



An  
Bord  
Pleanála

## Inspector's Report ABP-302268-18

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<b>Development</b>	Demolition of single-storey extension to the side of dwelling & construction of new 2-storey extension to either side. Retention of existing extension to rear of house. Provision of new roof solar panels.
<b>Location</b>	49, Grand Canal Street Upper, Dublin 4
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	2809/18
<b>Applicant(s)</b>	Tom & Cathy O' Mahony.
<b>Type of Application</b>	Permission & Retention.
<b>Planning Authority Decision</b>	Split
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Tom & Cathy O' Mahony.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	31 <sup>st</sup> of October 2018.
<b>Inspector</b>	Karen Hamilton

## 1.0 Site Location and Description

- 1.1. The subject site includes a large two storey detached dwelling on an elevated site along the southern side of Grand Canal Street Upper, Dublin 4. The site is set back from the main road by c.15m, separated by the front private garden and there is direct pedestrian and vehicular access along the front of the site. There is limited open space to the rear and there is a recently constructed single storey conservatory at the rear of the dwelling.
- 1.2. There is a row of two storey terrace dwellings at either side, east and west, of the subject site, both of which are elevated and set back from the main road.

## 2.0 Proposed Development

- 2.1. The proposed development would comprise of the following:
  - Demolition of single-storey extension to the side of the property (35.8m<sup>2</sup>),
  - Construction of a new 2-storey extension to either side of house,
  - Retention of existing extension to rear of house (29m<sup>2</sup>),
  - Provision of new roof solar panels & all associated site development works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Decision to Grant permission for the demolition of the single storey extension to the side, retention of single storey extension to the rear and provision of new solar panels with 4 no conditions.

Decision to Refuse the construction of the new two-storey extension to either side of the main house for the reason summarised below:

1. The site is zoned Z2 in the development plan and Policy CHC 4 states that development will not harm buildings, spaces, original street patterns or features which contribute positively to the conservation area. The design and visual impact of the proposed side extensions would significantly injure the

character of the conservation area and the property in the vicinity and would be contrary to the zoning and Policy CHC4.

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

#### **3.2.1. Planning Reports**

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

1. Request the omission of the eastern side extension and a revised design of the proposed western side extension to comply with Section 16.2.1 and Appendix 17 of the development plan.
2. Concern the eastern side extension would seriously injure the amenities if the adjoining residential property by way of overbearing and overlooking.

The applicant did not include any amendments to the overall design of the extensions and submitted justification for the use of the design including photomontages of the overall proposal.

The report of the area planner did not consider the submission of this information sufficient to address the concerns raised and considered the side extension would result in overbearing intervention and harm the character of the existing house.

#### **3.2.2. Other Technical Reports**

Drainage Division- No objection subject to conditions.

### **3.3. Prescribed Bodies**

None received.

### **3.4. Third Party Observations**

None received.

## 4.0 Planning History

### Reg Ref 3504/03

Permission granted for alterations to the existing front garden to provide off street parking.

### Reg Ref 3705/01

Permission refused for alterations to existing front garden to provide off street car parking as the breaking of a wall along the front of the site would be injurious to the residential conservation area and would set an undesirable precedent along this section of the road.

## 5.0 Policy Context

### 5.1. 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 16.10.12:** Extensions and Alterations to Dwellings.

The form of the existing building should be followed as closely as possible, and the development should integrate with the existing building through the use of similar finishes and windows. Extensions should be subordinate in terms of scale to the main unit.

Applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied that the proposal 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.

The dwelling is located on lands zoned as Z2, residential conservation therefore, the following policy and guidelines apply.

**Policy CHC1:** Preservation of the built heritage.

**Policy CHC4 & CHC5:** Conservation Areas: Development will not harm the features of special interest in the conservation areas or involve harm to loss of traditional fabric.

## 5.2. Natural Heritage Designations

The site is located 1.6km west of South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal are submitted from an agent on behalf of the applicant and the issues raised are summarised below:

- The split decision issued by the planning authority is of no value to the applicants.

#### Architectural approach

- The property consists of a substantial late 19<sup>th</sup> century property.
- The property has been subject to many alterations in the past
- The property is not a protected structure.
- All works will be carried out in line with good conservation practice and any period detailing still intact will be retained.
- The designed areas will consolidate the dwelling and have a minimal impact on the surrounding area.
- The materials used will be consistent with those used in the existing dwelling.

### Impact on the character of the Conservation Area.

- Care has been taken to ensure the new works would not have an impact on the character of the area. The new wings are set slightly behind the existing side and are symmetrical.
- The report of the area planner noted the existing separation distance between the existing dwelling and the adjoining terrace and considered the side extensions would lead to a terracing effect, although there is no evidence to suggest this.
- The new works will only partially serve the unremarkable gable ends.
- The proposal meets the development plan standards.
- There is a substantial gap between the existing dwelling and adjoining terrace.

### Architectural Style and Expression

- The brick selected type is not “pastiche type” and the window opens are the only slightly smaller than the existing dwelling to ensure the main dwelling remains dominant.
- The style respects Dublin’s Heritage and although the style is contemporary it adds to the overall appearance of the property.
- Illustrations of examples of the style and design of the side extensions are submitted.
- The external materials include a mix of brick and zinc.

### Residential Amenity of adjacent properties.

- The proposed extension will provide symmetry to the dwelling.
- The extension is required to ensure the house is updated.
- There is no overlooking from the windows to the rear of properties to the east and west already are overlooked by the adjoining terrace. The applicant has no objection to the inclusion of obscure glazing on the first floor windows.
- The proposed extension to the east is significantly shorter than the extension to the west.

## Planning Policy & Zoning

- The proposal complies with Policy CHC4 of the Dublin City Development Plan and will not harm the conservation area.
- The proposal complies with Section 16 and Appendix 17 of the development plan and new works are smaller and lower than the existing dwelling.

### 6.2. **Applicant Response**

The applicant is the appellant.

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

None received.

### 6.4. **Observations**

None received.

## 7.0 **Assessment**

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

- Impact on Visual Amenity & Built Heritage
- Impact on Residential Amenity
- Other
- Appropriate Assessment
- Environmental Impact Assessment

### **Impact on Visual Amenity & Built Heritage**

7.2. The subject site contains a large two storey dwelling with private off street parking, front amenity space and is located on lands zoned Z2, residential conservation in the development plan.

7.3. The proposed development includes the retention of a single storey rear conservatory, demolition of a single storey side extension and the construction of two

2 storey side extensions. The planning authority granted permission for the retention of the single storey rear extension and the demolition of the side extension and refused permission for the construction of the two side extensions as the proposal would not comply with Policy CHC4 of the development plan, significantly detract from the special character of the existing period house and seriously injure the character of the residential conservation area.

- 7.4. The grounds of appeal are submitted from the applicant in relation to the refusal for the construction of a new two-storey extension to either side of the main house. It is argued that the extensions provide symmetry to the main dwelling and the design is both sympathetic to the existing dwelling and the surrounding area.
- 7.5. Policy CHC4 of the development plan provides guidance for development within conservation areas where it will not harm the features of special interest in the conservation areas or involve harm to loss of traditional fabric. The report of the area planner referred to the overall design of the side extensions and considered the pastiche type with brick to match the adjoining terrace dwelling would result in an overbearing intervention and be a visually obtrusive form of development on either side of the dwelling. In addition, the planner considered the separation between the existing dwelling and adjoining terrace provided an attractive feature to the conservation area. No report was received from the Conservation Officer.
- 7.6. I note the site is located on an elevated position away from the adjoining road, Grand Canal Street Upper, with steps up through a private front garden. There is a row of two storey detached dwellings at either side of the site at the same position to the dwelling on the subject site. Each of the terraces have similar features to either other with brown/ brick, sash windows and similar window sizes along the facades. The design and external materials on the dwelling on the subject site is completely different from the adjoining dwellings and on the opposite side of the Grand Canal Street Upper there is a further range of dwelling styles in the vicinity of the site. I do not consider the area of separation between the dwelling on the subject side and the adjoining terrace is a feature of special interest for the conservation area, nor do I consider there is one dwelling type which is a characteristic of the area and therefore the principle of an extension on either side of the dwelling is acceptable.



- 7.7. In relation to the design of the side extensions, the guidance in Section 16 of the development plan requires the proposal to be subordinate to the main dwelling and not have an adverse impact on its scale. The side extensions are set behind the existing building line by c. 1m and include bay windows projecting forward in line with the existing building line. The extension along the east extends out by c. 3.6m and the extension to the west is c. 5m. I do not consider the difference in widths would provide any symmetry to the proposed development although a reduction in the width of the extension along the west to c. 3.6m would rectify this. The roof profile is similar to the existing dwelling. The proposed materials include grey/brown brick to match the adjoining terraces and a zinc roof finish for the bay windows. I consider the choice of materials will have the greatest significant impact on the dwelling as it would extenuate the extension which would have a negative visual impact on the character of the area. I consider the use of materials to match the existing dwelling would be appropriate to comply with the guidance in Section 16.10.12 the development plan which states that development should integrate with the existing building through the use of similar finishes and windows.
- 7.8. Having regard to the difference in the style of the existing dwelling, comparative to adjacent terraces at either side, the design of the side extensions and a condition to reduce the width of the extension along the west to 3.6m to match the eastern elevation and materials to match the existing dwelling, I do not consider the overall proposal would have a significant negative impact on the character of the existing dwelling or the surrounding conservation area. Therefore, I consider the proposal would be in compliance with Policy CHC 4 and Section 16.10. 12 of the development plan.

#### **Impact on Residential Amenity**

- 7.9. The proposed development includes windows on the first floor at the rear of the proposed extension. A further information request by the planning authority raised concern in relation to the eastern side extension the visual impact and the perceived overlooking/ loss of privacy. The impact on the residential amenity was not stated in the reason for refusal.

- 7.10. The grounds of appeal state that the argument of “perceived” overlooking is superfluous and the windows of the properties on either side of the terrace dwellings are closer than the proposed extension.
- 7.11. Overlooking: The rear of the extension along the eastern side is orientated towards the south east, c. 25m from the rear of a mews dwelling along Cranmer Lane, although does not face directly into any rear windows. The western extension is located to the north of a developed modern two storey infill dwelling. The rear boundary of the site includes a c. 2m high block wall with mature planting along the edge and there are no windows directly facing the appeal site.
- 7.12. Overshadowing: The proposed extensions are located along the east and west of the existing dwelling and adjacent to the gable walls of the adjoining terraces. Having regard to the location of the existing dwelling and extensions I do not consider there would be any overshadowing on any adjoining properties.
- 7.13. Therefore, having regard to the location and orientation of the existing dwelling, the design of the extension and the relationship with the dwellings in the vicinity of the site I do not consider the proposed development would have any negative impact on the residential amenities of the occupants of any dwellings.

#### **Other**

- 7.14. The proposed development includes the demolition of a single storey side extension along the west of the site to accommodate a two storey extension, retention of a single storey rear extension and solar panels on the rear of the existing roof slope. As stated above the planning authority granted permission for these works and considering my assessment in regard to the proposed extension at either side of the dwelling, the scale and location of the solar panels and rear extension, I do not consider the retention of the rear extension and solar panels would have a negative impact on the residential amenity or setting of the character of the conservation area.

#### **Appropriate Assessment**

- 7.15. 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**

- 7.16. 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 granted, subject to conditions, for the reasons and considerations as set out below.

## **9.0 Reasons and Considerations**

Having regard to pattern of development in the vicinity, the nature, form and design of the proposed development, the Z2, residential conservation zoning on the site and compliance with the provisions of the Dublin City Development Plan 2016-2022, in particular Policy CHC 4 and Section 16.10. 12 of the development plan, it is considered the proposed development would not have a negative impact on the residential amenity of the area or have a negative impact of the character or setting of a Protected Structure or a conservation area. The proposed development would, therefore, 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. The proposed development shall be amended as follows:
  - (a) The proposed extension along the west of the dwelling shall be reduced in width to 3.6m to match the proposed dwelling along the east of the dwelling.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity

3. The external finishes of the proposed extension, including roof tiles/slates, shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity

4. Water supply and drainage arrangements, including the attenuation and 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

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 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

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Karen Hamilton  
Planning Inspector

09<sup>th</sup> of November 2018