



An  
Bord  
Pleanála

## Inspector's Report ABP301124-18.

---

<b>Development</b>	Permission for demolition of the existing ground floor extension to the rear and construction of a new ground and first floor extension to the rear.
<b>Location</b>	7 West Terrace, Inchicore, Dublin 8.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	4635/17.
<b>Applicant(s)</b>	Danny Golden
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission with conditions.
<b>Type of Appeal</b>	1 <sup>st</sup> Party versus condition 3.
<b>Appellant(s)</b>	Danny Golden.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	28 <sup>th</sup> May 2018
<b>Inspector</b>	Brid Maxwell.

## 1.0 Site Location and Description

- 1.1. The appeal is located within a well-established residential area at West Terrace, Inchicore. The site is within the historic Inchicore Railway Works Estate and has a stated area of 193.8m. sq comprising an established mid-terraced two storey dwelling, dating from circa 1890 with two existing rear single storey extensions, one pitched and the other flat roofed. The house is sited directly on street front and faces onto the CIE social club grounds. To the rear of the dwelling is a small yard area to the southern side of the existing rear extensions. The appeal site along with the adjoining dwellings and others within the historic Railway works estate have a distinctive layout arrangement with a pedestrian right of way over running along the rear of the properties separating the dwellings from their generous rear gardens /allotment area. The garden / allotment associated with the appeal dwelling is located not directly opposite but slightly ajar to the south east of the main dwelling site.
- 1.2. The adjoining dwelling site no 6 immediately to the south has a two storey extension extending 2.5m to the rear of the terrace but is set back 1.8 from the side boundary with the appeal site. The adjoining site to the north, No 8 has a single storey rear extension located immediately adjoining the appeal site and extending 4.5m behind the rear wall of the main dwelling. The general area both along West Terrace. Inchicore Square and Inchicore Terrace South is characterised by an eclectic mix of rear extensions of varied character many of which extend to and some open directly onto the rear pedestrian laneways which are a unique feature of this area.
- 1.3. Photographs appended to this report taken on the date of my site visit demonstrate the character of the area.

## 2.0 Proposed Development

- 2.1. The proposal provides for the demolition of the existing ground floor rear extensions 16.3 sq.m and their replacement with a new ground and first floor extension

(38.8msq.) providing for a living room kitchen/dining at ground floor level and a bedroom at first floor level.

- 2.2. The proposed development at ground floor level extends 6.2m to the rear and side boundaries to cover the entire rear yard with a window and door proposed to open directly onto the laneway. The first-floor rear extension projects 3.5m from the rear wall extending also to the side boundaries.

### 3.0 Planning Authority Decision

#### 3.1. Decision

By order dated 23 February 2018. Dublin City Council decided to grant permission and 9 conditions were attached including the following:

Condition 2. Developer to comply with codes of practice from Drainage Division, Roads Streets and Traffic Department and Noise and Air Pollution Section.

Condition 3. (under appeal)

*“The development shall be revised as follows:*

*a. The ground floor level of the proposed rear extension shall be set back from its boundary with no 6 West Terrace by two metres and set back from rear laneway by one metre, to create a yard.*

*b. The proposed glazing at ground floor level shall face the yard. There shall be no windows directly onto the rear laneway.*

*c. The boundary wall between the subject site and the laneway shall be reinstated and rendered on both elevations.*

*Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings.*

*Reason: In the interests of the protection of residential amenity and visual amenity.”*

Condition 4. Finish to match existing

Condition 5, 6 & 7 Construction hours, noise control during construction demolition,

construction waste.

Condition 8. No further extension without prior grant of permission.

Condition 9. Adherence to Code of Practice for drainage works. SUDS.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Planner's report outlines concern regarding the proposal to provide a window and door directly onto the laneway/ and therefore recommends its set back from this boundary and the boundary with the adjoining dwelling.

#### 3.2.2. Other Technical Reports:

Engineering Department Drainage Division report indicates no objection subject to conditions.

### 4.0 Planning History

No apparent history on the appeal site. I note the following recent decision by the Board in the vicinity includes:

**PL29S244290 3490/14** Relates to No 23 Inchicore Terrace. Permission for demolition of extension and construction of new extension. The board on appeal removed conditions modifying the extension noting that having regard to the pattern of development and having regard to precedents in the area the development would not be injurious to visual amenity.

**2765/14** Refers to the decision to grant permission for the renovation of the existing house and construction of new first floor extension to the rear and partial demolition refurbishment and reconstruction of existing ground floor extension to rear at No 28 Inchicore Square South.

**2571/14** Permission for removal of existing sunroom and toilet to rear of dwelling and construction of a single storey extension within the same footprint. The development also consists of internal alterations and raising of roof level at first floor level over existing bedrooms to rear of the dwelling 22 North Terrace.

**4676/07** No 18 North Terrace. Permission for demolition of two storey return and construction of two storey extension and glazed courtyard.

## **5.0 Policy Context**

### **5.1. Development Plan**

5.1.1 The site is subject to Z2 Zoning - "To protect and/ or improve the residential amenities of residential conservation areas" within the Dublin City Development Plan 2016-2022.

5.1.2 Section 16.10 Standards for Residential Accommodation.

Section 16.10.12 Standards for Extensions and Alterations. Appendix 17 – Guidelines for Residential Extensions.

### **5.2. Natural Heritage Designations**

5.2.1 The nearest Natura 2000 sites are the Dublin Bay SAC and the South Dublin Bay and River Tolka Estuary SPA.

## **6.0 The Appeal**

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

The first party appeal relates solely to condition 3 and the grounds are summarised as follows:

- Condition 3 renders the proposed development unviable and is in effect a refusal by way of condition
- Request that the Board strike out the condition which is unworkable.
- Proposal is modest with addition 10m<sup>2</sup> at ground floor level and 13.5m at first floor level.

- A significant element of the design is the opening directly onto the laneway which will initiate the upgrade of this stretch of laneway providing for passive surveillance as has taken place on Inchicore Square South.
- Proposed design will have minimal and reasonable impact on privacy and overshadowing of neighbouring properties.
- Note precedent decisions Board ABP 29S244290 0506/94 in relation to 8 West Terrace Inchicore which were not restricted to the same extent.
- Decision as modified by condition of the Council would provide less floor area than existing at ground floor level and would render the minimum aggregate floor areas for kitchen / living / dining substandard in context of S16.10 of development plan guidelines (17.5m<sup>2</sup>) and would restrict first floor bedroom to 7.3m<sup>2</sup>.
- Historic design renders dwellings small and cramped and development of the entire ground floor plate justified.
- Development as per condition 3 will be significantly smaller in area than what exists on the site.
- Only through the extension as proposed can a viable reconfiguration of the house be made to allow the ground floor to operate more efficiently.

## 6.2. Planning Authority Response

6.2.1 The Planning Authority did not respond to the grounds of appeal.

## 7.0 Assessment

7.1. Having regard to the nature of the development the grounds of appeal I consider it that determination by the Board of the application as if it is had been made to it in the first instance would not be warranted and therefore in accordance with Section 139 of the Planning and Development Act 2000 it is appropriate that consideration is confined to assessment of the condition under appeal.

7.2. Condition 3 is as follows:

*“The development shall be revised as follows:*

- a. *The ground floor level of the proposed rear extension shall be set back from its boundary with no 6 West Terrace by two metres and set back from rear laneway by one metre, to create a yard.*
- b. *The proposed glazing at ground floor level shall face the yard. There shall be no windows directly onto the rear laneway.*
- c. *The boundary wall between the subject site and the laneway shall be reinstated and rendered on both elevations.*

*Development shall not commence until revised plans, drawings and showing the above amendments have been submitted to and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings.*

*Reason: In the interests of the protection of residential amenity and visual amenity.”*

7.3 The first requirement of the condition is for a set back of the footprint of the extension by 3m from the southern boundary with No 6 and 1m from the rear laneway to create an L shaped yard. I note that the current footprint of single storey extensions on site extend to the existing rear boundary and are at a set back of 1.2m from the southern boundary. Thus, the condition as imposed by the City Council decision results in an increased yard area and reduced ground floor footprint. The first party within the grounds of appeal argues that this in essence renders the extension unviable.

7.4 I have noted the unique circumstances of the Inchicore Railway Works Estate whereby the properties are traversed by a pedestrian right of way which separates the dwellings from their respective generous rear garden / allotment areas and which in the case of the appeal site the garden allotment is slightly removed from the main dwelling site. I noted on the date of my site visit a mixed array of rear extensions well established along West Terrace with more recent additions and alterations to adjacent dwellings on Inchicore Terrace. I note that the rear pedestrian right of way appears to provide a significant level of amenity and unique communal space to the dwellings. I have further noted precedent cases cited by the applicant including the decision of the Board in PL244290 in respect of no 23 Inchicore Terrace North,

whereby the Board deemed a set back at first floor level as recommended by the reporting Inspector in that case to be unnecessary having regard particularly to the precedent developments in the area. I would tend to concur to a degree with the comments of the first party regarding the benefits of provision for opening onto the rear passageway and the resultant passive surveillance which would also arise. In my view the benefits of provision for additional rear yard area would be significantly outweighed by the additional floor space to be provided in terms of the extension of the dwelling and provision for modern standard of residential amenity.

- 7.5 As regards the proposed two storey rear element I note that the design which maintains the eaves level of the two storey extensions on the adjoining property no 6 results in a proposed floor to ceiling height of 2.2m which does not comply with the Building Regulations requirement of 2.4m however this is not strictly a planning issue.
- 7.6 I consider that the requirement of the Planning Authority decision to reduce the scale of the ground floor element by way setting it back from the side and rear boundaries would limit the extension to such an extent as to significantly negate the level of improved amenity arising. In light of the unique site context I am inclined to accept the argument of the first party that development of the entire ground floor plate is justified. I consider that in the context of existing and proposed development in the vicinity the development as proposed is acceptable, would not seriously injure the residential amenities of the area and would be in accordance with the proper planning and sustainable development of the area.
- 7.7 Having regard to the nature and scale of the proposed development and the nature of the receiving environment, 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.



## **8.0 Recommendation**

- 8.1. In light of my assessment I recommend that the planning authority be directed to omit condition 3.

## **8.2 Reasons and Considerations**

Having regard to the pattern of development in the area, to the nature of the proposal and to its location facing to a rear laneway, it is considered that the proposed development would be acceptable in terms of residential amenity, would not injure the residential amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

---

Bríd Maxwell  
Planning Inspector

30<sup>th</sup> May 2018