



An  
Bord  
Pleanála

## Inspector's Report ABP-300765-18

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<b>Development</b>	A reduction in the parapet height by 150mm of the previously approved rear extension and a 2.3m extension to the depth of the 1st floor level previously approved rear extension.
<b>Location</b>	81 Wellington Road, Dublin 4.
<b>Planning Authority</b>	Dublin City Council Sth
<b>Planning Authority Reg. Ref.</b>	4156/17
<b>Applicant(s)</b>	Julie and Dominic Silvester
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Julie and Dominic Silvester
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	23 <sup>rd</sup> of April 2018
<b>Inspector</b>	Karen Hamilton

## 1.0 Site Location and Description

1.1. The site contains a large double fronted, two storey over basement mid terrace late Georgian style dwelling and is located along the western side of Wellington Road, c. 20m north of the junction onto Wellington Lane, Dublin 4. The existing dwelling has vehicle access and off street parking to the front of the site and a large rear garden. There is a storey over basement modern rear return consisting of a u PVC conservatory which provides access to a rear courtyard and into a large rear garden. There is a c. 2m wall along the edge of the rear garden separating the adjoining gardens.

## 2.0 Proposed Development

2.1. The proposed development would comprise of:

- A reduction in the parapet height, of a rear extension, by 150mm of the previously approved rear extension (Reg Ref 4303/15) and a 2.3m extension/increase to the depth of the 1<sup>st</sup> floor level previously approved rear extension.

## 3.0 Planning Authority Decision

### 3.1. Decision

Decision to refuse for the following reason:

The proposed development is considered to directly contravene condition 4 of a previous permission reference no. 4303/15, whereby the first floor of the extension was reduced in size due to its impact on the neighbouring properties and the precedent for such a large first floor extension would set and as such the current proposal is considered to set an undesirable precedent and as such would seriously injure the amenity of property in the vicinity and is therefore considered to be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to refuse permission and refers to the following:

- The policy for works to protected structures and buildings within lands zoned Z2.
- The planning history on the site (Reg. Ref 4303/15) and condition no 4.
- The impact of the proposed extension on the amenities of the adjoining properties.

The application form was accompanied by the following:

- A scaled model illustrating the proposed development and adjoining dwellings,
- Sunlight Access Impact Analysis,
- Planning Report Statement,
- Historical Appraisal.

#### 3.2.2. Other Technical Reports

Drainage Division- No objection.

#### 3.3. Prescribed Bodies

None received.

#### 3.4. Third Party Observations

None received.

### 4.0 Planning History

#### Reg Ref 4303/15

Permission granted for repair, refurbishment and alterations to the interior of the dwelling including the removal of rear return and construction of a 3 storey rear return.

Condition No 4 included a requirement to reduce the first floor extension by 2.5m which would give a first floor extension of c. 7.4m.

## 5.0 Policy Context

No 81 Wellington Road, is a protected structure and therefore the following policy and guidance are relevant.

5.1. **Architectural Heritage Guidelines for Planning Authorities**, 2004. Development guidelines for Protected Structures and Areas of Architectural Conservation.

5.2. **Dublin City Development Plan 2016-2022**

The site is zoned in Z2 *"To protect and/or improve the amenities of residential conservation areas"*.

Extension to dwellings.

**Section 16.2.2.3:** Alterations and extensions (general)

Extensions will be sympathetic to the existing building and adjoining occupiers, Alterations and extensions to roof will respect the scale, elevation proportion and architectural form of the building.

**Section 16.10.12:** Extensions and Alterations to Dwellings

Relates to alterations and extensions to dwellings and states that development will only be granted where it will not have an adverse impact on the scale and character of the area and will not adversely affect amenities enjoyed by occupants of adjacent buildings.

**Appendix 17** of the Plan sets out design guidance with regard to residential extensions;

17.3: Residential amenity: extensions should not unacceptably affect the amenity of the neighbouring properties,

17.4 Privacy: Extensions should not result in any significant loss of privacy to the residents of adjoining properties.

17.5 Separation distance: 22m recommended although may not be applicable in all cases.

17.6 Daylight and Sunlight: care should be given to the extensions and the impact on the adjoining properties,

Protected structure and Conservation Areas.

**Policy CHC2:** To ensure that the special interest of protected structures is protected.

**Section 11.1.5.8:** Demolition of Protected Structures and Buildings in Architectural Conservation Areas. The demolition of structures which make a positive contribution to protection structure or conservation area will be restricted. The acceptability of demolition will be considered having regard to the impact on the character of the special interests of the protected structure.

**Appendix 24:** Protected Structures and Buildings in Conservation Areas.

### 5.3. **Natural Heritage Designations**

The site is located 2.3km to the west of both the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The grounds of appeal are submitted by an agent on behalf of the applicant in relation to the refusal and the issues raised are summarised below:

- The proposed development complies with the Z2 zoning and those policies and objectives for extensions to dwellings.
- The overall design includes a modest increase in the depth of the first floor level, with a drop in the height of the parapet by 150mm and revised the fenestration, reduction in width of curved slider windows and granite fins as per previous permission.
- The report of the planner and reason for refusal only refer to the material contravention of a condition of a previous permission and do not specifically address the design.

- The curved design and high standard will ensure there is no negative impact on the amenities of the adjoining residences.
- The planners report on the initial application, referred to the possibility of overshadowing on the property to the north. An accompanying Shadow analysis submitted, accords with the BRE guidelines and concludes that the proposed development is unlikely to result in any undue adverse impacts due to the loss of sunlight access to the rear of No 79 Wellington Road.
- Scaled model drawings submitted of the approved extension (Reg Ref 4303/15) and the proposed development illustrate the proposed development is more appropriate and in keeping with the current architectural style.

## 6.2. **Applicant Response**

The applicant is the appellant.

## 6.3. **Planning Authority Response**

None received.

## 6.4. **Observations**

None received.

## 7.0 **Assessment**

7.1. The issues of the appeal can be dealt with under the following headings:

- Principle of development
- Planning History
- Impact on the Residential Amenity
- Built Heritage
- Appropriate Assessment

### **Principle of development**

- 7.2. The proposed development includes the demolition of a single storey rear extension and construction of new two storey over basement which will alter the requirements of a previous permission (Reg. Ref. 4303/15) on the site, a protected structure. The site is zoned for Z2, residential development in the current Development Plan and therefore subject to complying with other planning requirements as addressed in the following sections, the principle of the proposal is acceptable.

### **Planning History**

- 7.3. Planning permission Reg. Ref 4303/15 included the removal of a single storey rear extension and construction of 3 storey rear extension and included condition no 4 *“The first floor extension shall be reduced by 2.5m which would give a first floor extension of approximately 7.4m”*. Although condition no 4 does not specifically refer to the depth or height, the report of the area planner states that the first floor extension is too long and the shadow analysis shows that there will be an increase in overshadowing to the adjoining property. The reason for refusal, for this proposed development, and the report of the area planner refers to condition no 4 and states that the proposed development is considered a material contravention of a previous permission.
- 7.4. The amendments submitted with the proposal include a reduction in the height of the rear extension by 150mm and inclusion of the length of the first floor as previously submitted to Reg Ref 4303/15 (required to be removed in condition no.4). I note the objectives and requirements of the Dublin City Development Plan 2011-2017 where applicable to the previous planning decision whilst the current development plan, Dublin City Development Plan 2016-2022, is applicable to this proposal and development on the site should be considered on its merits. As stated above, I consider the proposal acceptable in principle and I consider an amended design may be considered *“de novo”* where it complies with other planning requirements as discussed below.

### **Impact on the Residential Amenity**

- 7.5. The proposed development includes a two storey over basement rear return, located south of No 79 and north of No 83, adjoining terrace dwellings. Condition no 4 required a reduction in the length of the first floor by 2.5m to protect the residential

amenity of occupants in the adjoining properties and the planners report on the previous permission (Reg Ref 4303/15) specifically refers to overshadowing the property to the north, No 79, as illustrated in the accompanying shadowing analysis drawings. The grounds of appeal refer to the Sunlight Access Impact Analysis, accompanying this application which concludes there will be no significant negative impact and the curved design with vertical louvered stone fins to either side of the central opening will prevent overlooking. The impact on of the proposed development is assessed below.

- 7.6. Overlooking: Appendix 17.5 of the development plan includes a requirement for a 22m separation distance from opposing rear first floor windows. There are no dwellings located directly to the rear of the site. There are no windows along the sides of the first floor extension and the contemporary design which is curved with a flat roof, and vertical louvered stone fins to either side of the central opening will prevent overlooking into the adjoining properties.
- 7.7. Overshadowing: As stated above, the two storey extension is located to the south of the rear of No 79. No 79 has a two storey over basement rear return which projects c. 8m from the rear building line of the main dwelling and c. 4 m from the boundary wall. The proposed development extends c. 10m from the rear building line of the main dwelling and is 7.5m in height, from the ground floor, and located c. 7.5m from the rear of No 79 to the north. The Shadow analysis drawings include equinox (March), summer solstice and winter solstice projections and illustrates additional overshadowing on No 79 at mid-day during the equinox. The analysis utilises the guidance from the BRE Guidelines as a best practice and refers to different zones which may be reasonably affected by overshadowing, concluding that any shadows cast by the proposed development will have little or no impact on the windows facing the rear return of No 79 as they will continue to be able to receive a level of sunlight considerably in excess of the BRE guidelines. I note the overall height of the proposed development at c. 7.5m from the ground floor and c. 7.5 from the rear windows of No 79. I consider there will be overshadowing at mid-day, during equinox and summer at the rear of No 79, in particular that private courtyard directly adjacent to the rear of the dwelling and I consider the reduction in the length of the first floor would have a significant reduction on the impact of the overshadowing.



- 7.8. Overbearing: The subject site is a mid-terraced dwelling with a single storey rear return. There is a two storey over basement rear return on the dwellings at either side of the dwelling. The first floor of the proposed development will be visible from the rear of No 79, in particular the courtyard which extends out from the backdoor. Section 16.10.12 of the development plan requires that alterations and extensions to dwellings do not adversely affect amenities enjoyed by occupants of adjacent buildings. As stated above the proposed extension will project c.2 m greater than the return to the north of the site, no 79, therefore I consider the proposed development would have an overbearing impact on the occupants of the property to the north of the site.
- 7.9. Having regard to the location of the site south of No 79, the duration of overshadowing on this property during mid-day and the scale and length of the first floor extension, I consider the proposed development would have an overbearing impact on the private amenity space to the rear of No 79 and would cause overshadowing, therefore I consider the proposal would have a significant negative impact on the residential amenity of the occupants of this dwelling.

### **Built Heritage**

- 7.10. The subject site is two storey over basement terrace dwelling which is a protected structure located on lands zoned Z2, residential conservation. There currently exists a storey and half rear return. The previous grant of permission (Reg Ref 4303/15) included extensive internal alterations to the dwelling. The planner's assessment and condition no 2 and 3 of the permission referred to the use of best conservation practice and the submission of a "Conservation Methodology and Specification", which I consider reasonable. The grounds of appeal argue the alterations to the rear extension will not have a negative impact on the built heritage and the proposal is accompanied by a Historic Appraisal.
- 7.11. Demolition of rear extension: Section 3.10.2 of the Architectural Heritage Guidelines for Planning Authorities provides guidance on the demolition of structures where the works may have an impact on the special features of interest or overall character of the protected structure. I note the submitted Historic Appraisal assessment and reference to the "previously modified rear return" which is structurally defective and the fabric has severely deteriorated (reference to structural engineer's report), which

I consider reasonable. I also note the design and location of the current extension, of which is mostly a modern uPVC conservatory, and I consider its demolition is justifiable and I do not consider the removal of the rear return would affect the character and setting or the special interests of the main dwelling.

7.12. Design of the new extension: The proposed two storey over basement extension is located on a similar footprint to the current extension. The overall design is contemporary which is curved with a flat roof, and vertical louvered stone fins to either side of the central opening on the first floor. In relation to the impact of the proposed new extension on the character and setting of the protected structures, Section 6.8.3 of the Architectural Heritage Guidelines for Planning Authorities states that “attempts should not be made to disguise new additions or extensions and make them appear to belong to the historic fabric”. In addition, Section 11.1.5.3 of the development plan seeks to ensure that the design, form, scale, height, proportions, siting and materials of the new development should complement the special character of the protected structure. The extension, to the rear, will not be visible from the front of the dwelling or the vicinity of the site. I note the report of the Conservation Section on the previous permission referred to the “provision of a contemporary high quality design return” and following the submission of further information on the rear wall and several openings throughout the dwelling, there was no objection to the proposed development. There is no report from the Conservation Section on the proposed development. The amendments to the design, inclusion of the extra length on the first floor, are minimal and I consider the proposed extension would not have a detrimental impact on either the character of the main dwelling or those adjacent protected structures.

### **Appropriate Assessment**

7.13. Having regard to the nature and scale of the proposed development within a serviced area and separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

## 8.0 Recommendation

- 8.1. I recommend that planning permission should be refused, for the reasons and considerations, as set out below.

## 9.0 Reasons and Considerations

Having regard to the pattern of development in the area and the scale of development proposed and the policies and objectives of the current Dublin City Development Plan 2016-2022, in particular Section 16.10.12 and Appendix 17 in relation to extensions to dwellings, it is considered that the proposed extension, by reason of its scale, bulk and proximity to No. 79 Wellington Road to the north, would seriously injure the residential amenities and depreciate the value of adjoining properties by reason of visual obtrusion and overshadowing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Karen Hamilton  
Planning Inspector

26<sup>th</sup> of April 2018