



An
Bord
Pleanála

Inspector's Report ABP-300766-18

Development	Demolition of the existing single storey extension, and the construction of a new two storey extension to the rear of the existing terraced house.
Location	2 Pigeon House Road, Ringsend, Dublin 4.
Planning Authority	Dublin City Council Sth (Planning Decisions)
Planning Authority Reg. Ref.	4264/17
Applicant	Martin Treacy
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	Bridget & David Mullen
Date of Site Inspection	17th May 2018
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located on Pigeon House Road forming part of a row of cottages which are oriented in an east west line facing the Liffey estuary and the port of Dublin. The subject site is the third house from the western end of the terrace which backs onto a row of similar properties at Ringsend Park. The cottages overlook the R131, which runs parallel and to the north of Pigeon House Road and connects with Tom Roche's Bridge, and Dublin Port beyond. The combined rows of cottages, Ringsend Park and Pigeon House Road, are punctuated by two north/south footpaths that subdivide the cottages into three blocks.
- 1.1.2. The site is rectangular in shape and accommodates the original mid-terrace cottage, a single storey rear kitchen extension extending to the rear boundary where a small WC, abutting the rear boundary, is separated from the original house by a small rear yard (stated to be 4.5 sqm) on the western side of the site. The site is not served by a rear lane or footpath and so its southern boundary abuts Nos. 98/99 Ringsend Park, which have similar two storey rear extensions added. Many of the cottages on Pigeon House Road have likewise had similar two storey rear extensions added.
- 1.1.3. The site is given as 51.15 sqm.

2.0 Proposed Development

- 2.1.1. The proposed development is the demolition of the existing single storey extension, and the construction of a new two storey extension to the rear of the existing terraced house, insertion of 3 no. new rooflights to the front of the existing roof, raising the existing roof ridge height by approx. 770 mm, the provision of a new staircase, associated internal remodelling, repair, and refurbishment of the existing dwelling and all associated site works.
- 2.1.2. The single storey kitchen extension to rear boundary, toilet at rear boundary and yard between toilet and original building will be removed; all internal compartments will be removed; and the yard will be moved to the rear wall. At first floor there will be

an east facing double bedroom and a south facing single bedroom overlooking the rear yard and roofs; and a toilet shower room partly under the front slope of the roof.

2.1.3. A letter submitted in support of the application cites precedent:

- Precedent for proposed ridge height - 1, 5, 6, 7 & 8 & 10.
- First floor bedroom location has precedent.
- Similar scale of the massing and articulation including recent - No 10 2009/17, No 8 2849/15, No. 7 1285/14 and No. 15. 2208/13.
- Massing is similar to No. 37 2152/09 where the new development was built up to the rear property line, a courtyard formed and a first floor bedroom window facing out to the private outdoor space. Similarly No 10 has an extension to the rear property line and has a similar window to the courtyard.
- In No. 442152/09 - there are two veluxes, similar to those proposed.

2.1.4. The 4.5 sq m open space replicates existing.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided to grant permission subject to six standard conditions.

3.1.2. The decision was in accordance with the planning recommendation.

3.2. Planning Authority Reports

3.2.1. Planning Report

- The ridge height would have to be raised 0.77m to match the adjoining property at No. 1.
- It is accepted that the principle of the development has been established on the terrace.

- Properties to either side have constructed extensions to the rear and are positioned directly adjacent to the site boundary. Therefore it is considered that the proposal would not result in any loss of amenity to neighbouring properties in terms of overshadowing. Given the roof profiles of the properties to the rear and the existing pattern of development it is considered that the proposal would not result in any overlooking.

- 3 rooflights to front raising roof 770mm.

- New staircase.

- City Development Plan cited, parts:

- 16.2.2.3

- 16.10.12

- Appendix 17

- 17.3

- 17.4

- 17.6

- 17.11

- Roof is proposed to match No. 1 - 2 rooflights 1.6 above floor.

- Precedent accepted in principle.

- No overlooking, no overshadowing.

3.2.2. Other Technical Reports

3.2.3. Engineer Department – Drainage Division, conditions.

3.2.4. An objection on the file has been read and noted.

3.3. Prescribed Bodies

3.3.1. TII - located in proximity to a future national road scheme, applicant should be made aware. The authority will entertain no future claims in respect of impacts e.g. noise, visual, due to the presence of the existing road and any new road scheme.

4.0 Planning History

No planning history for this site. Various histories are cited in the application for the general area.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Dublin City Development Plan 2016-2022 is the operative plan, relevant provisions include:

The site is zoned Z2 'to protect and or improve the amenities of residential conservation areas'.

Dublin City Council will seek to ensure that alterations and extensions will be sensitively designed and detailed to respect the character of the existing building, its context and the amenity of adjoining occupiers.

In particular, alterations and extensions should:

- Respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings,
- Retain a significant proportion of the garden space, yard or other enclosure,
- Not result in the loss of, obscure, or otherwise detract from, architectural features which contribute to the quality of the existing building,
- Retain characteristic townscape spaces or gaps between buildings,
- Not involve the infilling, enclosure or harmful alteration of front lightwells.

Furthermore, extensions should:

- Be confined to the rear in most cases,
- Be clearly subordinate to the existing building in scale and design,
- Incorporate a high standard of thermal performance and appropriate sustainable design features.

5.2. **Natural Heritage Designations**

The South Dublin Bay SAC site code 000210 and South Dublin Bay and River Tolka SPA site code 004024, are the nearest Natura sites, located c 0.7km away.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. The appeal against the decision to grant permission has been made by Bridget & David Mullen whose dwelling adjoins the subject site. The grounds can be summarised as:

- Work to No 1 damaged a wall between 1&2.
- Work on No. 2 damaged a wall between 2&3.
- They object because of structural damage caused by previous work. They previously appealed a proposal for No. 4 and the first floor was not allowed.

6.2. **Applicant Response**

6.2.1. The response to the grounds of appeal has been made by Martin Treacy, supported by a submission by Koba Design. The response can be summarised as:

- 2nd floor as has been done to 20 of the 44 houses along the road to date.
- Development will be carried out in accordance with building regulations.
- No overlooking of their property, wall will be built on the boundary.
- No previous permission.
- Design is based on previously granted scheme.
- History is provided.

6.3. **Planning Authority Response**

6.4. The planning authority has not responded to the grounds of appeal.

7.0 Assessment

- 7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, impact on structure of adjoining building, residential conservation area, and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment

- 7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment 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 a European site.

7.3. Structure of Adjoining Building

- 7.3.1. The grounds of appeal refers to the concern of the adjoining householders of possible damage to the structure of their building, based on previous experience.
- 7.3.2. The response to the grounds of appeal states that the development will be carried out in accordance with the building regulations.
- 7.3.3. Any structural damage which might arise from this extension would be subject to civil law. It is to be envisaged that the proposed works will provide for greater structural stability of the subject building, which would be a desirable outcome. The concerns regarding damage to the adjoining building should not be a reason to refuse permission.

7.4. Residential Conservation Area

- 7.4.1. The site is located within an area zoned Z2 'to protect and or improve the amenities of residential conservation areas'. The proposed development harmonises with the existing emerging streetscape in the area.
- 7.4.2. Many existing extensions have used the small rear yards and an increased height of roof ridge to provide extensions to these modest properties, without impact on the residential amenities of the area. The development as proposed will not impact on the residential amenities of the area.

8.0 Recommendation

- 8.1. In the light of the above assessment I recommend that planning permission be granted in accordance with the following conditions for the following reasons and considerations.

9.0 Reasons and Considerations

- 9.1.1. It is considered that the proposed development, subject to the following conditions, will provide improved residential accommodation which would be in accordance the Dublin City Development Plan 2016-2022, would not impact on the residential amenities of the area or the amenities of the residential conservation area and would accordingly be in accordance with the proper planning and sustainable development of the area.

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. 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.

3. Site development and building works shall be carried out only between the hours of 0700 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: In order to safeguard the residential amenities of property in the vicinity.

4. Demolition / construction phase noise levels – shall comply with British Standard 5228 – Noise Control on Construction and open sites Part 1, Code of practice for basic information and procedures for noise control.

Reason: In the interest of residential amenity.

5. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street and laneway are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the public road/laneway, the work shall be carried out at the developer's expense.

Reason: To ensure that the adjoining street is kept clean and safe during construction.

Planning Inspector

11th June 2018

Appendices

- 1 Photographs
- 2 Extracts from the Dublin City Development Plan 2016-2022