



An  
Bord  
Pleanála

## Inspector's Report PL ABP-301295-18

### Development

- (a) the removal of the existing rear extension and the construction of a new rear single storey extension with 2no. proposed roof lights
- (b) proposed dormer to the 2<sup>nd</sup> floor of the existing dwelling on south roof slope
- (c) construction of a new brick boundary wall off Hollybrook Court Drive
- (d) other minor works, landscaping and all associated site works

### Location

No.1 Hollybrook Road, Clontarf,  
Dublin 3

### Planning Authority

Dublin City Council

### Planning Authority Reg. Ref.

2028/18

### Applicant(s)

Paul Keogh & Rosemary Commons

### Type of Application

Permission.

### Planning Authority Decision

Grant with Conditions

### Type of Appeal

First Party -vs- Condition No.3

<b>Appellant(s)</b>	Paul Keogh and Rosemary Commons
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	16 / 07 / 2018
<b>Inspector</b>	L. W. Howard

## 1.0 Site Location and Description

- 1.1. The application site, being No.1 Hollybrook Road, is a 2-storey end of terrace dwelling, located on the northwest side of Hollybrook Road, within the residential suburb of Clontarf, within north Dublin City.
- 1.2. The site is located c.120m to the north-east of the junction of Hollybrook Road, with Clontarf Road.
- 1.3. Hollybrook Court Drive, an access lane to Hollybrook Court, runs alongside the side south facing boundary of the application site. A 'service laneway' also runs to the rear of the application site, enabling rear access to the adjoining dwellings on Hollybrook Drive.
- 1.4. An ESB substation bounds the application site, to the rear.
- 1.5. The dwellinghouse on the application site has a 2-storey bay window to the front, and all elevations including the rear return, are finished in red brick. The dwellinghouse is set back from Hollybrook Road with a small front garden and a pedestrian access.
- 1.6. There is a side vehicular access gate and an additional side pedestrian access gate located on Hollybrook Court Drive.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the following elements –
  - removal of an existing rear extension,
  - construction of a new rear single storey extension with 2no. proposed roof lights,
  - construct dormer to the second floor of the existing dwelling on south roof slope,
  - construction of a new brick boundary wall off Hollybrook Court Drive, and
  - other minor works, landscaping and all associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Planning permission granted, subject to 8no. Conditions.

3.1.2. Condition No.3 is relevant in the context of the appeal. Condition No.3 requires that revised plans and elevations be submitted showing –

the proposed rear extension and side boundary wall onto Hollybrook Court Drive with a ‘brick finish’ which complements the existing house in terms of materials and colour.

The reason given for inclusion of Condition No.3 is to protect the special interest and character of the residential conservation area and residential amenity.

### 3.2. Planning Authority Reports

In the report of the Deputy Planning Officer, the key planning issues are assessed as follows :

3.2.1. The ‘Principle’ of Development –

- The application site is zoned ‘Z2 - Residential Neighbourhoods (Conservation Areas)’.
- The Z2 zoning objective is – “... To protect and / or improve the amenities of residential conservation areas”.
- ‘Residential’ is a permissible use within the Z2 Zone, subject to compliance with relevant provisions of the Dublin City Development Plan 2016-2022.

3.2.2. The three elements comprising the proposed development are –

- the single storey extension to the rear, across the full width of the house,
- the brick wall along the Hollybrook Court Drive boundary
- a side dormer on the south facing roof plane of the main roof structure

3.2.3. The single storey extension to the rear –

- Note positioning to the rear of the dwellinghouse on site, and that it is to stretch across the full rear width of the house.
- Clarify the confirmation of the proposed extension as follows –
  - overall floor area c.62m<sup>2</sup>
  - provides for open plan kitchen / dining / living area with direct access to rear private amenity space / garden (ie. c.100m<sup>2</sup>)
  - projects c.15.7m from rear elevation of house, and wraps around the existing 2-storey return
  - a mono pitched roof, sloping downward toward shared boundary with No.2 Hollybrook Road. Height c.3.2m along this boundary
  - extension projects c.2.28m passed adjoining shed and rear return of the house to the north at No.2 Hollybrook Road.
- having regard to the scale and height of the proposed extension, no negative impact will result on the adjoining property by way of overshadowing, overlooking, or by appearing overbearing.
- Consider the contemporary design proposed provides a clear distinction between old and new.
- In terms of scale and mass, the proposed extension is considered subordinate to the main house.

#### 3.2.4. The brick wall along the Hollybrook Court Drive boundary –

- Note proposal to replace the existing block boundary wall with a brick wall along Hollybrook Court Drive.
- Note further, the proposed construction of the extension on part of the boundary of the property along Hollybrook Court Drive.
- Clarify the confirmation of the proposed extension as follows –
  - overall height of c.3.85m along the boundary,
  - a projected length of c.10.8m, and
  - the elevation onto Hollybrook Court Drive comprises a brick and a render finish.
- Planning Authority concern regarding –
  - the position of the rear extension flush with the side boundary wall, and

- the juxtaposition of two materials ‘render’ and ‘brick’ on the elevation onto Hollybrook Court Drive.
- Consider that the proposed rear extension should be finished in brick, to complement the brick of the existing dwelling on site, and the character of the ACA.

3.2.5. A side dormer on the south facing roof plane of the main roof structure –

- Development Plan 2016-2022 ‘Policy’ requires that development within or affecting all ‘Conservation Areas’ –
  - contribute positively to the character and distinctiveness, and
  - take opportunities to protect and enhance that character and appearance of the area and its setting, wherever possible.
- Conclude the proposed side dormer would have a negative impact on the character of the street and the ACA, and should therefore be omitted from the proposed development. To be achieved by way of Condition.

3.2.6. Flood Risk Assessment :

- Application site located within Flood Zone ‘C’.
- Reference that the City Drainage Division has no objection to the proposed development, subject to Conditions.

3.2.7. Appropriate Assessment :

- The proposed development has been screened for AA.
- No significant effects are likely to arise, either alone or in combination with other plans and projects, that will result in significant effects to any Natura 2000 area.
- Conclude a full ‘Appropriate Assessment’ of this project is not required.

3.2.8. Subject to compliance with Conditions, the proposed development deemed as acceptable, and in accordance with the relevant provisions of the Dublin City Development plan 2016-2022

3.2.9. Recommend planning permission be granted, subject to Conditions

3.2.10. **Other Technical Reports**

City Drainage Division      No objection, subject to Conditions (Report – 07/02/3018)

City Roads & Traffic Planning Division      None

3.3. **Prescribed Bodies**

Irish Water      None.

Irish Rail      None

3.4. **Third Party Observations**

None

4.0 **Planning History**

**Reg.Ref.No.0350/97**      Permission granted for a 2-storey 3-bedroom mews, with garage.  
Noted that this permission has not been taken up.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1. **Dublin City Dev. Plan (2016 – 2022)**

Relevant provisions include (see copies attached):

S14.8      Primary Land-Use Zoning Categories :

Table 14.1 Primary Land-Use Zoning Categories

<u>Land Use Zoning Objective</u>	<u>Abbreviated Land Use Description</u>
Z2	Residential Neighbourhoods

	(Conservation Areas)
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S14.8.1 'Residential Neighbourhoods (Conservation Areas)' – Zone Z2

Zoning Objective Z2 “To protect and / or improve the amenities of residential conservation areas”.

Z2 General Objective – “... to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area” (pg....).

Z2 Permissible Uses – include Residential.  
(see copy of pg. 213 attached)

S16.2.2.3 Extensions and Alterations to Dwellings

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

S16.10 Standards for Residential Accommodation

S16.10.2 Residential Quality Standards – Houses

(see copy of pg. 311 attached)

S16.10.12 Extensions and Alterations to Dwellings

- the design of extensions to have regard to the amenities of adjoining properties, in particular, the need for
  - light, and
  - privacy
- the form of the existing building to be followed as closely as possible
- new development to integrate with the existing building through use of similar
  - finishes, and



- windows
- Extensions to be subordinate in terms of scale, to the main unit
- Applications for extensions will only be granted where applicant has demonstrated the proposed development will –
  - not have an adverse impact on the scale and character of the dwelling
  - not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of
    - privacy,
    - access to daylight and
    - sunlight.

#### Appendix 17 Guidelines for Residential Extensions

The Guidelines provide general advice and design principles for residential extensions (see copy attached).

## 5.2. **Natural Heritage Designations**

None

## 6.0 **The Appeal**

### 6.1. **1<sup>st</sup> Party Grounds of Appeal**

#### Condition No.3

- 6.1.1. Distinguish that under Section 139 of the Planning and Development Act 2000 (as amended), the applicants wish to appeal the attachment of Condition No.3 only, to the decision to grant planning permission under Ref.2028/18.
- 6.1.2. Notwithstanding the Boards discretion to have regard to the proposed development de novo, request that the Board confine itself to consideration of Condition No.3 only, the subject of this appeal.

The application site and dwellinghouse comprise the southern, end unit of a terrace of 2-storey houses fronting onto Hollybrook Road. At present the rear garden wall fronting onto Hollybrook Court Drive comprises a finished blockwork wall, with wooden picket fence on top. Distinguish the gable end of the house and the front / side garden wall onto Hollybrook Court Drive comprises of brick.

- 6.1.3. Clarify the proposed rear single storey extension is to have a select render finish that will sit on top of the new side / boundary wall, all presenting to Hollybrook Court Drive.
- 6.1.4. The new side / boundary wall is to be finished in brick, which will integrate with the existing brick finish on the southern gable ends of the house, and the front garden wall.
- 6.1.5. This new brick rear side boundary wall is considered appropriate, and will be an improvement on what is currently in place on site.
- 6.1.6. Emphasise intended distinction between the side boundary wall element and the rear single storey extension, part of which is to sit on top of the side boundary wall. This distinction to be achieved by way of render finish to the rear single storey extension (ie. on top of the side boundary wall).
- 6.1.7. Having regard to the design logic above, applicants do not consider the Condition No.3 requirement for the extension to be finished in brick is appropriate, or a good design response.
- 6.1.8. Rather, as proposed, clear distinction is made between the 'old' and the 'new'. Reference that this distinction is both acknowledged and supported in the Planners report, and including consideration of the proposed rear extension as subordinate to the main house.
- 6.1.9. The proposed select render finish compliments the existing dwelling, by providing a clear aesthetic design that is in keeping with the pattern of development in the area.  
  
Reference presence at No.45 Hollybrook Road of contemporary design including rendering of the block wall with a plaster finish, all within the Architectural Conservation Area (ACA) and acceptable to Dublin City Council (**Ref.5794/05**).
- 6.1.10. Having regard to the 'Planners Report', distinguish a contradiction in the planning assessment of the proposed development. Whereas in the first instance the proposed design approach is considered as appropriate, subsequent contradiction is

made by the concerns raised about the rendered extension being flush with a brick wall.

- 6.1.11. Affirm the design logic of the proposed mix of render and brick serving to break up the side facing façade of the property. Distinguish existing differentiation on the treatment of the exterior of the applicants dwellinghouse. The existing rear façade is finished in a different brick to that on the southern elevation onto Hollybrook Court Drive.
- 6.1.12. Accordingly, to differentiate between the 'old' and the 'contemporary' parts of a building is an appropriate design response. Therefore, the development as proposed should be granted planning permission.
- 6.1.13. The Hollybrook 'Architectural Conservation Area' (ACA) requires retention of historic boundaries, where possible. Assert full compliance in terms of the proposed development. The new brick side boundary wall is being finished as per the existing dwellinghouse on site. The new wall respects its original design, and compliments the brick of the existing house, all appropriate within the ACA.
- 6.1.14. The proposed render finish of the rear extension for a length of c.9m, over a brick boundary wall that has a length of c.22m (ie. rear of existing house to rear vehicle entrance), is not considered incongruous, and will have no impact on the Hollybrook 'Architectural Conservation Area'.

The Development Plan 2016 requires that proposed development within or adjacent to an ACA, preserve or enhance the character or appearance of the ACA. The 'drawings' submitted with the application clearly demonstrate this is achieved.

- 6.1.15. Therefore, inclusion of Condition No.3 is unnecessary. Request that the Board accordingly omits Condition No.3 and provide for the proposed development, as applied for, to be carried out.

6.1.16. **Compliance with the requirements of the Dublin City Development Plan 2016-2022**

Chapter 11, Section 11.1.5.4 Architectural Conservation Areas and Conservation Areas

- Development proposals within ACA's :
  - to complement the character of the area, and

- comply with Development Standards.

### Hollybrook Road Architectural Conservation Area Report

- It is the 'policy' of the ACA :
  - to seek to preserve, protect and enhance the architectural quality, character and setting of the 19<sup>th</sup> Century building characteristics within the ACA, and
  - to ensure that any changes complement and add to its character.

### Chapter 16, Section 16.10.12 Extensions and Alterations to Dwellings

- development to integrate with the existing building through the use of similar finishes and windows
- extension to subordinate in terms of scale to the main unit
- applications for extensions will only be granted, where Planning Authority satisfied the proposed development will :
  - not adversely impact the scale and character of the dwelling
  - not adversely impact amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.
- The proposed development complies with the relevant City Development Plan 2015-2022 requirements, and the proper planning and sustainable development of the area.

#### **6.1.17. Conclusion**

- Having regard to –
  - the quality of the design
  - the scale of the proposed development, including the use of proposed materials
  - the location of the site within an ACA
  - the pattern of development within the area, and
  - the vast improvement to the southern facade of the property,consider that the proposed development is appropriate, and that the requirement of Condition No.3 is unnecessary

- Accordingly, request that Condition No.3 be omitted from the decision of Dublin City Council to grant permission.
- Having regard to the discretion available to the Board, where appeal is made against a Condition, and to there having been no 3<sup>rd</sup> party observation lodged, request that the Board have regard to the matter of Condition No.3 on its own, and issue an Order for it to be omitted from the grant of planning permission.

## 6.2. **Planning Authority Response**

None.

## 6.3. **Observations**

None

## 6.4. **Further Responses**

None.

## 7.0 **Assessment**

7.1. This is a first party appeal against Condition No.3 of the grant of permission under **Reg.Ref.No. 2028/18**. Under Section 139 of the Planning and Development Act, 2000 (as amended), the Board has the discretion to consider this condition in isolation from the remainder of the application. I consider, having regard to the nature of Condition No.3, that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted, and the appeal should be determined under the provisions of Section 139.

7.2. I have examined the file and available planning history, considered the prevailing local and national policies, physically inspected the site and assessed the proposal and all of the submissions. Having regard to Condition No.3, I consider the relevant planning issues relate to :

- Condition No.3 attached to Ref. 2028/18
- The Design logic and treatment of the proposed side boundary wall and exterior wall of proposed extension

### 7.3. **Condition No.3 attached to Ref. 2028/18**

- 7.3.1. Condition No.3 is the subject for attention in the context of the single storey rear extension development, as proposed by the applicants and granted permission by the Planning Authority under **Ref.2028/18**, subject to Conditions.
- 7.3.2. Condition No.3 requires the applicants submit revised plans and elevations, showing the proposed rear extension and side boundary wall onto Hollybrook Court Drive, with a 'brick finish' which complements the existing house in terms of materials and colour. The reason given for inclusion of Condition No.3 is to protect the special interest and character of the residential conservation area and residential amenity

### 7.4. **The Design logic and treatment of the proposed side boundary wall and exterior wall of proposed extension**

- 7.4.1. Contextually, the application site and dwellinghouse comprise the southern, end unit of a terrace of 2-storey houses fronting onto Hollybrook Road. At present the rear garden wall fronting onto Hollybrook Court Drive comprises a finished blockwork wall, with wooden picket fence on top (see photographs attached taken at the time of site visit). Further, I distinguish that the gable, south facing end of the 2-storey house, and the front / side garden wall onto Hollybrook Court Drive comprises of brick.
- 7.4.2. Having regard to the information available, I note the exterior side wall of the proposed rear single storey extension is to have a select render finish, that will sit on top of the new side / boundary wall, all presenting southward to Hollybrook Court Drive. The new side / boundary wall is to be finished in brick. I share the applicants view that this will visually integrate with the existing brick finish on the southern gable end of the house, and the front garden wall. I consider this new brick rear side boundary wall as appropriate, and which will be a significant improvement on what is currently in place (ie. blockwork wall).
- 7.4.3. I note the emphasis made by the applicants regarding the intended distinction between the side boundary wall element and the rear single storey extension, the exterior wall of which is to sit on top of the side boundary wall. The applicants motivate as part of their design logic of their proposed development, that this distinction is to be achieved by way of render finish to the exterior south facing wall of the rear single storey extension (ie. on top of the side boundary wall). I accept this

motivated design logic as reasonable, with a satisfactory visual outcome to the treatment of the south facing boundary edge of the proposed development. It further enables understanding of the applicants contrary opinion against the Condition No.3 requirement for the extension to be finished in brick.

- 7.4.4. Rather, as proposed, I believe a clear distinction is made between the 'old' and the 'new' consequent of the development, as proposed by the applicants. I note that this distinction is both acknowledged and supported in the Deputy Planning Officers report, and including consideration of the proposed rear extension as subordinate to the main house, in compliance with Development Plan requirements.
- 7.4.5. Having regard to the application drawings submitted, and to the contextual pattern of development locally, I accept the applicants arguments that the proposed select render finish to the exterior wall of the extension, compliments the existing dwelling, by providing a clear aesthetic design that is in keeping with the pattern of development in the local area. In this regard I accept as reasonable, the applicants reference to the presence at No.45 Hollybrook Road of contemporary design elements, including the rendering of the block wall with a plaster finish, all within the Architectural Conservation Area (ACA) and acceptable to Dublin City Council under historical permission granted under **Ref.5794/05**.
- 7.4.6. Accordingly, having regard to the information available, I affirm as reasonable the design logic of the applicants proposed mix of render and brick, serving to break up the side, south facing façade of the property onto Hollybrook Court Drive. In this regard, I note the existing differentiation on the treatment of the exterior of the applicants dwellinghouse. At present, the existing rear façade is finished in a different brick to that on the southern elevation onto Hollybrook Court Drive, which is more consistent with the property's front, east facing elevation onto Hollybrook Road. Accordingly, I accept that to differentiate between the 'old' and the 'contemporary' parts of a building is an appropriate design response.
- 7.4.7. The Hollybrook 'Architectural Conservation Area' (ACA) requires retention of historic boundaries, where possible. Having regard to the information available, and to my observations at the time of site visit, I am satisfied that compliance in this regard has been achieved by the rear extension development, as proposed by the applicants. Certainly, the new brick side boundary wall is being finished as per the existing dwellinghouse on site, to visually become one continuous wall from front to back.

Further, as proposed, the new wall respects its original design, and compliments the brick of the existing house, all appropriate in my view within the Hollybrook ACA.

- 7.4.8. In addition, I believe the proposed render finish of the exterior wall of the rear extension for a length of c.9m, over the brick boundary wall that is to have a length of c.22m (ie. rear of existing house to rear vehicle entrance), is not incongruous, and will have no disproportionate negative visual impact, or otherwise on the Hollybrook 'Architectural Conservation Area'.
- 7.4.9. The Development Plan 2016 requires that proposed development within or adjacent to an ACA, preserve or enhance the character or appearance of the ACA. Having regard to the 'drawings' submitted with the application, I believe that this has clearly and satisfactorily been demonstrated as being achieved, in compliance with City Development 2016-2022 requirements and in accordance with the proper planning and sustainable development of the area.
- 7.4.10. Further, located at the southern end of the terrace of 2-storey houses with its edge south facing onto Hollybrook Court Drive, I believe the select render finish proposed to the exterior wall of the extension will enable an appropriate visual transition between the application site understood to the edge of the ACA, and the more conventional, contemporary design and external treatments / finishes to the houses located south and across Hollybrook Court Drive from the application site, and down to Clontarf Road.
- 7.4.11. Therefore, having regard to the above, I share the applicants conviction that inclusion of Condition No.3 to the decision to grant planning permission under **Ref.2028/18** is not appropriate, and contrary to the design logic of their domestic residential extension development, as proposed. Accordingly, I have no objection to their motivated request that Condition No.3 be omitted, thereby enabling progression of their development, as proposed and applied for. Such omission in my view would proportionally enable the proposed development in context, in accordance with the proper planning and sustainable development of the area

## 8.0 Recommendation

- 8.1. I recommend that the Board, based on the reasons and considerations set out below, directs the said Council under Section 139 of the Planning and Development Act, 2000 to REMOVE Condition No.3.



## 9.0 Reasons and Considerations

Having regard to the extent of the proposed development to the rear of a 2-storey end of terrace dwellinghouse, to the orientation and outlook of the proposed rear single storey extension, with its south facing 'render finish' external wall on top of the side boundary 'brick wall', all directly onto Hollybrook Court Drive, and to the pattern of development in the vicinity, it is considered that the requirements of Condition No.3 that revised plans and elevations be submitted, showing the proposed rear extension and side boundary wall onto Hollybrook Court Drive, with a 'brick finish' are not necessary, and that the proposed development would not impact on the special interest and character of the residential conservation area, and the amenities of adjoining property by reason of negative visual externality.

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**L.W. Howard**  
**Planning Inspector**

**07<sup>th</sup> August 2018**