



An  
Bord  
Pleanála

## Inspector's Report ABP-301580-18

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<b>Development</b>	PROTECTED STRUCTURE: Erection of a single storey extension to the side & rear of existing dwelling & all associated site works.
<b>Location</b>	27 St. Mary's Road South, Ballsbridge, Dublin 4
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	4245/17
<b>Applicant(s)</b>	Rosalind Kilduff
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Martin & Mena Larkin
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	13 <sup>th</sup> August 2018
<b>Inspector</b>	Ronan O'Connor

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## **1.0 Site Location and Description**

1.1. The appeal site is located on the southern side of St. Mary's Road South. On site is a semi-detached two-storey redbrick dwelling, with a pedestrian access to the side, and with an existing rear extension. There is vehicular access to the rear of the appeal site, from Pembroke Gardens. The property is a Protected Structure.

## **2.0 Proposed Development**

2.1. Erection of a single storey extension to the side & rear of existing dwelling & all associated site works.

## **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:

- Drawings submitted are poor and do not provide sufficient detail of the relationship with neighbouring properties.
- Additional information was requested in relation to (i) clearer 'as existing drawings (ii) contextual drawings (iii) province of an existing wc (iv) elevations and sections through the stairhall showing proposed new openings (v) detailed drawings of all interventions.
- Additional information was received and was considered acceptable in conservation terms, subject to conditions being imposed.

- Was concluded that the proposed development would not detract from the amenities of adjoining properties.
- Recommendation was to grant permission.

### 3.2.2. Other Technical Reports

Conservation: Grant subject to conditions.

### 3.3. Prescribed Bodies

#### 3.3.1. None.

### 3.4. Third Party Observations

#### 3.4.1. One submission was received from the occupier of No. 25 St. Mary's Road. The issues raised are covered in the grounds of appeal.

## 4.0 Planning History

6802/17 – Grant - Demolition of garage for vehicular access/boundary works/provision of 2 car parking spaces.

2672/06 – Grant - Retention of internal works and a roof light.

## 5.0 Policy Context

### 5.1. Development Plan

Dublin City Development Plan 2016-2022.

#### 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 policies and standards of the Dublin City Development Plan 2016-2022 include:

- Policy CHC2 - To ensure that the special interest of protected structures is protected.
- Policy CHC5 – To protect Protected Structures and preserve the character and the setting of Architectural Conservation Areas.
- Section 16.2.1 Design Principles.
- Paragraph 16.10.12 of the Plan relates to extensions to residential properties.
- Appendix 17 of the Plan provides guidance on residential extensions.

5.1.3. The following Section 28 Ministerial Guidelines are of relevance to the proposed development.

- Architectural Heritage Protection Guidelines for Planning Authorities (2011).

## 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 Appellants at No. 25 St. Mary's Road South, are as follows:

#### Insufficient information

- Does not include all dimensions.
- Outline of existing house is incorrect/shows the house extending further back than is the case.
- Ground floor plan does not show the context with the neighbouring property at No. 25.
- Drawings do not include levels. Change in level between Nos. 25 and 27 that is not reflected in the drawings.
- Impact on the amenity space to the rear of No. 25.

- No information on materials.

#### Impact on Neighbouring Property at No. 25.

- Development is excessive in scale.
- Side passage would be irreparably damaged by the construction of the proposed development.
- Will overshadow a glass door at No. 25/also window to the rear.
- Will impact on the amenity space of No. 25 due to overbearing scale and massing/overshadowing of the rear amenity space.
- Application should be refused permission.

### **6.2. Applicant Response**

6.2.1. The response of the applicant to the Third Party Appeal is summarised below:

- Planning authority validated application/drawings submitted adequately illustrate the nature and extent of development.
- Site levels are not of any consequence.
- Required to utilise the side passage in order to gain a bedroom and shower room.
- Use of the side passage has been done previously along St. Mary's Road/facilitates additional daylight to the kitchen/proposed extension improves the overall layout of the dwelling/minimises any impact on adjoining property.
- Existing trees have a greater impact on light than the proposed development.
- Stone passage wall remains intact.

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

6.3.1. None.

## 6.4. Observations

6.4.1. 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. Impact on Residential Amenity

7.3.1. The Third Party Appellant has raised the issue of residential amenity, including that of an overbearing impact as a result of the excessive scale of the proposal, and a loss of daylight to the existing side door and rear window.

7.3.2. The proposal intends on utilising the side passage and also extending to the rear of the property. This results in additional built form along the boundary of the appeal site and No. 25 St. Mary's Road South. The proposal will result in a structure 24.7m in length and varying in height from 3.3m to 3.8m to the rearmost extent. This will be located approximately 2m from the side elevation of No. 25.

7.3.3. There is a side door and an obscured glazed window to the side elevation of No. 25.

7.3.4. In relation to the issue of daylight and sunlight, I consider that the glazed side door and obscured window are already compromised to a degree by the existing structure

at No. 27. I do not consider that there will be loss of daylight to the rear window, having regard to the distance from this window to the extension. I concur with the applicant in that the daylight and sunlight to this rear window is already limited to a large degree by the relatively large trees to the rear garden.

7.3.5. However, I do consider that the proposed side extension will result in an overbearing structure when viewed from both the glazed side door and the rear garden of No. 25, resulting in a negative impact on the visual amenity of this property. The existing situation is one of a generous separation distance between the two properties. The proposed side extension, which will be double the height of the existing boundary wall, and will extend a distance of 24.7m along this boundary, will result in a significant volume of built form directly on the boundary between No. 25 and the appeal site, with a resulting adverse impact on the residential amenity of No. 25 St. Mary's Road South.

#### **7.4. Impact on Protected Structures and the Residential Conservation Area.**

7.4.1. An Architectural Heritage Impact Assessment Report was submitted with the application. This considers the impact of the internal alterations to the property and it is concluded that these works would not impact negatively on the architectural heritage of the site. The report does not consider the impact of the proposed side and rear extensions.

7.4.2. I also note the report of the planning authority's conservation officer, which states that the proposed side and rear extensions are acceptable in principle, subject to the submission of detailed drawings.

7.4.3. In relation to extensions to Protected Structures, the Architectural Heritage Protection Guidelines for Planning Authorities notes that extensions should complement the original structure in terms of scale, materials and detailed design. It is also stated that, attempts should not be made to disguise new additions or extensions and make them appear to belong to the historic fabric.

7.4.4. The proposal intends to extend to the side and the rear. I note there is an existing single storey extension, which the applicant's conservation report states was built around 2003.

7.4.5. It is now proposed to extend beyond this existing rear extension and also to the side of the dwelling. The proposal results in a significant volume of built form to the side



and rear of the dwelling, and the cumulative impact of the both the existing and proposed extensions, results in the original protected structure being reduced in significance, and is dominated by the extensions to the dwelling. This is contrary to the heritage guidelines noted above, which requires that extensions should be appropriate in scale, relative to the original structure. This is not the case in the instance.

7.4.6. In relation to the internal alterations, these are relatively minor in nature and there is no significant loss of original fabric and as such are acceptable in principle.

7.4.7. In relation to the impact on the character of the residential conservation area, I consider the impact on same to be limited. The majority of the works will not be visible from the street, although I note the side extension will be at a greater height than the existing wall to the side passage and will be visible. However I do not consider the impact of same will result in an adverse impact on the character of the conservation area.

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

7.5.1. In relation to amenity space, there is sufficient rear garden space remaining to serve the occupants of the extended dwelling.

7.5.2. In relation to inaccuracies in the drawings, I do not consider that there are any material inaccuracies in the drawings submitted, having regard to my observations on site.

#### 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. I recommend that permission be **refused** for the reasons and considerations below.

## 9.0 Reasons and Considerations

1. Having regard to the pattern of development in the vicinity, and the scale, design and proximity to the neighbouring boundary of the proposed extensions, it is considered that the extensions would seriously injure the residential amenities of adjacent property at No. 25 St. Mary's Road South, by reason of overbearing impact. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that, by reason of the excessive scale of the proposed side and rear extensions, in combination with the existing rear extension, the proposed development would materially and adversely affect the character and setting of the Protected Structure and would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

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Ronan O'Connor  
Planning Inspector

14<sup>th</sup> August 2018