



An  
Bord  
Pleanála

## Inspector's Report ABP-300337-17

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### DEVELOPMENT:

Demolition of side and rear extensions, construction of new single storey extension to rear of dwelling, new two storey extension to side of the existing dwelling (forward of the existing building line), all associated internal and external alterations, site, drainage and landscaping works, alterations to the front boundary wall.

### Location

1a Lea Road, Sandymount, Dublin  
4

### Planning Authority

Dublin City Council

### Planning Authority Reg. Ref.

WEB1503/17

### Applicant(s)

Paul Colleran, Claire O Hara

### Planning Authority Decision

Grant

### Type of Appeal

Third Party

### Appellant(s)

Anna Gethings & Petra Grier

### Observer(s)

Mary Ainscough

### Date of Site Inspection

06/03/2018

### Inspector

Gillian Kane

## 1.0 Site Location and Description

- 1.1.1. The subject site is located on the western side of Lea Road, at the junction of Lea Road and Gilford Road, in the south Dublin suburb of Sandymount. Lea Road comprises pairs of semi-detached dwellings and terraces of dwellings, all with a degree of uniformity of design / architectural style. Along the terrace of the subject site, the three bay dwellings have red brick ground level elevations and plaster upper floors. The first and the last dwelling in the terrace have pitched roof projections at the first floor, to mirror those on the semi-detached dwellings.
- 1.1.2. The dwellings on Gilford Avenue step forward of the building line of Lea Road with the result that the gable wall of no. 10 Gilford Avenue is visible as one travels south down Lea Road. The dwellings on Gilford Avenue are two storey red-bricked terraces. On the subject site is an end-of-terrace two storey dwelling with a single storey extension to the side and the rear. The dwelling was previously divided from the adjoining dwelling to the north (1 Lea Road) and retains a triangular front garden and a triangular rear garden with an access via a narrow pinch point at the side of the subject dwelling.
- 1.1.3. Access to the rear of the site was not possible on the date of my site visit. Photographs from the site visit are appended to this report.

## 2.0 Proposed Development

- 2.1.1. Permission was sought for the demolition of single storey extensions to the side and rear and the construction of a part single part two storey extension to the side and rear of the existing dwelling.
- 2.1.2. Details provided in the application form are as follows:
- Total site area: 273.5sq.m.
  - Floor area to be demolished: 23sq.m.
  - Floor area to be retained: 50sq.m.
  - Proposed new floor area: 88sq.m.
  - Total floor area: 138sq.m.
  - Proposed plot ratio: 0.50
  - Proposed site coverage: 29%

- 2.1.3. The application was accompanied by a Planning and Design Report. The report provides details of the proposed extension, choice of design and materials and compliance with development plan standards.

### **3.0 Reports on file following submission of Application**

#### **3.1. Third Party Observations**

- 3.1.1. Two objections to the proposed development were submitted to the Planning Authority. The grounds of objection are similar to those raised in the third party appeal and the observation.

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

- 3.2.1. **Drainage Division:** No objection subject to conditions.
- 3.2.2. **Planning Report:** The proposed third bedroom will overlook the second part of the adjoining neighbouring property, which is considered acceptable. Demonstration of sufficient thought and detail of proposal. Proposed development is in keeping with the streetscape. Previous application on site was quashed by means of a judicial review and has been removed from the record. Proposed development is reasonable and will not negatively impact on the property or neighbours. Recommendation to grant permission.

### **4.0 Planning Authority Decision**

#### **4.1. Decision**

- 4.1.1. On the 13<sup>th</sup> November 2017 the Planning Authority issued a notification of intention to **GRANT** permission subject to 6 no. standard conditions.

### **5.0 Planning History**

- 5.1.1. Planning Authority Reg. Ref. 0415/00: Planning permission was refused for a second floor extension of an existing ground floor extension of the two storey dwelling at 1 Lea Road.

## 6.0 Policy Context

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

6.1.1. In the plan, the site is zoned '**Z1 Sustainable Residential Neighbourhoods**' which has the stated objective "to protect, provide and improve residential amenities".

Within Z1 zones 'Residential' is a permissible use.

6.1.2. **Chapter 16** includes the Development Management Standards and has regard to Design, Layout, Mix of Uses and Sustainable Design. Applicable to the proposed development are the following:

- Indicative plot ratio for Z1 zones is 0.5 to 2.0,
- Indicative site coverage for the Z1 zone is 45-60%

6.1.3. Section 16.2.2.3 also states that extensions should be confined to the rear in most cases, be clearly subordinate to the existing building in scale and design and incorporate a high standard of thermal performance and appropriate sustainable design features.

6.1.4. Appendix 17 of the development plan refers to the general principles for extensions.

## 7.0 The Appeal

7.1.1. The third party appeal was submitted by a Planning Consultant on behalf of Anna Gethings of no. 8 Gilford Avenue and Petra Grier of no. 10 Gilford Avenue, the two properties to the south of the subject site. The grounds of the appeal can be summarised as follows:

- The proposed two storey extension with a flat roof would stand out as an intrusive and ill-fitting feature. It would be inconsistent in terms of mass and design.
- It is submitted that the Planning Authority did not fully consider the objections of the two appellants. A previous decision by the Council was quashed by judicial review due to a clerical error by the City Council. It is submitted that while the decision of the Council was invalid, the application was valid and should have been noted on the planning application as planning history.
- The proposed development is not in accordance with section 16.2.2.2 of the development plan as it does not respect the streetscape, is inconsistent with

the house types in terms of building height, design, fenestration and roof pitch. The proposed development involves an abrupt divergence in roof height and plane, heightened by the proposed oversized glazing. The dividing wall at no. 10 is insufficient to prevent an invasion of privacy.

- The proposed development does not comply with section 16.2.2.3 of the development plan due to the excessive departure from the established roofline that gives the street so much harmony and elegance. The push forward of the roofline exacerbates this intrusion.
- Permission was refused for a two storey side extension at 60 Hollybank Avenue Ranelagh (Reg. ref. WEB1456/16) on the grounds that the scale, mass and roof profile / height of the proposed development were visually obtrusive.
- The proposed development does not comply with section 16.10.12 of the development plan which requires development to have regard to the residential amenity of adjoining properties.
- The proposed development is not in keeping with the principles of Appendix 17 of the development plan which recommends that extensions play a supporting role to and should not dominate the main dwelling.
- The Council's planning report refers incorrectly to the site being in a Z2 rather than a Z1 zone.
- The site notice was on a white rather than a yellow background.
- The proposed flat-roofed extension is out of keeping with and would rupture the long-established harmony and character of the street. There is no evidence that the proposed fenestrational pattern replicates that of the terrace as claimed by the applicant.
- The applicant's response to the constrained site is counter-productive. The excessive intrusion is revealed in the applicant's drawings and shows that the proposed development is at odds with the development plan.
- The proposed development places an excessive burden on no.s 8 and 10 Gilford Avenue. The applicant states that no. 10 would serve to screen the development from the approach from the south side. The proposed

development has a large number of windows that will overlook no. 10. 1.6m x 1.9m windows at ground level and a 1.2m wide first floor window within a metre of the boundary are intrusive and overbearing. The appellant will suffer a lack of privacy and amenity. This will frustrate any options for upgrading no. 10 to compensate the darkness caused by the proposed development.

- The proposed development is in stark contrast to the uniformity in elevational treatment of Lea Road. The proposed vertical windows are disorientated and stretch too far and the roofline stumbles and falls.
- The division in streetscape between Lea Road and Gilford Avenue was a conscious and considered design intervention to mark the transition between the two streets. The established pattern needs to be respected.
- Any future alteration of the gable of no. 10 would be frustrated by the proposed development.
- No. 1a has been separated from no 1 Lea Road. The site has reached its full development potential. This is confirmed by the decision of the Planning Authority to refuse permission for a larger extension in 2000 (Planning Authority reg. ref. 0415/00 refers). It is submitted that this decision must inform any decision on the current application as the context has remained the same.
- The proposed development breaches the building line of Lea Road. The assertion that it matches the building line on Gilford Avenue must be disregarded as it is on another street. The incursion must be justified in terms of both streets.
- The appellants are happy to see a domestic extension of the existing dwelling once it is consistent and harmonious.
- The Board is requested to refuse permission.

## **7.2. Planning Authority Response**

- 7.2.1. The Planning Authority indicated that they would respond to the appeal but nothing was received.

### 7.3. Response of First Party to Appeal

7.3.1. The applicant has responded to the third party appeal as follows:

- The decision of the Planning Authority has had due regard to section 16 and Appendix 17 of the development plan and considered that the proposed development is acceptable and fully compliant with development plan policy.
- The subject dwelling does not accommodate the changing needs of the Applicant's young family. The site can easily accommodate an increase in floor area. The proposed design responds to the site and the future needs of the family, being assimilated into the site without dominating the original building fabric. The proposed design accords with the recommendations of the Architectural Heritage Guidelines which recommends avoiding pastiche design.
- The extension at 60 Hollybank, Ranelagh is not comparable as it is in a Z2 residential conservation area, did not respect the streetscape or the main dwelling in terms of design and finish. The proposed development in a Z1 zone is less sensitive and uses traditional materials in a modern design.
- The error of the Planning Authority referring to a Z2 zoning objective is likely typographical. Development in Z2 zones are subject to a more rigorous assessment therefore should the error be more than typographical, there would be no material impact on the decision of the Planning Authority.
- The previous decision of the Planning Authority under WEB1033/16 was quashed and removed from the record following judicial review, therefore the applicant's answer that no valid application was made is correct. The decision to place the site notice in white therefore is also correct. Further the quashed application was more than six months previously.
- The proposed contemporary extension does not detract from the character of the area in accordance with section 17.10 of the development plan. The modern book-end is reduced in bulk by a flat roof and the large windows create a lightweight design. There are many examples of contemporary design adjacent to older building stock (images attached) Grangegorman, Richmond Place, Newtown Avenue, Elmwood Avenue Lower.

- The ground floor building line of the proposed development allows the subject dwelling to respond to Gilford Avenue while the first floor maintains a relationship with Lea Road. This was discussed at pre-planning meetings and revised accordingly.
- No. 10 Gilford Avenue is not being used to screen the development, only the view. The proposed development would not change existing views.
- The proposed development will not overlook the private amenity space of no. 10 Gilford Avenue (diagram attached).
- Future windows in no. 10 Gilford Avenue are feasible if development complies with the Best Practice Urban Design Manual which requires the protection of adjacent residential amenity.
- Neither Lea Road nor Gilford Avenue are Conservation Areas, there are no Protected Structures in the vicinity of the site and the Sandymount ACA is a considerable distance away. The proposed development uses traditional materials in a contemporary design to clearly demarcate the new and existing. This was recognised by the Planning Authority and is in keeping with the Architectural Heritage Guidelines.
- The separation between Lea Road and Gilford Avenue still exists in terms of a physical side passage, the bend in the road and the design, scale and material of the dwellings.
- The Board is requested to grant permission.

#### **7.4. Observation**

7.4.1. The grounds of the observation submitted by the Mary Ainscough, of 6 Lea Crescent, Sandymount, can be summarised as follows:

- The proposed development is not in accordance with the development plan as it does not protect, provide or improve residential amenity.
- The proposed development is not consistent with section 16 of the development plan as the flat roof is inconsistent with the existing house type.
- The building line on Lea Road will be breached.



- The proposed infill development is not in accordance with section 16.2.2.2 with regard to terraces of unified design as the proposed development does not replicate and positively interpret the predominant design and architectural features of the group. Other infill development (1-3 Strand Mews, Lea Road) is consistent with these guiding principles.
- The proposed development which disrupts the streetscape character is not in compliance with section 16.2.2.3 of the development plan. It diminishes the ability of the existing dwellings to enjoy the amenity of the area.
- The proposed development would set an undesirable precedent, materially breaches Appendix 17 of the development plan and the order of the Planning Authority is not in accordance with proper planning and development.

## 8.0 **Assessment**

8.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. I have assessed the proposed development including the various submissions from the applicant, the planning authority and the Observer. I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Visual Impact
- Impact on Residential Amenity
- Other

### 8.2. **Principle of Development**

8.2.1. The subject site is located in an area zoned for residential development. The proposed extension to an existing dwelling, subject to compliance with all other planning considerations, is acceptable in principle.

### 8.3. **Visual Impact**

8.3.1. Both the appellant and the observer have submitted that the design of the proposed extension is a concern, stating that it does not comply with development plan policy which seeks to harmonise and achieve consistency. In response, the applicant has

stated that architectural heritage guidelines recommend avoiding pastiche design and making clear the line between old and new.

- 8.3.2. Section 16.2.2.3 of the development plan, in referring to alterations and extensions states that they should be sensitively designed and detailed to respect the character of the existing building, its context and the amenity of adjoining occupiers. Alterations and extensions should respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings, not result in the loss of, obscure or otherwise detract from architectural features which contribute to the quality of the existing building and retain characteristic townscape spaces or gaps between buildings. The predominant design feature on Lea Road is the change in elevational treatment at ground and first floor level. The finish of brick at ground level and plaster at the upper level is continued in the proposed extension, albeit with a more contemporary expression. I am satisfied that the uniformity and pattern of finish along Lea Road has been respected, in accordance with development plan policy. The final plot in the terrace is the appropriate location for a departure from the roof profile along Lea Road.
- 8.3.3. Section 16.2.2.3 also states that extensions should be confined to the rear in most cases, be clearly subordinate to the existing building in scale and design and incorporate a high standard of thermal performance and appropriate sustainable design features. The subject site is constrained in that it narrows to 3.8m immediately to the rear of the existing single storey rear extension. Extension of the dwelling to the rear is restricted. The proposed extension which comprises most of the triangular side garden is an attempt to respond to the individual site constraints. As noted above, Gilford Avenue steps forward of Lea Road as it turns south-westwards, creating a clear distinction between the two streets. The proposed extension while forward of the Lea Road building line is still behind the Gilford Avenue building line allowing the demarcation between the two streets to be clearly retained. Given that the subject site is the last 'book-end' site on Lea Road, it is an appropriate location for a breach of the Lea Road building line. The strong contemporary design of the proposed extension is a clear design statement that a new feature has been added to the original terrace. I am satisfied that on the subject site, an extension to the side is acceptable.

#### **8.4. Impact on Residential Amenity**

- 8.4.1. The proposed two storey extension to the side of the dwelling has three ground floor windows in the side elevation (see drawing no.s 16025-210 and 16025-203) and two windows in the first floor rear elevation (see drawing no.s 16025-210 and 16025-204). At ground level, no direct overlooking will occur as there are no windows on the side gable of no. 10 Gilford Avenue. At first floor level, the 1.2m wide window illuminating the bedroom faces due west. Overlooking of the western end of the private amenity space of no. 10 could only occur obliquely.
- 8.4.2. The Appellant has stated that the proposed development will frustrate any attempts to add windows to the gable of no. 10 Gilford Avenue. Given that there are no windows proposed for the side (southern) elevation of the proposed extension at first floor level, I am satisfied that any future fenestration at no. 10 could be satisfactorily accommodated.

#### **8.5. Other**

- 8.5.1. The procedural issues raised by the Appellant are not germane to the appeal before the Board.
- 8.5.2. In terms of the Planning Authority's decision to refuse permission for an extension at 60 Hollybank Avenue, I note the more sensitive zoning objective for that site and that the proposed extension was larger and higher than the main dwelling, neither of which are the case in the subject application.

#### **9.0 Appropriate Assessment**

- 9.1.1. Having regard to the nature and scale of the proposed development in a fully serviced built-up urban area and proximity to the nearest European site, no appropriate assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site

#### **10.0 Recommendation**

- 10.1. I recommend permission be GRANTED subject to the following conditions

## 11.0 Reasons and Considerations

Having regard to the pattern of development in the vicinity and the nature, scale and design of the proposed extension, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of neighbouring property, would not unduly detract from the setting of neighbouring structures, would represent an appropriate form of development that would be compatible with its surroundings, and would be acceptable in terms of pedestrian and vehicular safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

## 12.0 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. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwelling and to protect the residential amenities of adjoining properties

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:** To ensure adequate servicing of the development, and to prevent pollution.

4. Site development and building works shall be carried out only between the hours of 0800 to 1800 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:** In order to safeguard the residential amenities of property in the vicinity.

5. The developer shall pay to the planning authority 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

**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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Gillian Kane

Senior Planning Inspector

12 March 2018