



An
Bord
Pleanála

Inspector's Report ABP-302174-18

Development	PROTECTED STRUCTURE: Partial demolition of extension to rear, construction of single storey and first floor dormer extension to rear,
Location	7, Estate Cottages, Northumberland Road, Dublin 4.
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	2159/18
Applicant(s)	Bernadette Connolly & Adam Lax
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Sheila Thompson.
Observer(s)	Philip O' Reilly
Date of Site Inspection	31 st of October 2018
Inspector	Karen Hamilton

1.0 Site Location and Description

1.1. The subject site includes a single storey mid terrace dwelling within a cul-de-sac, accessed off Northumberland Road, Dublin 4. The site fronts directly onto the street at Estate Cottages, and is accessed to the rear via a private alleyway. The existing dwelling has a single storey rear extension and dormer window which is a characteristic of the surrounding dwellings. The dwelling and those within the Estate Cottage are Protected Structures.

2.0 Proposed Development

- 2.1. The proposed development would comprise of:
- Partial demolition of an extension to the rear of a dwelling,
 - Construction of a single storey and first floor dormer extension to the rear.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission subject to 9 no conditions of which the following conditions are of note:

C 2- The development shall be amended to omit the first floor element and retain the existing roof profile.

C 3- Submission of details for the insulation and restriction on the use of a chemical DPC.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission following the submission of further information as summarised below:

- Submission of a full structural appraisal including structural engineers report and drawings detailing the works involved and confirmation that the proposal would not cause any damage to the surrounding area.
- Shadow projection drawings to illustrate there would be no significant impact on adjoining properties.

The planners report also referenced the report of the Conservation Officer and the development plan guidance, in particular Section 17.11, roof extensions.

3.2.2. Other Technical Reports

Conservation Officer- Recommend Refusal.

Engineering Department- No objection to proposal.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

One third party observation was received from the grounds of appeal and the issues raised are summarised as follows:

- The proposed extension will cause overshadowing and overbearing on the adjoining property.
- The submitted plans do not include the shed at the rear.
- Concern the excavation will cause structural damage to the adjoining property.
- The injection of substances into the external walls will have a negative impact on the adjoining properties.
- The works to the house should not have a negative impact on the combined sewer that runs along the rear of the site.

4.0 Planning History

None specific to the site.

In the proximity of the site

Reg Ref 3574/15

Permission granted at No. 4 Estate Cottages for permission for the demolition of an existing double pitched roof, single storey (36m²) ground floor extension to the rear and construction of a combination pitched and flat roof incorporating velux roof lights and single storey extension to the rear (43m²) including internal alterations.

PL29S.239284 (Reg Ref 2608/11)

Permission granted at No 2 Estate Cottages for the demolition of a modern single storey extension and construction of a two storey extension to the rear of a dwelling (105m²).

5.0 Policy Context

- 5.1. Architectural Heritage Guidelines for Planning Authorities, 2004. Guidelines for the development of Protected Structures and within Architectural Conservation Areas.
- 5.2. **Dublin City Development Plan 2016-2022**

The site is located within an area zoned, Z2, Residential Conservation, where it is an objective *“To protect and/or improve residential conservation areas amenities”*.

Section 16.2.2.3 Alterations and Extensions to dwelling:

The proposed development should be confined to the rear in most cases, subordinate to the existing building in scale and design and incorporate a high standard of thermal performance and appropriate sustainable design features.

Section 17.11- Roof Extensions

Dormer extensions shall be visually subordinate to the roof slope, shall compliment the main dwelling and shall be set back to minimise visual impact.

The dwelling is a **Protected Structure** therefore the following policy and guidelines apply.

Policy CHC1: Preservation of the built heritage.

Policy CHC2: To ensure that the special interest of protected structures is protected.

Policy CHC4 & CH5: Conservation Areas: Development will not harm the features of special interest in the conservation areas or involve harm to loss of traditional fabric.

Section 11.1.5.8: Demolition of Protected Structures and Buildings in Architectural Conservation Areas.

Appendix 24: Protected Structures and Buildings in Conservation Areas.

5.3. **Natural Heritage Designations**

None relevant.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal are submitted from a resident of the property to the north west of the site at No 5 and the issues raised are summarised below:

- The decision of the planning authority is acknowledged although it is considered the proposed design will still overshadow and overbear the rear amenity space.
- Drawings submitted 1801-APPEAL-S1 and S2 show overshadowing on the rear garden of No 5 in the morning of 15th of March and 15th of May.
- The height of the single storey extension is higher than the existing boundary treatment and extends 1.75m in length to the rear.
- The height and proximity along the boundary would cause overbearing to the rear.
- The impact may be little but having regard to the size of the rear gardens the impact will be deemed significant by the resident and will have a negative impact on their residential amenity.
- The rear extension should be redesigned to allow the resident to enjoy her rear garden.

6.2. Applicant Response

None received.

6.3. Planning Authority Response

None received.

6.4. Observations

One observation was received from a resident in Rathmines and the issues raised are summarised below:

- The estate cottages are extremely unique, very attractive and of significant architectural merit.
- They are small simple cottages and any proposal to extend for multiple bedrooms and large extended kitchens should be rejected.
- The size and design of the proposal has an adverse impact on the neighbouring properties and protected structure.

7.0 Assessment

7.1. The main issues in this appeal and can be dealt with under the following headings:

- Residential Amenity
- Built Heritage
- Other
- Appropriate Assessment
- Environmental Impact Assessment

Residential Amenity

7.2. The subject site includes a single storey mid terrace dwelling which fronts onto a small cul-de-sac containing dwellings similar in style and design. The proposed development is for a two storey extension where the first floor includes a flat roof.

The grounds of appeal are submitted from the resident of the adjoining property to the south west of the site mainly in relation to the impact to the rear of their property, in particular the rear amenity space.

Overbearing: The existing single storey extension protrudes to the rear to meet the rear building line of the appellants dwelling. The boundary treatment between No 7 and the appellant's property is a c. 1.8m high block wall. The proposed ground floor extends a further 3m to the rear of the existing building line along the west boundary. The proposed extension will be higher than the existing boundary wall between the subject site and the appellant's by c. 1m. Section 16.10 of the development plan provides guidance for appropriate extensions to dwellings where they should not have an adverse effect on the amenities enjoyed by occupants of adjacent dwellings in terms of privacy and access to daylight and sunlight. The rear amenity space for the appellant's site is restricted in size (10m²) and having regard to the location and height of the extension directly adjoining the garden area I consider the extension will have a negative impact on the residential amenity of this property.

The first floor of the proposed development will not be visible from the adjoining dwellings and Condition No. 2 requires the omission of the first floor from the proposal and the retention of the existing roof profile. The impact of the overall design is further discussed below in relation to the built heritage.

- 7.3. Overshadowing: Shadow Project drawings submitted as part of an additional information request do not illustrate any additional shadow projection on adjoining properties from the ground floor extension. These drawings indicate that there is currently a shadow cast on the appellant's rear amenity space by the existing boundary treatment. Additional Shadow Cast Analysis drawings have been submitted by the grounds of appeal to illustrate overshadowing on the rear of the appellant's property, along the North West, in the morning. I note the location of the orientation of the subject site to the south east of the appellant's dwelling and the increase in height proposed along the boundary and having regard to the restrictive nature of the rear property and the location of the appellant's main living to the rear of the property I consider the proposed development would cause a negative impact of the residential amenity by way of overshadowing during the mornings.

- 7.4. Overlooking: The proposed development extends to the rear and the windows are orientated south, towards The Schoolhouse Hotel at the rear, therefore I do not consider the proposed development would cause any overlooking on any properties in the vicinity.
- 7.5. Having regard to the Z2, objective on the site where it is an objective “To protect and/or improve residential conservation areas amenities” I consider the location of the proposed development directly along the boundary of No. 5 Estate Cottages and adjacent to the small rear amenity space and the window for the main living area, I consider the proposed development would have a significant negative impact on the residential amenity and would therefore be contrary to the zoning objective on the site.

Built Heritage

- 7.6. The existing dwelling and those within the cul-de-sac are protected structures and located on lands zoned for residential conservation. The grounds of appeal are submitted from the occupant of the property to the North West. I have discussed the impact of the proposal on the residential amenity above and have included an assessment of the impact on the built heritage below.
- 7.7. The planning application was accompanied by a Conservation Assessment and Method Statement which describes the interior condition of the dwelling as poor with very little original features and does not consider the proposed development would have a significant negative impact on the protected structure. Following the submission of additional information on the method of excavation and construction, and a 3 D shadow analysis, the report of the Conservation Officer recommended refusal having regard to the scale and size of the two storey extension and the impact on the architectural character. The report of the area planner noted these comments and included condition No 2 requiring the omission of the first floor from the proposal and retention of the existing roof profile.
- 7.8. Section 11.1.5.3 of the development plan includes guidance for new developments affecting protected structures and conservation areas where encouragement is provided for the upgrade of structures that retain the features of conservation interest. I note the photographic survey included within the Conservation Assessment and consider the existing rear extension proposed to be demolished

does not contain a significant amount of original fabric. I note the location of the property to the rear and size of the remaining garden at 25m² and I consider the ground floor extension reasonable in scale and bulk to the existing dwelling.

- 7.9. The proposed works on the first floor include the removal of a dormer window and the construction of a first floor extension, as stated above condition No 2 required the omission of the first floor. Section 17.11 of the development plan requires dormer extensions to be visually subordinate to the roof profile and compliment the main dwelling. Having regard to the scale of the first floor extension I do not consider the bulk and scale of the first floor respects the existing dwelling and therefore does not comply with the guidance in the development plan.
- 7.10. I note a similar two storey extension was granted permission PL29S.239284 (Reg Ref 3264-12), following a reduction on height, to the rear of No 2 directly opposite the subject site, although I also note the location of a laneway surrounding the site and the characteristics of the existing rear extension at No.2 and I do not consider the issues raised are comparable to this appeal.

Other

- 7.11. The grounds of appeal are concerned the proposed development will have a negative impact on the public sewerage system as it is considered it is already at capacity. I note the report of the Drainage Department does not raise any issue with the treatment of sewerage and having regard to the proposed connection to the public system I consider the site can be adequately serviced.

Appropriate Assessment.

- 7.12. Having regard to the nature and scale of the proposed development 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.

Environmental Impact Assessment

- 7.13. Having regard to the nature and scale of the proposed development 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.

8.0 Recommendation

- 8.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

The subject site is located on lands zoned as Z2, Residential Conservation, where it is an objective to *“To protect and/or improve residential conservation areas amenities”* and the existing dwelling and those in the vicinity are Protected Structures. The proposed development includes a rear extension which is considered excessive in height relative to the adjoining property and its bulk and massing, past the rear building line of the existing dwellings, will have a negative impact on the residential amenity of the property in the vicinity by reason of overshadowing and overbearing. Therefore, the proposed development would be out of character with the pattern of development in the vicinity and would constitute a visually discordant feature that would be detrimental to the distinctive architectural and historic character of this area, which it is appropriate to preserve, and would be contrary polices of the Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area.

Karen Hamilton
Planning Inspector

01st of November 2018