



Development	Demolition of ground floor extension to rear and construction of two-storey extension.
Location	10 Vernon Avenue, Clontarf, Dublin 3
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	4425/17
Applicant(s)	Eoin and Isobel Kidd
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party v Conditions
Appellants	Eoin and Isobel Kidd
Date of Site Inspection	6 th July 2018
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The site is located on the west side of Vernon Avenue near its junction with the Coast Road (R807) where development comprises a mix of residential and commercial uses in buildings that are mix of traditional Victorian redbrick and more modern 20th century styles. Building form is typically two storey in the immediate vicinity.
- 1.2. The site is irregular in form and shape in that the boundary at ground floor is larger in area than the site boundary as defined at first floor. It is deep and narrow and roughly rectangular, scaling at 40m in depth and from 3.7 to 5.6m in width. Part of the first floor is part of the adjoining dwelling at no 12.
- 1.3. The site is at a corner location with the narrow end frontage on Vernon Avenue and the long end fronting Church Lane – also annotated as St. Joseph’s Lane which provides access to two small town house developments – Vernon Wood and St. Joseph’s Square. The site also backs onto a lane which serves Vernon Wood and provides access to the rear of Vernon Avenue.
- 1.4. The site has mix of buildings and uses. To the front there is a cafe at ground level only. To the rear of this there is living accommodation with direct access from Church Lane. There are stairs from this area to the bedroom/bathroom accommodation for the same residential unit to the first floor over the commercial unit. This floor has windows in the principal façade and facing north in the party boundary and directly overlooking the front garden of no. 12. This adjoins first floor accommodation to no.12 and there is no interconnection between these properties.
- 1.5. There is a detached artist’s studio to the rear which appears to be ancillary to the dwelling and there is a small yard of 25sq.m. in the intervening area between the ground floor living area and studio – each of which has direct access to the yard. The yard has direct access on the Church Lane.
- 1.6. The building line is stepped back at the corner of the Vernon Wood and Church Lane and this is used as a parking and bin store area which is delineated as being part of the site.

2.0 Proposed Development

2.1. The proposed development involves

- Demolition of extension at ground level
- Construction of larger accommodation at ground to provide exclusive residential use wrapped around a small yard and extending the full length of the enclosed site along the northern boundary. (with no,12)
- Construction of first floor level over a depth of approx. 9m alongside the northern boundary at the end of the site as enclosed. (i.e. Not the parking area outside the walled part of the site. The first-floor level provides a relocated artist studio.
- Site works involve dropping of the ground level such that the overall increase in height of the studio building is 1.58m.

A cover letter explains the design rationale for upgrading an unorthodox dispersed living accommodation to provide more suitable family accommodation.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 6 conditions.

Condition 1 relates to compliance with drawings.

Condition 2 **omits the first floor element** and states,

The development hereby approved shall incorporate the following amendments: -

- a. The first-floor level of the rear extension containing the artist's studio shall be omitted in its entirety.
- b. The ground floor rear extension resulting from 2a above shall have a flat roof with parapet no higher than 2.9m above existing lane level.
- c. Because of 2a if the ground floor extension is to no longer be set below existing ground level the link corridor shall not exceed a height of 2.6m at its highest point.

Reason: To protect existing residential amenities for no.12 Vernon Avenue and to prevent undue overshadowing and overbearing of that dwelling as a result of the proposed development.

Conditions 3 restrict flat roof use

Condition, 4 relates to drainage

Condition 5, 6 and 7 relate to construction stage.

3.2. Planning Authority Reports

- 3.2.1. The planning report refers to policies and guidance on extensions and alterations as contained in the current Development Plan. The site constraints are acknowledged and the design approach using a link corridor and extending the habitable accommodation into the studio area to the rear is generally acceptable and understood. There is concern about the first-floor element along the boundary and the resultant scale, extent and overbearing and overshadowing impact on no.12 Vernon Avenue to the north. It is also concerned about the precedent for two storey along Vernon Avenue and the consequent impact on residential amenity in the area. In view of these concerns it is considered appropriate to remove the first floor. This is not considered unduly onerous as it relates to the artist's studio space and not habitable space.

3.2.2. Other Technical Reports

Drainage: no objection subject to conditions

3.2.3. Objections

Five submissions were made by the residents in Vernon Wood who were primarily concerned about over development in terms of scale and height and increased demand for parking in area already constrained in this regard.

3.3. Prescribed Bodies

Irish Water: No report

4.0 History

4.1. The site:

An Bord Pleanála ref. 238416/Planning Authority ref 39/78/10 refers to a split decision:

GRANT permission for change of use from residential to retail at ground floor level for reasons relating to land use.

REFUSE permission for the proposed change of use from residential to office use based on the reasons relating to the unrelated nature of office to premises and zoning generally.

4.2. The adjacent site no. 12

An Bord Pleanála ref. 244820/Planning Authority 3948/14 refers to permission for a first floor living room extension over the single storey two bed and one bathroom stepped returns and rebuilding of rear extension. It includes first floor windows in rear and south facing elevation, obscured screen, solar panels among other works.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is zoned to protect and improve residential amenity.
- 5.1.2. Chapter 16 provides a range of guidance for residential development, whether new build, infill, subdivision or provided by way of extension and all are relevant to this mews type proposal. Section 16.10.12 and Appendix 17 refer to extensions and alterations. The overall aim is visual integration while not adversely impacting the scale and character of the dwelling nor the amenities of adjacent properties in respect of privacy and access to light. High quality contemporary design is advocated.

6.0 Grounds of Appeal

6.1. The agent has submitted an appeal against condition 2 only. The requirement to omit the first floor is disputed having regard to the following considerations.:

- The site is restricted in constrained in narrowness. Any alternative would result in mean spirited garden with little benefit in view of the expenditure involved for engineering works associated with the site development.
- IT appears there has inadequate consideration of the lowering of ground and consequently lower parapet level.
- Using BRE 209 Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (2011) it is demonstrated that there is no impact at 0900hrs, negligible impact ant noon and limited impact at 1500hrs
- The existing tree means that the garden of no.12 is mostly in occluded light
- There will be a minor loss of light in the most rearmost of the extension of the dwelling at very specific times and dates and there will be minimal loss if direct sunlight to the rear garden space of no. 12. /sunlight and daylight analysis imagery attached.
- Overbearing: the additional height of 1580mm is not considered to be unduly overbearing in volume.
- Re was no option to redesign using chamfered profile for example by way of additional information. Although this would dilute the internal space.
- Much of the design is influenced by the absence of privacy due to the arrangement of no.12.
- By reference to Appendix 17 guidance and reporting inspector's comments on extension design in the area it is submitted that the contemporary design will be a positive contribution to the character of the area.
- A fixed brise soleil can be used to shield the views from no.10 to no.12.

6.2. Planning Authority Response

No further comments

7.0 **Assessment**

7.1. **Issues**

- 7.1.1. This appeal is against condition number 2 of a decision to grant permission for demolition and extension to the residential element of property in mixed use premises at 10 Vernon Avenue. The condition requires removing the first-floor element of the extension. Having reviewed the file and inspected the site and having regard to the nature of the condition I am satisfied that the Board can confine its consideration to issues within said condition and that a de novo consideration is not required within the context of section 139 of the Planning Act.
- 7.1.2. The issues in this context, are interrelated and relate to the first floor impacts of
- Over development,
 - Impact on residential amenity by reason of massing and consequent over shadowing and overbearing aspect.

7.2. **First floor impacts**

- 7.2.1. The proposal seeks to remodel and extend existing residential accommodation which derives limited benefit from the private open space due to its lack of privacy arising from the juxtaposition with no12. The proposal involves the demolition of the detached artist's studio to the rear of the site and its replacement with a two storey residential block to be linked by a corridor to the house proper of which only parts comprise fragmented living accommodation for one household - the balance of the property being part of no.12 next door and café unit to the front. This is an unusual site where the options to extend are limited. The proposed remodelling only achieves a marginal increase at ground level due to the requirement to retain private open space however the option to increase at first floor level is constrained by the unusual arrangement of no.12 and its occupancy of part of the first floor with a window (but obscured) directly overlooking the subject site. The only option to extend, while maintaining open space, is to provide additional accommodation at first floor level to the rear.
- 7.2.2. The proposed design will result in a net increase of 7 sq.m. at ground level. However, by changing the artist's studio to part of the living accommodation this

increases habitable area by approx. 27 sq.m at the same level. The studio is effectively retained by adding a first floor to the rear element in addition to storage space.

- 7.2.3. The increase in accommodation would provide a proportionally generous enhancement to what is a very modest two-bedroom property while retaining an ancillary artist's studio. There is further potential to extend into the studio for additional habitable accommodation as it is now integrated with the residential element to the extent that independent usage would be difficult. The proposed layout does not therefore allow for multiple users and does not constitute an intensification of use of the site. In terms of streetscape impact, I am of the opinion that the strategic location of the site with extensive frontage permits a raised height. The stepped back corner site is also fairly unique in this regard.
- 7.2.4. In these circumstances, I consider a first-floor element to the rear in principle is acceptable but there are issues relating to the physical presence and impact on adjacent properties – namely no.12 Vernon Avenue.
- 7.2.5. The architect has made every effort to mitigate impacts while enhancing the amenities of the occupants. A key element is the dropping of the ground level and keeping to minimal floor to ceiling heights such that the proposed extension will only rise by 1.58m above the existing height of the studio. While I accept this scales down height to an acceptable level as viewed from the lane network it does nevertheless present an issue for the property due north. The first-floor element extends almost 9m along the boundary and this is additional to the link corridor extending and raised in part along the boundary – the lowered ground minimises this though.
- 7.2.6. The rear garden of no.12 is particularly narrow at about 3m in parts and is quite shady due to the wall and by a large tree. It could be argued that it is of a limited amenity due to its configuration. Notwithstanding I note that the sunlight and day light analysis demonstrates a limited impact. This however is probably more significant in view of the site configuration.
- 7.2.7. I understand that remodelling of the ground floor with limited net floor area and loss of studio space render the project unworthwhile and consider a degree of compromise is reasonable.

- 7.2.8. I consider the most significant impact would be the overbearing aspect presented by an extensive north facing wall along the boundary with no.12. A reconfiguring of the boundary is necessary. Accepting the constraints of the site and unusual configuration and its corner location I consider a first floor with a remodelled massing along the boundary incorporating a set back in the order of at least 600mm would allow for better assimilation while retaining the same accommodation. An alternative would be to set back the first floor from the east in the order of 2-2.5m at the boundary reducing the setback moving south which could be dealt with by condition. Although if the east elevation is angled towards no.12, the window would need to be redesigned, perhaps as an oriel with southerly views. Another alternative would be perhaps to cantilever over the car parking area but this would be materially different should the applicant submit this as a revised design and it would require public notices to facilitate third party involvement.
- 7.2.9. In terms of overlooking I note comments about the design being partly derived from the limited privacy due to the relationship with no.12. In the unusual circumstance of the site I consider the brise soleil is reasonable design approach which will direct viewing over the ancillary open space and the lane way where passive surveillance could be achieved and would contribute to amenities of the public realm.
- 7.2.10. On balance I consider the proposed extension to be acceptable and in accordance with the proper planning and sustainable development of the area.
- 7.2.11. For these reasons I consider condition 2 should be amended so as retain the first-floor element subject to a remodelled roof which incorporates a set back from the boundary of at least 600mm.

8.0 Appropriate Assessment

- 8.1. In view of the modest scale and nature of the proposed development which involves rebuilding on a developed site in an urban area, I do not consider the issue of appropriate assessment arises.

9.0 Recommendation

- 9.1. Within the provisions of section 139, I recommend that the planning authority be directed to amend condition no. 2 and attach a condition in relation to the use of the artist's studio which is reincorporated by the amended condition under appeal.

10.0 Reasons and Considerations

Having regard to the juxtaposition of the existing property on the site with the dwelling at no.12 Vernon Avenue, and the corner site location, it is considered that, subject to the amended condition and attachment of a further condition, the proposed development would be acceptable in terms of scale and character and would not seriously injure the residential and visual amenities of the area. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

2. The proposed development shall incorporate the following amendments and revised drawings shall be submitted for written agreement prior to commencement of development: -

The first-floor level of the rear extension shall be set back 0.6 metres from the boundary with no.12 and the roof detail and elevations shall be revised to incorporate this.

Reason: To protect existing residential amenities of neighbouring development.

Attach the following condition.

The artist's studio shall be ancillary to the domestic use at no.10 and shall not be sold or let or otherwise subdivided from the property.

Reason: To control the intensity of use on the site and in the interest of amenity.

Suzanne Kehely

Senior Planning Inspector

9th July 2018