



An
Bord
Pleanála

Inspector's Report ABP-302386-18

Development	Demolition of rear extension and construction of 2 storey extension to rear, erection of roof window and solar panels to front
Location	17, Liffey Terrace, St. Laurence's Road, Chapelizod, Dublin 20
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3187/18
Applicant(s)	Ruth & Derek Liddle
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First / Third Party
Appellants	Ruth & Derek Liddle
Observers	Sean Sheridan
Date of Site Inspection	7 th November 2018
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located at 17, Liffey Terrace, St. Laurence's Road, Chapelizod, Dublin 20. Liffey Terrace is on the north western side of St Laurence's Road with its back to the bank of the River Liffey. The site is a mid terrace two storey, red bricked house with a pitched roof. It has previously been extended at ground level. Dwellings along the terrace have extensions and most have decking overlooking the river.
- 1.1.2. The site is given as 70m².

2.0 Proposed Development

- 2.1. The proposed development is the demolition of the existing extension and construction of 2 storey extension (32m²) including dining/family room to ground floor and new first floor bedroom; a new roof light and solar panels on the front elevation, reconfigured deck and associated works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority decided to grant permission subject to seven conditions, including condition no 2 which states:

The development hereby approved shall incorporate the following amendments:

- a) The first floor extension shall project no further than the first floor projection of the extension to number 15 Liffey Terrace (3.2m or whichever is the lesser).
- b) The velux window and solar panels to the front roof slope are to be permanently omitted from the plans.

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority; and such works shall be fully implemented prior to the occupation of the building.

Reason: In the interest of the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

- Pre-planning meeting Council advised on design and advised that a sun path analysis should be submitted and that a flood impact assessment may be required.
- Zoning & policy:
 - Z1
 - 16.10.12
 - Archaeological Zone policy
 - policy CHC9
 - policy CHC15
 - Chapelizod Architectural Conservation Area
 - policy CHC4
 - policy CHC14
 - policy CHC15

The ACA specifically refers to the need for sensitive design of proposed extensions especially in visually prominent areas such as the rear of New Row and Liffey Terrace.

The structure is to be constructed along the same alignment as the existing ridge line of the dwelling with a new pitched Rheinzink or similar roof system.

The ground floor extension projects 4.872m into the rear terrace area. A sheer wall of 5.475 in height will be constructed boundary to boundary. Due to the change in levels on the adjoining site at No. 15, the impact of this wall will be more acutely felt. The projection is considered to be too significant at first floor level and will likely adversely impact the amenity of both adjoining properties by way of overshadowing, overbearing impact and is an overdevelopment.

Sunpath analysis indicates adequate sunlight during summer months. Overbearing impact is of most concern. The reduction in height of the extension to single storey along the shared boundaries will dramatically improve the residential amenity of both properties and it is not unreasonable to have a single storey wall on the boundary, as

it will align with and not project further than the existing party wall with No 15 and marginally exceed the rear building line of No 19. A condition to be attached. The principle of a two storey extension in this location is acceptable and the mixture of rear extension styles are characteristic of this row. This contributes to the special interest of this important elevation facing the Liffey which is visible from Dodson's Bridge to the north.

The ACA states that solar panels should not normally be permitted on front roof slopes.

It is not considered appropriate in this instance as the conservation value of this of the area extends to both sides of the street and the structures would be visible from street level and impact the rhythm of the roofs. This also applies to the front velux. A condition to be attached.

Given the constrained nature of the site, the development plan minimum areas for private open space is difficult to achieve. The high quality outlook and deck area offers a sufficient area for outdoor living.

Recommending permission.

3.2.2. Other Technical Reports

- 3.2.3. City Archaeologist – the proposed development is located on the border associated with Zone of Archaeological Constraint for the recorded Monument DU018-027 settlement. It is recommended that a notify condition be attached.

If during the course of site works and construction archaeological material is discovered, the Planning Authority should be notified immediately. Further, it is obligatory under the National Monuments Amendment Act 1994 that such is brought to the attention of the National Monuments Service, Department of Culture, Heritage and the Gaeltacht, and the National Museum of Ireland.

In the event of an archaeological find on site, the Planning Authority (in consultation with the City Archaeologist and the National Monuments Service, Department of Culture, Heritage and the Gaeltacht, shall determine the further archaeological resolution of the site.

If however no archaeological remains are encountered then no further archaeological mitigation will be required.

Reason: In the interests of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

3.2.4. Engineering Department Drainage Section – condition.

3.3. **Third Party Observations**

3.3.1. A third party observation has been read and noted.

4.0 **Planning History**

WEB 1231/18 invalid.

ABP 302387 PA Reg Ref 3187/18 demolition of extension and construction of 2 storey extension, to No 13 Liffey Terrace; the proposed development is very similar to the current application / appeal.

5.0 **Policy Context**

5.1. **Development Plan**

The Dublin City Development Plan, 2016 – 2022 is the operative plan. Relevant provisions include:

The site is zoned Z1 – To protect, provide and improve residential amenities.

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

- Policy CHC9 - To preserve national monuments.
- Policy CHC9 - To preserve, repair and retain in situ, historic elements of significance. (ACA)
- Section 11.1.5.3 - protected structures.
- Section 16.10.12 - Extensions and alterations to Dwellings. & appendix 17 Guidelines for Residential Extensions. - The design of residential extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy. In addition, 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.

- The location adjoins the zone of archaeological constraint for the recorded monument DU018-027 settlement.
- Appendix 17 sets out guidelines for residential extensions.

5.2. Natural Heritage Designations

- 5.2.1. The South Dublin Bay SAC site code 000210 and South Dublin Bay and River Tolka SPA site code 004024, are the nearest Natura sites, located c 11km away.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. This first party appeal against condition no 2a) has been submitted by Ciaran Devine Architect on behalf of Ruth & Derek Liddle. It includes:

- The rear of the terrace is a jumble of ad-hoc, poorly planned and architecturally incoherent extensions. These extensions do not provide sufficient space for a modern home via the provision of a third bedroom. The condition will perpetuate both of these significant issues.
- What is sought is a modest extension to a comparatively small existing dwelling in order to accommodate the needs of a growing modern family. This requires 3 first floor bedrooms and a family bathroom.
- The existing small floor area means that the only way this can be achieved is by a rear first floor extension. Internal dimensions of 4.026 x 3.872 for the additional bedroom is adequate to provide internal storage. The amended 4.026 x 2.7 is not adequate for a usable bedroom with storage.
- The restriction of 3.2m from the existing rear building line is too restrictive and they request that this condition be amended to 4.872m or in line with the proposed ground floor building line.

- The location is significant, front with nice detailing, rear facing the river and prominent from the Bridge.
- They sought in pre planning discussions to develop an architectural response at the rear, that better reflected the simplicity and uniformity of the front façade. A set back as proposed apart from sterilising the house from any use as a family home, would render that building form and an ordered architectural response to the site impossible to achieve.
- A series of 3D images is provided to illustrate the visual impact, which include a similar extension to No. 13, taken at 12 noon on the summer solstice. As the terrace is north facing the existing terrace overshadows the rear of the dwellings for the vast majority of the day. Loss of daylight is negligible.
- No 15 was the first dwelling to apply to build a first floor extension (c2004). That fact does not allow the dimensions of No 15 to impose the acceptable limit on any subsequent development elsewhere on the terrace, particularly so where that building line would impose very severe limitations on available space.
- In identifying the proposed building line they used the ground floor building of No 15. Building to that line would not impose on neighbouring amenities.
- There is nothing in principle objectionable about identifying a precedent. However the precedent chosen has the unfortunate effect of making it impossible to develop usable family homes along the terrace, and limits the first floor elevation to a point recessed from the established line. They request a building line that allows for the creation of a third upstairs room of adequate dimension to allow sufficient storage for all 3 bedrooms.
- They respond to the planner's statement, regarding sheer wall height by illustrating in a sectional drawing, the section of wall that will be visible from the conservatory of No 15. This represents a very modest amount of wall space that will be invisible to the occupants of No 15 in the context of the overwhelming axis of residential amenity provided by the River Liffey, which will be unaltered.

6.2. Planning Authority Response

6.2.1. The Planning Authority has not responded to the grounds of appeal.

6.3. Observations

6.3.1. An observation on the appeal has been made by Hughes Planning & Development Consultants, on behalf of Sean Sheridan, No 15 Liffey Terrace which adjoins to the north. It includes:

- The condition satisfies the residents of No 15.
- The proposed development would contravene the Z1 zoning as the projection to the rear will have a dominance in overshadowing the adjoining dwelling.
- It would have a negative impact as a result of overlooking and loss of daylight, which will affect the outdoor space in particular, which being limited in area is vulnerable to such impact.
- The City Development Plan and the Planner's report are cited.
- The proposed development will result in a reduction in open space despite the need for an increased provision. The current level of 18.4m² will be reduced to 10.9m².
- The proposed development will result in a need for 30 sq m.
- Site coverage of 45%-60% in Z1, existing 67%, proposed 80%, (No 15 71%), which will have an overbearing effect.
- The projection beyond the building line will result in overshadowing.
- View from the bridge and contribution to the public realm - this is irrelevant. The private amenity space should be protected for the residents so that the current standard of residential amenity is enjoyed.
- An observation has been made on 3188/18 an appeal at No 13.

7.0 Assessment

7.1.1. This is an appeal under S 139 of the Planning and Development Act and having regard to the nature of the condition I consider that the determination of the

application de novo is not warranted; this assessment is therefore confined to the condition under appeal.

- 7.1.2. The issues which arise in relation to this appeal are: appropriate assessment, environmental impact assessment and condition 2 a) and the impact on the character and amenities of the area and the following assessment is dealt with under those headings.

7.2. **Appropriate Assessment**

- 7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment 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 a European site.

7.3. **Environmental Impact Assessment**

- 7.3.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment 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.

7.4. **Condition 2 a) and the impact on the amenities of the area**

Condition no 2 states as follows:

The development hereby approved shall incorporate the following amendments:

- a) The first floor extension shall project no further than the first floor projection of the extension to number 15 Liffey Terrace (3.2m or whichever is the lesser).
- b) The velux window and solar panels to the front roof slope are to be permanently omitted from the plans.

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings.

Reason: In the interest of the proper planning and sustainable development of the area.

7.4.1. Part b) has not been appealed and this appeal addresses part a) only.

The first floor extension shall project no further than the first floor projection of the extension to number 15 Liffey Terrace (3.2m or whichever is the lesser).

7.4.2. While the issues raised in relation to the appeal relate to the impact on the amenities of the adjoining properties, the impact on the amenities of the general area is also to be considered.

7.4.3. S16.10.12 of the Dublin City Development Plan 2016-2022 states that 'the design of residential extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy. In addition, 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.

7.4.4. Appendix 17, states that 'it is important to make sure that any extension does not unacceptably affect the amenities of neighbouring properties. This includes privacy, outlook, daylight and sunlight.'

7.4.5. The observation submitted states concerns in relation to overlooking, overbearing and sunlight / daylight standards. No overlooking would be created that doesn't already exist. It appears from the documentation on file that there will be very limited impact on light to the adjoining dwellings. There will be some impact in terms of outlook.

7.4. The proposed development seeks to provide an increase in residential accommodation to provide for a third bedroom and storage space at first floor level. In the design proposed the feature roof will be 3.777m high with a roof of 'reinzhinc of similar 1000mm wide zinc standing seam roof system'. This feature roof together with the extent to which the extension projects from the main roof will make this a very visible feature at the rear of the building where the rear of the terrace is open to views from Chapelizod Bridge.

7.4.6. The proposal is justified in part by the objective that it would 'develop an architectural response at the rear, that better reflected the simplicity and uniformity of the front façade'. This argument could only be made in the context of being in control of

multiple units in the terrace and being in a position to implement this treatment for multiple units. As it stands the proposal introduces a new roof profile, unlike the double pitched roof of the main building and unlike the flat roofs of the two storey extensions already developed along the terrace. I have concerns that this bold design, which will strongly feature in views of the rear of the terrace, would introduce a new element into what is described by the first party as 'an already very busy elevation'. It is worth noting in this regard that the proposed design for the extension to No 13 is similar to the subject proposal.

- 7.4.7. A set back as required by the condition would reduce the impact of this feature by reducing its extent.
- 7.4.8. In support of the appeal the first party has provided a sectional drawing to show the section of wall that will be visible from the conservatory of No 15, it is argued that this represents a very modest amount of wall space and virtually be invisible to the occupants of No 15.
- 7.4.9. I accept that there would be some impact at ground level, although at this level the extent of development along the terrace reduces the visibility of first floor projections. There will also be impact at first floor where side view from the single rear window at first floor level of No 15 will include the flank wall of the proposed first floor extension. In this regard a balance needs to be struck between impact on adjoining outlook and achieving a reasonable level of residential accommodation in properties of limited floor area and on limited sites. The planning authority decided that the balance should be struck with a first floor extension limited to projecting no further than the first floor projection of the extension to number 15 Liffey Terrace (or 3.2m or whichever is the lesser). I am inclined to the view that the first floor extension should be permitted to extend to the same extent as the ground floor area.
- 7.4.10. In relation to the visual impact of the roof feature, I consider that the feature should be omitted and that a double pitched roof with a ridge level extending no higher than the main roof should be required by condition. I note in this regard that the span of the roof would be c4.5m and that this is not dissimilar to the span of the main roof which is c4.4m, so that a similar roof profile should be achievable.

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority to amend condition 2 and the reason thereto for the following reasons and considerations:

9.0 Reasons and Considerations

Having regard to the zoning objective, to the Dublin City Development Plan 2016-2022 - Z1; “to protect provide for and improve residential amenities”, to the character of the existing dwelling, to the established pattern, scale and architectural character of the area, and to the pattern of permissions granted in the area, it is considered that subject to condition 2 the proposed development would not injure the residential or visual amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

10.0 Condition 2

The development hereby approved shall incorporate the following amendments:

- a) The roof of the proposed rear extension shall be a double pitched, slated roof with a ridge level which does not rise above the ridge of the main roof.
- b) The velux window and solar panels to the front roof slope are to be permanently omitted from the plans.

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such amendments have been submitted to, and agreed in writing by the Planning Authority; and such works shall be fully implemented prior to the occupation of the buildings.

Reason: In the interest of the protecting the visual amenities of the area.

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Planning Inspector

29th November 2018

Appendix 1 Photographs

Appendix 2 Extracts from the Dublin City Council Development Plan 2016-2022