application reg.ref.WEB1507/16, considered that it would not detract from the amenities of adjoining properties or the visual amenities of the area and would be in accordance with the provisions of the Dublin CDP. It recommended that permission be granted subject to 7no. conditions, consistent with the decision of the Planning Authority.

3.2.2. Other Technical Reports

Drainage Section (24/08/17) – The report raised no objection subject to standard drainage conditions for such a development.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Three letters of observation were received to the application. Two of the observations objected to the application - from Michael and Deirdre Somers of no.51 Eglinton Road adjacent the east of the application site (25/07/17); Paul and Sylvia Kiernan of no.49 Eglinton Road adjacent the east of no.51 (09/08/17). The main issues raised are repeated in the appeals and are summarised in that section, below. Addition points raised included:

- Limited space to accommodate construction lorries, etc.
- Hours of construction should be limited to 9am to 5pm Monday to Friday only.
- A detailed survey should be undertaken to inform whether the proposed development should be drained via its own connection to the public sewers. There have been repeated problems at no.49 where the existing connections are provided.
- Construction noise should comply with BS 5228.
- Public notice is misleading in terms of describing floor levels.

- Historical significance of the pair of houses – home to the family of Joseph Mary Plunkett (1916 Rising leader who was executed); and included in Pearson’s *Decorative Dublin* book concerning their use of brick and other decorative features in terracotta.

The third observation, from Samantha Farrell of no.42 Glasthule Road (22/08/17), supported the proposed development. The main points raised are generally repeated in the applicant’s response to the appeal. Additional points may be summarised as follows:

- Refers to S.17.10 of the Plan which supports good contemporary design, such as the design approach taken by the applicant.
- The site is large enough to accommodate the needs of the proposed development.
- Precedent for significant works to houses along this road, including at neighbouring properties no.51 and no.55.
- Normal hours of operation for construction site works should be conditioned.

4.0 Planning History

WEB1507/17 – Permission **REFUSED** for a 2-storey rear extension on this site for a single reason pertaining to adverse impact on scale and character of the existing dwelling and serious injury to residential amenities of neighbouring property from overlooking. The proposed extension had a stated GFA of 97.55-sq.m, a floor plate of 7m (D) X 8.465m (W), an eaves height and 7.638m to roof ridge.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2016-2022.

Land use zoning objective Z2 ‘*To protect and/or improve amenities of residential conservation areas.*’

S.16.2.2.3 Alterations and extensions (General)

S.16.10.12 Extensions and Alterations to Dwellings

Appendix 17 Guidelines for Residential Extensions

5.2. **Natural Heritage Designations**

South Dublin Bay and River Tolka Estuary SPA Site Code 004024 c.2km to the east.

South Dublin Bay SAC Site Code 000210 c.2km to the east.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The main grounds of the third-party appeal submitted by **Michael and Deirdre Somers** (no.51 Eglinton Road, adjacent east of site) and those of the third-party appeal submitted by **Paul and Sylvia Kiernan** (no.49 Eglinton Road, adjacent east of the site but one) may be summarised together as follows:

- Does not conform with s.16 of the CDP.
- It is not subordinate to the existing dwelling (s.16.2.2.3), but increases the first two floors by c.50%.
- Would seriously injure the residential amenity of appellants' property and other neighbouring properties through overlooking of garden (s.16.10.12).
- Would adversely affect residential amenities of adjacent buildings in terms of privacy, access to daylight and sunlight (s.16.10.12).
- Negative visual impact on appellant's property from visual impact due scale of extension (6.51m parapet is much higher than a standard house).
- Would detract from architectural features that contribute to the quality of the existing dwelling (s.16.2.2.3).
- The ground floor is in fact the first-floor level.
- No regard for the 45-degree rule used to determine impact on neighbouring property (see extract from South Cambridgeshire District Council Householder Design Guide, appended to appeal).

- Decision appears inconsistent with decisions to refused permission for extensions to no.61 Eglinton Road (reg.ref.2400/05, 3974/05, 4966/05).

6.2. Applicant Response

The main points of the applicants' response to the appeal, submitted c/o Chris Boyle Architecture (27/10/17), may be summarised as follows:

- Significant revisions were made in the design of the proposed rear extension to address the single reason for refusal for the previous proposal under WEB1507/16, including pre-planning consultation with the Planning Authority which concluded that the reason for refusal appeared to be addressed.
- The Planners' report on the proposed development concluded that the proposed design response was appropriate, that the proposal would not detract from the amenities of adjoining property and that it was in accordance with the Dublin CDP.
- No new relevant information not already taken into account by the Planning Authority has been submitted.
- The extension follows the subordinate approach for extensions as defined under s.17.8 of Appendix 17 of the Plan, supporting the functions of the different levels of the original dwelling and being not larger and not higher than the existing dwelling.
- Existing GFA is 304.55-sq.m. At 75.1-sq.m, the proposed extension represents a 24.6% increase and is clearly subordinate. It is also subordinate in being confined to the rear and by differentiation of material.
- It is consistent with s.16.4 of the CDP, referring to density standards, which promote a more compact urban form to accommodate a greater population.
- Plot ratio, at 0.545, is at the lower part of range of 0.5 to 2.0 for zone Z2.
- Site coverage, at 23.5%, would be below the 45% standard for zone Z2.
- In comparison to the previously proposed and refused extension, the proposed development has omitted the expansive folding window from upper level; cill height at ground (upper) floor level have been raised to match the

level of the kitchen counter to reduce downward views; oblique views have been reduced with alternating 900mm and 415mm wide windows, set flush (to outside wall) and recessed (to interior wall), respectively to create deep reveals.

- There are no side windows at upper ground level, only a glazed door with obscure glazed door which accesses onto the screened external staircase which will not result in any significant loss of privacy to the adjoining property. The provision of an external staircase to connect the primary living space with garden level, rather one enclosed within the extension, reduces the enclosed footprint of the extension. A rear staircase and landing would have read as a rear balcony which could not be effectively screened. The view from the landing to nos.49 and 51 is screened by the existing boundary wall and raised fence and the conservatory to no.51 is solid finished, not glazed, as evidenced in the photo taken from the existing rear staircase.
- The proposed extension is 2.435m, and the near edge of the screened staircase 1.635m, from the boundary wall to no.51 (>2m from edge of neighbouring conservatory), an increased separation from the previous proposal.
- It is evident from the Planners' report that the Planning Authority clearly considered the concerns of the third parties in its decision.
- It is not understood how the proposed development, which would sit in the shadow of the larger house could result in any significant loss of access to daylight / sunlight to the adjoining properties which are north-facing, given the separation distances involved and the existing structures in place.
- The view of the proposed development from the neighbouring dwellings is oblique, their views are oriented to their own gardens and the party boundaries are planted. Given the proposed amended design, there would be no negative visual impact on the garden of no.51.
- The proposed rear extension sits comfortably in the horizontal and vertical line of extensions to neighbouring properties (nos.51 and 55) - photomontage of proposed development is appended to response to show context.

- The height and arrangement of the proposed extension is dictated by the non-standard existing floor to ceiling levels of the original house.
- The dwelling is not a protected structure. The front of the dwelling will remain intact and totally unaffected by the proposal. The original decorative details of the front of the dwelling, as mentioned in Peter Pearson's '*Decorative Dublin*' do not carry to the rear façade. Two first floor windows matching those at no. 51 will be affected – one converted to a doorway and the other will have its cill raised. The alignment of the window adjacent no.51 will be preserved.
- There is no intention to mislead with the labelling of floor levels as basement and ground and the labelling (and public notices) are as per previous application, where this was not raised as an issue.
- The application adheres to the relevant planning requirements of the Dublin CDP and the Planning Regulations. The Cambridgeshire District Council Householder Design Guide has no relevance.
- Previous decisions to refuse development (12 years ago) at no.61 is not relevant as it is planning policy to consider each application on its own merits.

6.3. **Planning Authority Response**

No further comment.

6.4. **Observations**

None received.

6.5. **Further Responses**

None received.

7.0 **Assessment**

The issues arising under this appeal may be considered under the following headings:

7.1 Policy / principle

- 7.2 Design and visual impact
- 7.3 Impact on residential amenities
- 7.4 Appropriate Assessment

7.1. Policy / principle

7.1.1. The site is zone Z2 residential conservation area. The principle of residential development is acceptable.

7.2. Design and visual impact

7.2.1. The proposed extension is located to the rear of the existing dwelling and would not be visible from Eglinton Road such as to have any impact on the existing streetscape. The scale and massing of the structure is subordinate to the existing dwelling, which is a large, 3-storey (2-storeys over pediment basement) and would not detract from architectural features contributing to the quality of the existing building which are largely confined to the front of the dwelling. The proposed extension is reduced in size and scale from that previously proposed and refused under reg.ref.WEB1507/16.

7.2.2. The proposed extension is set back from the rear and side boundaries with neighbouring property by c.28m from north, c.1.3m from west and c.2.4m from east (boundary with no.51), or c.1.5m for the external staircase. Within the site context, I consider the proposed setbacks to be sufficient to mitigate the potential for any significant adverse visual impact on no.51, or on any other properties to the north, east or west. Whilst, the structure would be visible from the neighbouring properties, I do not consider the visual impact to be likely to be significant or for the proposed development to appear unduly out of character with existing development in the area.

7.2.3. I am satisfied that the proposed extension accords with the requirements of s.16.2.2.3 Alterations and Extensions and with s.16.10.12 Extensions and Alterations to Dwellings under the Development Plan and with the guidelines for residential extensions (Appendix 17 of the CDP), including sections 17.7, 17.8, 17.9 and 17.10.

7.3. Impact on residential amenities

- 7.3.1. I consider the design of the proposed extension to be such as not to significantly impact on the amenities of the neighbouring properties by way of overlooking, overshadowing or otherwise and to be consistent with the requirements and guidelines concerning residential extensions under the plan, including sections 17.2 to 17.6 of the said guidelines for residential extensions (Appendix 17 of the CDP).
- 7.3.2. The limited extent of fenestration and the use of obscure glazing only on the ground floor¹ east-facing elevation, in addition to the incorporation of the screen structure to the external staircase is generally sufficient to mitigate the potential impact on the privacy of no.51 to the east. However, the Board may consider it appropriate that the detailed design of the said screen be agreed with the Planning Authority by way of condition to ensure optimal protection of the amenities of the said neighbouring property from overlooking or perceived overlooking. In this regard, a louvred design would be appropriate at ground floor level (i.e. above the basement floor level).
- 7.4. Appropriate Assessment
- 7.5. Having regard to the small-scale nature of the proposed development within a built-up area, it is not considered that the proposed development would be likely to have a significant effect, directly or indirectly, individually or in combination with other plans or projects on any European site. I consider no Appropriate Assessment issues to arise.

8.0 Recommendation

- 8.1. I recommend that permission be **GRANTED** subject to the conditions set out under section 10.0.

9.0 Reasons and Considerations

Having regard to the nature, scale, design and location of the proposed development, within the context of the surrounding existing development, it is considered that proposed development would not seriously injure the amenities of property in the vicinity, would be consistent with the zoning objective pertaining to

¹ For clarity, I am using the floor level labels used by the applicant, i.e. basement and ground floor levels.

the site, Z2 'To protect and/or improve amenities of residential conservation areas', and would be in accordance with the proper planning and sustainable development of the area, subject to compliance with conditions set out under section 10.0.

10.0 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. The details of the proposed screen to the east side of the proposed external staircase shall be submitted for the agreement of the Planning Authority. At ground floor level (i.e. above basement floor level) the proposed screen shall comprise a louvred design oriented to avoid views over the neighbouring property to the east, no. 51 Eglinton Road. The screen shall be maintained permanently in place.

Reason: To protect the amenities of neighbouring property from excessive overlooking.

3. Water supply and drainage arrangements, including the attenuation and 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.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 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: To safeguard the [residential] amenities of property in the vicinity.

5. The developer shall pay to the planning authority a financial contribution of €3,024.00 (three thousand and twenty-four euro) 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.

John Desmond
Senior Planning Inspector

11th January 2018