



An  
Bord  
Pleanála

## Inspector's Report ABP302387-18

### Development

Permission for demolition of existing 2 storey rear extension & construction of a new two storey rear extension (32m<sup>2</sup>) including dining / family room to ground floor & first floor bedroom. A new roof light to the front elevation, internal alterations, reconfigured rear deck & associated site works.

### Location

13 Liffey Terrace, St Laurence's Road, Chapelizod Dublin 20.

### Planning Authority

Dublin City Council.

### Planning Authority Reg. Ref.

3188-18.

### Applicant(s)

John & Karen Kenny

### Type of Application

Permission.

### Planning Authority Decision

Grant Permission with conditions.

### Type of Appeal

1<sup>st</sup> Party versus condition 2.

### Appellant(s)

John & Karen Kenny.

### Observer(s)

Sean Sheridan

### Date of Site Inspection

5<sup>th</sup> October 2018

### Inspector

Bríd Maxwell.

## 1.0 Site Location and Description

- 1.1. The appeal site is located in Chapelizod on the west side of Dublin within a well-established predominantly residential area. The site has a stated area of 70m<sup>2</sup> and is occupied by a two storey red brick mid-terrace residential property fronting onto St Laurence's Road. To the rear the site backs onto the banks of the River Liffey. The front elevation incorporates a plaque indicating the year of construction, 1914. The dwelling has previously been extended to the rear by way of a part two-storey, part single storey extension extending to a raised terrace with steps down from the property to private shared laneway running along the river bank. All dwellings within the terrace display a mix of extensions of varied form, scale and design looking out onto the river and which are openly visible from the Anna Livia Bridge.
- 1.2. Photographs appended to this report taken on the date of my site visit demonstrate the character of the area.

## 2.0 Proposed Development

- 2.1. The proposal involves the demolition of the existing ground and first floor extension (14m<sup>2</sup>) and replacement with a two storey extension (32m<sup>2</sup>) to accommodate a new kitchen, living area and first floor bedroom. The extended roof follows the alignment of the existing ridge line of the dwelling and incorporates a new pitched *Reinzinc* or similar roof system. The extension projects 4.872m into the rear terrace area. The proposal also includes solar panels and rooflight to the front roof plane.

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated 12 March 2018, Dublin City Council decided grant permission and seven conditions were attached which included condition 2 under appeal as follows:

*“Condition 2. The development 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.*
- c) *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 development of the area.”*

## **3.2 Planning Authority Reports**

### **3.2.1 Planning Reports**

3.2.1.1 Planners report considers the proposed projection to be excessive. Conservatory extension to no 15 is likely to suffer from loss of light / overshadowing and the overbearing impact of the proposed sheer wall is of concern. A more restrained first floor extension is appropriate. Chapelizod ACA statements indicate that solar panels not normally permitted on front roof rooflight also inappropriate. Permission recommended subject to conditions.

### **3.2.2 Other Technical Reports**

3.2.2.1 Conservation Officer report notes that solar panels to front roof are inappropriate within an ACA.

3.2.2.2 Engineering Department Drainage Division report indicates no objection subject to conditions.

3.2.2.3 Archaeological report note location on the border of the zone of archaeological constraint for recorded monument DU018-027 Settlement and within the Zone of Archaeological Interest in the Dublin City Development Plan. No objection subject to conditions regarding notification in the event of discovery of archaeological material.

### **3.2.3 Submissions**

3.2.3.1 Submission from Hughes Planning and Development Consultants on behalf of neighbouring resident Sean Sheridan, 15 Liffey Terrace. Objections raised to the proposal are summarised as follows:

- The proposal will contravene the zoning of the site by having an overbearing and overshadowing impact on the adjoining dwellings.
- Note similar proposal in respect of no 17. (Reference 3187/18)
- Proposal results in reduction of private open space from 20m<sup>2</sup> to 9.8m<sup>2</sup> and an increase in site coverage to 79.5%.
- Inappropriate alterations to front façade undermine the integrity of Liffey Terrace.

## 4.0 Planning History

4.1 No apparent history on the appeal site. I note the following recent decision in respect of No 17 Liffey Terrace. (Also referenced by the parties to the appeal)

**3187/18** No 17 Liffey Terrace. Application for demolition of single storey rear extension and construction of a two storey rear extension 36m<sup>2</sup>. A new first floor window and roof light to front elevation, internal alterations, reconfigured rear deck and associated site works. Dublin City Council issued notification of decision to grant permission on 31<sup>st</sup> July 2018 subject to 7 conditions including condition 2 (similar to that subject of the current appeal) which restricted the first floor extension projection to that on no 15 Liffey Terrace 3.2m or whichever is the lesser. Roof light and solar panels to front roof slope to be omitted.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The site is subject to Z1 Zoning - "To protect provide and improve residential amenities," within the Dublin City Development Plan 2016-2022.

5.1.2 Section 16.10 Standards for Residential Accommodation.

Section 16.10.12 Standards for Extensions and Alterations. Appendix 17 – Guidelines for Residential Extensions.

## 5.2. Natural Heritage Designations

5.2.1 The nearest Natura 2000 sites are the Dublin Bay SAC and the South Dublin Bay and River Tolka Estuary SPA.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 The grounds of appeal submitted by Ciaran Devine Architect on behalf of the first party solely relates to condition 2 are summarised as follows:

- Note unusual character in that rear of house is in the public domain and is clearly visible from Anna Livia Bridge.
- This terrace presently is a jumble of ad-hoc, poorly planned and architecturally incoherent extensions.
- Existing extensions do not provide sufficient space for a modern family home and the lack of adequate family homes is a notorious issue in Chapelizod.
- Condition renders the provision of a third bedroom impossible and arbitrarily restricts the building line such as to frustrate any architecturally or aesthetically appropriate approach to the proposed extension.
- Proposal is a modest extension to a comparatively small existing dwelling required to accommodate the needs of a growing modern family. (3 bedrooms and a family bathroom.)
- Condition compromises the viability of no 13 as a family home.
- Proposed extension seeks to establish a new precedent that better serves the practical space requirements of future rear development and establishes a more ordered strong architectural response that can be applied in principle to other future developments.
- Alternative options were explored in design process including a horizontal break at first floor window cill however it was concluded that any additional massing would only add to an already very busy elevation when looking at Liffey Terrace as a whole.

- As regards impacts on light having regard to its north facing orientation the existing Liffey terrace overshadows the rear of the established dwellings for the vast majority of the year and for the vast majority of the day. Loss of daylight by adjoining properties will be negligible and no loss of privacy.
- While no 15 Liffey Terrace was the first extension to be built it should not be seen as precedent to impose severe limitations on available space.
- Section of wall visible from conservatory area of no 15 is modest.
- Condition perpetuates a public realm of architecturally incoherent and ad-hoc development at the rear of Liffey Terrace.

## 6.2. Planning Authority Response

6.2.1 The Planning Authority did not respond to the grounds of appeal.

## 6.3 Observer

6.3.1 Submission by Hughes Planning and Development Consultants on behalf of neighbouring resident Sean Sheridan, 15 Liffey Terrace.

- Welcomes the decision of Dublin City Council to grant permission and requests the Board to uphold condition 2 which protects the residential amenity of the adjoining dwelling from adverse effect.
- Combined applications at No 15 and No 17 will create an overwhelming and overbearing effect and drastic loss of sunlight.
- Introduction of window on façade would result in loss of integrity to the facade of Liffey Terrace.

## 7.0 Assessment

7.1 Having regard to the nature of the development and the grounds of appeal I consider it that determination by the Board of the application as if it is had been made to it in the first instance would not be warranted and therefore in accordance with Section 139 of

the Planning and Development Act 2000 it is appropriate that consideration is confined to assessment of the condition under appeal namely condition 2.

7.2 Condition 2 is as follows:

*The development 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.*
- c) *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 development of the area.”*

7.3 I note the main requirements for extensions and alterations to dwellings as set out within the Dublin City Development Plan 2016-2022, S16.10.12 and Appendix 17, namely that the design of residential extensions should have regard to the amenities of adjoining properties and, 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 The first party, within the grounds of appeal outlines the justification for the proposed scale of first floor extension which seeks to provide a third bedroom to the dwelling whilst also seeking to address the public realm given open visibility of the rear of the property from Anna Livia Bridge. Whilst I consider it a reasonable ambition to increase and improve the level and standard of accommodation on the site, I note the restricted nature of the appeal site and the significance of its context within an established terrace. Having considered the proposal, I am inclined to concur with the local authority that the proposed extension at first floor level would result in a significant overbearing impact on the adjacent dwellings. I further note the recent

permission granted by Dublin City Council in respect of no 17 Liffey Terrace, whereby in a consistent approach, a condition attached restricts first floor projection to 3.2m or the established first floor rear projection of no 15 whichever is the lesser. I note that this decision has not been appealed to the Board. In light of my assessment, I recommend that the Council's decision to impose restrict the extent of first floor extension in accordance with condition 2 be upheld. As regards the second element of condition 2 namely the omission of *the velux window and solar panels from the front roof slope*, I note that the first party does not address this issue within the grounds of appeal and in my view this element is also appropriate in the context of the location within an Architectural Conservation Area.

7.5 Having regard to the nature and scale of the proposed development and the nature of the receiving environment, and proximity to the nearest European site, 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.

7.6 On the issue of Environmental Impact Assessment screening having regard to the limited nature and scale of the development, nature of the receiving environment no likelihood of significant effects on the environment arising from the development. The need for environmental impact assessment can, therefore, be excluded.

## 8.0 Recommendation

8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority to impose condition 2 be upheld for the following reason:

### Reasons and Considerations

Having regard to the zoning objective, Z1; "to protect provide for and improve residential amenities" according to the Dublin City Development Plan 2016-2022, to



the character of the existing dwelling and 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 amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

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Bríd Maxwell  
Planning Inspector

01 November 2018