



An  
Bord  
Pleanála

## Inspector's Report ABP-301526-18

### Development

1.) The demolition of existing extensions to the rear of house; 2.) Development of new part single & part two storey domestic extension to the rear of existing dwelling house; 3.) Works to existing roof consisting of the construction of new rooflights to central roof areas; 4.) Other improvements/Internal alterations to existing dwelling house; 5.) Alterations/Reconfiguration of rear private garden courtyard; 6.) The relocation of existing rear pedestrian access gate from garden to rear communal service laneway; and 7.) All ancillary site works and services

### Location

8, McMahon Street, South Circular Road, Dublin 8

### Planning Authority

Dublin City Council South

### Planning Authority Reg. Ref.

2283/18

### Applicant(s)

Ciara Bolger & David Lawson

<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Alan Lund & Anne Rossiter
<b>Observer(s)</b>	Ray Lynott & Chris O'Toole
<b>Date of Site Inspection</b>	11 <sup>th</sup> July 2018
<b>Inspector</b>	Ronan O'Connor

## Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	4
3.3. Prescribed Bodies .....	5
3.4. Third Party Observations .....	5
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations .....	6
6.0 The Appeal .....	6
6.1. Grounds of Appeal .....	6
6.2. Applicant Response .....	7
6.3. Planning Authority Response .....	8
6.4. Observations .....	9
6.5. Further Responses.....	9
7.0 Assessment.....	9
8.0 Recommendation.....	12
9.0 Reasons and Considerations.....	12
10.0 Conditions .....	13

## 1.0 Site Location and Description

1.1. The appeal site is located on the northern side of McMahon Street and on site is a mid-terrace split level redbrick dwelling with an existing single storey extension to the rear. To the rear of the site is a communal laneway accessed via Desmond Street. Beyond this are houses which front onto Vernon Street. The surrounding area is predominantly residential in nature.

## 2.0 Proposed Development

2.1. 1.) The demolition of existing extensions to the rear of house; 2.) Development of new part single & part two storey domestic extension to the rear of existing dwelling house; 3.) Works to existing roof consisting of the construction of new rooflights to central roof areas; 4.) Other improvements/Internal alterations to existing dwelling house; 5.) Alterations/Reconfiguration of rear private garden courtyard; 6.) The relocation of existing rear pedestrian access gate from garden to rear communal service laneway; and 7.) All ancillary site works and services

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Grant permission. There are no conditions of particular note.

### 3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority.

Points of note are as follows:

- Proposed extension is materially different in scale to that which was refused with the first floor significantly reduced.

- Footprint of the two-storey element is relatively modest relative to the size of the rear garden.
- Proposed alterations are considered acceptable and cannot reasonably be considered as materially detracting from the amenities of adjoining properties.
- Recommendation to grant permission.

### 3.2.2. Other Technical Reports

Drainage – No objection.

## 3.3. Prescribed Bodies

3.3.1. Transport Infrastructure Ireland – No observations.

## 3.4. Third Party Observations

3.4.1. A number of third party observations were made at application stage. The issues raised are covered within the grounds of appeal, and within the observations on the appeal, and are also covered in the assessment of the appeal.

## 4.0 Planning History

2985/17 – Part single storey/part two storey extension and other works. REFUSED for one reason relating to the scale, height and bulk and the resultant impact on visual and residential amenity, and on the setting of the streetscape.

3089/16 – Single storey extension - GRANT

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The site is located in an area that is zoned Objective Z2 (To protect and improve the amenities of residential conservation areas) under the provisions of the Dublin City Development Plan 2016-2022. Under this land use zoning objective, residential development is a permissible use.

5.1.2. Relevant sections of the Development Plan include:

- Policy CHC4 – To protect the special interest and character of all Dublin’s Conservation Areas
- Paragraph 16.10.12 of the Plan relates to extensions to residential properties.
- Appendix 17 of the Plan provides guidance on residential extensions.

## 5.2. Natural Heritage Designations

5.2.1. None.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The grounds of appeal, as submitted by the Third Party Appellant’s residing at No. 9 McMahan Street, are as follows:

- Fundamental objection to the proposal is that it is too big – specifically the first floor element.
- Other extensions in the area are discreet and are not visible from the public realm/limited visibility from neighbouring houses/negligible impact on the amenity of neighbours.
- None of the houses on McMahan Street or Vernon Street has an extension which breaks the eaves line/this is the principle feature which contributes to the character of the area/rear elevations of houses can be clearly read.
- Appeal site is within a Residential Conservation Area/proposal would be overbearing, incongruous and out of pattern with development in the area.
- No conservation report was prepared/referred to in the planner’s report/proposal was given rigorous evaluation/impact on architectural quality i.e. overbearing impact was not considered.
- The ‘two-box’ solution is inappropriate here.
- Observations on the planning application were not given sufficient consideration.

- Previous observer on the application at No. 7 McMahon Street is leaving and has no further interest in this matter.
- Letter supporting this appeal from occupiers of No. 10 Vernon Street is attached with the appeal submission.
- In relation to the Design Statement - do not agree that the proposal respects the character and grain of the original dwelling and surroundings.
- Would set a precedent that would threaten the special character of these houses.
- Applicant has permission for a single storey extension which is in keeping with the pattern of development in the area.
- ABP should overturn the council's decision or restrict the development to a single storey extension.

## 6.2. Applicant Response

The First Party response to the Third Party Appeal is summarised below:

- Proposals are for the upgrading of the existing dwelling to make it suitable modern domestic requirements.
- Existing lean to extension has a small bathroom which can only be accessed off the kitchen/current ad-hoc arrangement is at odds with modern sanitation and living norms.
- Primary motivation is to allow for a first floor bathroom to be constructed/reconfiguration of ground floor space.
- Appellant's objection to any first floor extension on this house or any house in the locality is not borne out by established planning control practice or regulations.
- A first floor extension of up to 12 sq. m. to the centre rear of the house could be constructed under exempted development – twice the size of this current proposal.
- Revised proposals aim to address the concerns raised by third party observers and to address the previous reason for refusal – reduced in scale and height.

- This design is more in keeping with the dwelling than an extension built under exempted development.
- The context of McMahon Street, Vernon Street and Arnott Street is a evolving series of extensions of varying forms and masses.
- These houses need to be adapted for the 21<sup>st</sup> Century.
- First floor extensions permitted at 9 Arnott Street (2271/14) and 9 Emorville Avenue (5650/05) – therefore precedent exists.
- No evidence to substantiate claims that development would be overbearing, incongruous or out of scale.
- Scale of development is modest in the context of the existing house - distance to houses on Vernon Street is 18m.
- Contemporary extensions on a property from another era is a widely used solution.
- Pastiche approach would be unsatisfactory.
- Contemporary extensions constructed at No. 2 Vernon Street (3983/05), No. 4 Lombard Street West (3678/10) and No. 9 Arnott Street (2271/14)/Development Plan encourages contemporary design solutions.
- Conservation report not required for domestic extension to a dwelling which is not a Protected Structure nor within an Architectural Conservation Area.
- Observations on the application all relate to the first floor extension/Photomontage images are unverified/Exaggerate the scale/however still show that the proposals are not in fact overbearing in nature.
- A water tank already projects out approx. 1m at first floor level.

### **6.3. Planning Authority Response**

6.3.1. None.



## 6.4. Observations

6.4.1. One observation has been received from the occupiers of No. 10 Vernon Street. This is summarised below:

- Proposed structure is obtrusive and would have a negative impact on residential amenity
- Would set a precedent.
- Open character and appearance at the rear of these houses is an intrinsic part of the layout of this area.
- Proposal is overbearing and intrusive/first floor extension is a substantial and material change to the existing situation.
- Design Statement references other streets in Portobello/South Circular Road area but is not comparing like with like.
- There is already reduced levels of light to ground floor rooms – this will aggravate the problem if a precedent is set.

## 6.5. Further Responses

6.5.1. None.

## 7.0 Assessment

7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

- Principle of Development
- Design and Conservation
- Residential Amenity
- Other Issues
- Appropriate Assessment

## 7.2. Principle of Development

7.2.1. The site is zoned 'Z2' under the Dublin City Development Plan, 2011-2017. The stated objective for 'Z2' zoned land is "to protect and/or improve the amenities of residential conservation areas". The principle of residential development is generally acceptable on 'Z2' zoned land, subject to safeguards.

### 7.3. Design and Conservation

- 7.3.1. There is an existing single storey extension which it is proposed to demolish. This extends along the entire width of the western boundary, some 10m in depth and is 1.1m in width. It has a height of 2.4m.
- 7.3.2. It is proposed to construct ground and first floor extensions. The ground floor element is a full width extension with a depth of 4.7m and a height of 3.8m above ground level of the appeal site. It is proposed to lower the existing ground level so the ground floor element is 3.2 m above the ground level of the adjoining properties.
- 7.3.3. The first floor element will be 6m in height from ground level, 2m in depth and 3.5m in width and is located on the western boundary of the site.
- 7.3.4. I note a ground floor extension was approved under planning reference 3089/16. As such the principle of a ground floor element, similar what is proposed here, has been accepted.
- 7.3.5. I note that an application for a ground floor and first floor extension was refused under planning reference 2985/17. Under this previous proposal, the first floor element was 6.1m in height from ground level, 4.7m in depth, and 3.5m in width.
- 7.3.6. The Third Party Appeal state that there is no existing first floor extensions along this terrace and contend that allowing a first floor element in this instance would set an undesirable precedent. The applicants have noted a number of other first floor extensions in the wider area and contend that the character of the terrace is one which consists of extensions of various scales and massing.
- 7.3.7. I did not observe any first floor extensions to the rear of the terrace of properties on McMahon Street, when viewing from Desmond Street, from the appellant's property or from the appeal site. While I note the two first floor extensions on other properties in the vicinity, as cited by the First Party, I do not consider that these in themselves

would set a precedent along this terrace, given the different context of both, and the distance of both from the appeal site.

- 7.3.8. However, there is no in principle objection to a well-designed, modestly scaled first floor extension, that is in line with the guidance as set out in Appendix 17 of the City Development Plan. It is my view that the first floor element proposed here is modest in scale, and represents a significant reduction in the bulk and scale since the previous refusal. The extensions are subservient to the existing dwelling and are in line with the general guidance on extensions as set out in the Development Plan.
- 7.3.9. I do not consider that the character of the terrace, or the Residential Conservation Area, would be negatively impacted by the extensions proposed here. While the first floor element would be observed from Desmond Street, and from surrounding properties, it would not be overbearing in appearance and would not have an adverse impact on the visual amenity of the area.

#### **7.4. Impact on Amenity**

- 7.4.1. The Third Party Appellants, and the observers on the appeal, have raised the issue of residential amenity.
- 7.4.2. At No. 9 McMahon Street there is an existing window on the ground floor extension, facing the rear. This is already overshadowed by the boundary wall and hence will not be affected by the proposed development, having regard to loss of daylight or sunlight, or loss of outlook. The window closest to the boundary of the appeal site, at first floor level, is 2 m from the proposed first floor extension and serves a bedroom. Having regard to the orientation (north/north-west facing) of this window, the distance from the proposed first floor extension, and the limited depth of the proposed first floor extension, this window will not see a loss of daylight or sunlight and will not suffer a loss of outlook. I do not consider that that extensions would be overbearing when viewed from the appellant's property at No 9 McMahon Street, nor when viewed from the observer's property at No 10 Vernon Street.
- 7.4.3. In terms of loss of privacy, I do not consider that any overlooking of adjacent properties, materially over and above that which already occurs, would result from the proposal.

7.4.4. In conclusion, I do not consider that the amenity of any neighbouring property would be impacted as a result of the proposed development, which will serve to improve the amenities of the existing residential property.

#### **7.5. Other Issues**

7.5.1. The issues of drainage and flooding was raised by a submission to the planning authority at planning application stage. The applicants have indicated a soakaway on the site and this is sufficient to ensure that surface water run-off is adequately dealt with and as such the proposal will not increase the risk of flooding on this site or on surrounding sites.

#### **7.6. Appropriate Assessment**

7.6.1. Having regard to the nature and scale of the proposed development, extensions to an existing property, 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. Grant Permission.

### **9.0 Reasons and Considerations**

9.1. Having regard to the design, appearance of the proposed extensions, and the pattern of development in the vicinity, it is considered that, subject to compliance with conditions below, the development proposed would not seriously injure the visual amenities of the area or residential amenities of property in the vicinity and would not adversely impact on the character of the Residential Conservation Area. The proposed development, therefore, would 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 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 0800 to 1800 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.

---

Rónán O'Connor  
Planning Inspector

17<sup>th</sup> July 2018