



An  
Bord  
Pleanála

## Inspector's Report ABP-301687-18

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<b>Development</b>	Permission for a. demolition of existing single storey rear return and rear extensions. b. construction of a two storey extension to the rear.
<b>Location</b>	11, Saint Nicholas Place, Christchurch, Dublin 8
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	2368/18
<b>Applicant(s)</b>	Edel Lehane
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Edel Lehane
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	21/09/2018
<b>Inspector</b>	Gillian Kane

## 1.0 Site Location and Description

- 1.1. The subject site is located on the norther side of St Nicolas Place, a high-density inner-city neighbourhood of terraced red-bricked dwellings. The dwelling is bound to the east west and south by similar dwellings and to the north by a development of 4 no. single storey red-bricked dwellings (Powers Square).
- 1.2. The dwelling has a single storey extension to the rear and a small return at second level to facilitate stairs head height.

## 2.0 Proposed Development

- 2.1. On the 23<sup>rd</sup> February 2018 permission was sought for the demolition of the existing single storey rear return and rear extensions (13sq.m.) and the construction of a two storey extension to the rear (21.sq.m.) of a two storey mid-terrace dwelling. The cover letter submitted with the application states that the small dwelling has no front garden and that the existing single storey extension to the rear were poorly constructed with no planning permission. It is submitted that precedent exists on the nearby streets.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. On the 22<sup>nd</sup> May 2018 the Planning Authority issued a notification of their intention to REFUSE permission for the following reason:
  - 1 Having regard to the scale and proximity of the first-floor rear extension to the rear boundary wall backing onto the single storey properties along Powers Square, it is considered that the first floor element would be overbearing when viewed from adjoining properties. The proposed development would by reason of the incremental precedent that would be set to the rear of properties along this terrace, would be seriously injurious to the residential amenities of adjoining properties. The proposed development would thereby be contrary to section 16.10.12 of the Dublin City Development Plan 2016-2022 which deals with residential extensions and also contrary to the zoning objective for the area which is to protect and / or improve the amenities of residential conservation areas.

### 3.2. **Planning Authority Reports**

- 3.2.1. **Engineering Report:** No objection subject to standard conditions.
- 3.2.2. **Planning Report:** Site is located in an ACA. Most dwellings in the immediate area have been extended. Proposed two storey extension is 1m from rear boundary adjoining 5 Powers Square and along the boundary line with adjoining properties. Proposed extension would be a visually dominant form of development. The planner notes the decision of the Board to grant a two-storey extension (PL29S.245279) and states that she is concerned about the incremental precedent and the scale and bulk of the proposed development. The planner suggests a modest two storey extension that extends no more than 1.6m from the rear building line. Further information to be requested.

### 3.3. **Request for FI**

- 3.3.1. The applicant responded to the FI request with a shadow analysis demonstrating that the proposed extension is not visible from the yards of the adjoining dwellings. The Planning Authority's request to scale back the second floor is rejected as it would not allow a bedroom and bathroom at that level. The proposed light shaft can be omitted which will result in the first story being reduced by 600mm. The first floor set back will be 1.8m and the rear windows will be revised to match the existing window pattern.
- 3.3.2. **Planning Report:** Concerns over the precedent notwithstanding the proposed revisions. Recommendation to refuse.

### 3.4. **Prescribed Bodies**

- 3.4.1. **Transport Infrastructure Ireland:** No observations to make.

## 4.0 **Planning History**

- 4.1.1. None on the subject site. The appellant and the Planning Authority refer to a number of permissions in the wider area. Of relevance to the subject application is:
- **PL29S.245279:** Planning permission granted for the construction of a two-storey extension to the rear, with a single pitched roof, rising from the rear boundary, and enclosing a small yard between the existing and proposed construction at 3 Saint Nicholas Place. This development has not been constructed.

## 5.0 Policy Context

### 5.1. Dublin Development Plan 2016-2022

- 5.1.1. In the Dublin City Development Plan 2016 -2022 plan, the site is zoned '**Z2 Residential Conservation**' which has the stated objective "to protect and improve the amenities of residential conservation areas". Within Z2 zones 'Residential' is a permissible use.
- 5.1.2. **Chapter 16** includes the Development Management Standards and has regard to Design, Layout, Mix of Uses and Sustainable Design.
- 5.1.3. **Section 16.2.2.3** of the development plan refers to Alterations and Extensions. The section states that DCC will seek to ensure that alterations and extensions will be sensitively designed and detailed to respect the character of the existing building, its context and the amenity of adjoining occupiers. In particular, alterations and extensions should:
- Respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings
  - Retain a significant proportion of the garden space, yard or other enclosure  
Not result in the loss of, obscure or otherwise detract from architectural features which contribute to the quality of the existing building
  - Retain characteristic townscape spaces or gaps between buildings
  - Not involve the infilling, enclosure or harmful alteration of front lightwells.
- 5.1.4. **Section 16.2.2.3** also states that extensions should be confined to the rear in most cases, be clearly subordinate to the existing building in scale and design and incorporate a high standard of thermal performance and appropriate sustainable design features.
- 5.1.5. **Appendix 17** of the development plan provides general principles for residential extensions.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The grounds of the first party appeal can be summarised as follows:

- With regard to the Planning Authority's Planning Report the proposed extension will not be visible from the outdoor amenity area of the adjoining properties. The proposed extension is subordinate in scale and character to the main dwelling and the proposed development complies with plot ratio.
- The proposed development complies with section 16.10.12 of the development plan as it will not adversely affect the scale and character of the existing dwelling and is subordinate to the dwelling.
- The north-facing windows on the north-facing elevation are designed to avoid overlooking.
- Shadows from the proposed extension will fall on the adjoining rear extension roofs.
- The dwelling is within a Z2 zone, the Thomas Street & Environs ACA and within the study area of the Liberties LAP. No changes are proposed to the front elevation and the proposed rear extension will not be visible. The proposed development will not have any impact on the character of the area and therefore it complies with section 7.2.5.3 of the development plan.
- The proposed extension is similar in size, scale, plot ration, site coverage, height, length, distance to rear boundary and area of open space to those granted at no. 3 St Nicholas Place (PL29S.245279) and 48 John Dillon Street (1172/17).
- The proposed development complies with section 17.3 of the development plan. It is not visible from the adjoining properties or no. 5 Power Square which has no outdoor amenity space. The proposed extension would not affect the ventilation, daylight or amenity of the adjoining dwellings. It would not affect the residential amenity of properties in the vicinity.

- The proposed development would not give rise to excessive overlooking. Rear windows were revised in accordance with the Planning Authority's further information request.
- No. 5 Powers Square has 100% site coverage. The proposed extension would be 1.2m from the rear and will offer a degree of separation.
- The applicants shadow analysis shows that the impact of the north-facing proposed extension would fall on the adjoining rear extensions and will not cast shadows on the open yards of the adjoining properties.
- In compliance with section 17.7 and 17.8 the proposed extension will have a flat roof so as not to dominate the existing dwelling.
- The proposed sustainably designed proposal to bring a city centre dwelling to appropriate living standards complies with section 17.13 and 17.14
- The Board is requested to grant permission.

## 6.2. **Planning Authority Response**

- 6.2.1. The Planning Authority would be concerned about the incremental precedent which would be created along this terrace, in such close proximity to rear boundary walls with adjoining properties, and also impact on adjoining properties.

## 7.0 **Assessment**

- 7.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. I have assessed the proposed development including the various submissions from the applicant and the planning authority.. I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:
- Principle of development
  - Impact on Residential Amenity

## 7.2. **Principle of Development**

- 7.2.1. The subject site is located in an area zoned for residential development. The proposed extension to an existing dwelling, subject to compliance with all other

planning considerations, is acceptable in principle. I note that there are no third-party objections to or observations on the proposed development.

### **7.3. Impact on Residential Amenity**

- 7.3.1. The proposed two storey flat-roofed structure has a parapet height of 5.8m. The two properties to the east and west have been extended in a manner that is commonplace along this terrace – a single storey extension to provide a kitchen and / or bathroom with a small (usually under 5sq.m.) yard remaining. While development has tended towards two storey flat roofed structures in the wider area, this immediate terrace has ground level extensions only.
- 7.3.2. In terms of compliance with the development plan section 16.2.2.3 of the development plan, in referring to alterations and extensions states that they should be sensitively designed and detailed to respect the character of the existing building, its context and the amenity of adjoining occupiers. Alterations and extensions should respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings, not result in the loss of, obscure or otherwise detract from architectural features which contribute to the quality of the existing building and retain characteristic townscape spaces or gaps between buildings. Section 16.2.2.3 also states that extensions should be confined to the rear in most cases, be clearly subordinate to the existing building in scale and design and incorporate a high standard of thermal performance and appropriate sustainable design features. The proposed development complies with the plan in that it is not visible from the street, is clearly a subordinate new extension to the existing dwelling and does not affect the established character of the area.
- 7.3.3. The concerns of the Planning Authority, to my understanding appear to be that an extension of the scale and bulk proposed would set a precedent that could not be supported along the terrace. I do not accept this argument however. The existing dwellings do not provide the degree of accommodation required by occupants currently. It is likely that most of the dwellings will be extended in some form. The proposed form of a flat roofed two storey extension which allows some area of ground floor amenity space, is the most appropriate response to the high-density city centre area. The proposed development respects the character of the streetscape,

will not cause overlooking or overshadowing of the properties to the east, west or north and allows the dwelling to provide family accommodation.

- 7.3.4. It is considered that the suggested scaling the first-floor extension back would not provide sufficient planning gain to overcome the impacts that would have on the suitability of the extended dwelling. The single storey dwellings on Powers Square are surrounded on all sides by taller development. The proposed development with a high-level window on the northern elevation will not cause overlooking. The proposed light shaft (as shown on drawing A\_2.01 submitted to the Board on the 24<sup>th</sup> May 2018) allows sufficient illumination of both the ground and first floor windows whilst allowing overlooking to be avoided by a high-level window on the northern elevation.
- 7.3.5. I am satisfied that the proposed extension complies with section 16.2.2.3 and Appendix 17 of the development plan.

## **8.0 Appropriate Assessment**

- 8.1.1. Having regard to the nature and scale of the proposed development in a fully serviced built-up urban area, 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.

## **9.0 Environmental Impact Assessment**

- 9.1.1. Having regard to nature of the development comprising extension to an alteration of an existing dwelling and the urban location of the site there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **10.0 Recommendation**

- 10.1.1. I recommend permission be granted subject to the following:

## **11.0 Reasons and Considerations**

Having regard to the pattern of development in the vicinity of the site, and to the nature, scale and extent of the proposed development, and having regard to the



provisions of the current Development Plan for the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of property in the vicinity, would comply with the provisions of the Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars submitted to the Board on the 24<sup>th</sup> May 2018. 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 and to ensure a proper standard of development.

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 amenities of property in the vicinity.

4. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

5. All boundary treatments shall be in accordance with those indicated in submitted documentation.

**Reason:** In the interests of residential and visual amenity, and to ensure the provision by the developer of durable boundary treatment.

6. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Gillian Kane  
Senior Planning Inspector

24 September 2018