



An  
Bord  
Pleanála

## Inspector's Report ABP-302834-18

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<b>Development</b>	Demolition of a single storey extension and construction of extension to the rear of the house.
<b>Location</b>	17, John Dillon Street, Dublin 8
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	WEB1409/18
<b>Applicant(s)</b>	Sonja Hayes & Frank Hesiterkamp.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Rudhraigh Mc Grath
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	09 <sup>th</sup> of January 2019.
<b>Inspector</b>	Karen Hamilton

## 1.0 Site Location and Description

1.1. The site contains a red bricked, two storey, mid terrace dwelling which fronts directly onto John Dillon Street, Dublin 8. To the rear of the site is a small enclosed courtyard and the site backs directly onto another property. The immediate surrounding area is characterised with similar type dwellings and beyond the adjoining streets is a mix of commercial uses associated with The Liberties area.

## 2.0 Proposed Development

2.1. The proposed development will comprise of the following:

- Demolition of a single storey extension,
- Construction of a part single storey and part two storey extension to the rear of the house.
- Inclusion of roof lighting and other associated works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Decision to grant permission subject to 6 no. conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission and refers to the following:

- The rear extension will be visible from an adjoining Architectural Conservation Area (ACA) and it is not considered it will have a negative visual impact on the streetscape.
- The limited scale of the existing dwelling and the proposed extension,
- The extensions to the rear of existing buildings, in particular No. 25 Tomas Street.

- The impact on the adjoining property at No 19, to the south of the site.
- The policies and objectives of the development plan.

### 3.2.2. Other Technical Reports

Drainage Department- No objection subject to conditions.

### 3.3. Prescribed Bodies

Transport Infrastructure Ireland (TII) - No objection to proposal.

### 3.4. Third Party Observations

One third party submission was received by the appellant and the issues raised are the same as those included in the grounds of appeal.

## 4.0 Planning History

None on the site.

### Recent Board Decisions in the Vicinity.

#### **ABP 301687-18 (Reg Ref 2368-18)**

Permission refused for the demolition of a single storey rear extension and the construction of a two storey return for a mid-terrace dwelling at No. 11 Saint Nicholas Place, south of the subject site, for the overbearing impact of the first floor extension on the adjoining properties.

#### **PL29S.245279 (Reg Ref 2785/15)**

Permission granted for the demolition of an existing extension and construction of a 2 storey extension for a mid-terrace dwelling at No 3 Saint Nicholas Place, south of the subject site.

## 5.0 Policy Context

- 5.1. **Architectural Heritage Guidelines for Planning Authorities**, 2004. Development guidelines for Protected Structures and Areas of Architectural Conservation.

## 5.2. Dublin City Development Plan 2016-2022

The site is located on lands zoned Z2 *"To protect and/or improve the amenities of residential conservation areas"*.

### Extension to Dwellings

Section 16.10.12 - Extensions and alterations to dwellings.

Appendix 17- Guidance for residential extensions.

The site is located within the **Strategic Development and Regeneration Area (SDRA) 16**, Liberties and Newmarket Square.

The site is located within the **Thomas Street and Environs Architectural Conservation Area 2009**, therefore the following policies apply.

**Policy CHC4:** To ensure the protection of Dublin's Conservation Areas.

Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

**Appendix 24:** Protected Structures and Buildings in Conservation Areas

### Thomas Street and Environs ACA, 2009

**Section 6.2.8:** New Build should have regard to the grain and character of the adjacent buildings, including height, massing, proportions and plot width.

## 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 an adjoining property to the south of the site and the issues raised are summarised as follows:

- The proposed development will have a negative impact on the light and privacy.

- The plans do not accurately reflect the visual layout of the surrounding buildings.
- No 19 is the only mid –terrace house and if No 17 builds a large extension and the owners of No 21 also built a large extension the existing dwelling at No 19 would be boxed in.
- There is an existing large house to the rear of No 19 (No. 24 Thomas Davis St South).
- If works proceed, a skylight will be required at No 19.
- Photographs have been submitted to illustrate the inaccuracies of the drawings.

## 6.2. Applicant Response

A response to the grounds of appeal was received from an agent on behalf of the applicant and the issues raised are summarised as follows:

- A description of the site location.
- Reference is provided to Thomas Street & Environs Architectural Conservation Area (ACA).
- Reference is provided to the Liberties & Newmarket Square Strategic Development Area which requires the quality of life of those who live in the area to be enhanced.
- A planning history of similar developments in the vicinity of the site is included.
- A background of the proposed development is included.
- The planning authority decision is reiterated.
- A response to the grounds of appeal states that the proposed development will not lead to a reduction in the available light and there are no windows proposed on the side of No 19 which will cause any overlooking.

- The pictures submitted by the appellant do not accurately reflect the drawings on the site as the proposed first floor extension is set 1583mm from the boundary with No 19.
- The design of the extension has been carefully considered to minimise any impact.
- In relation to the accuracy of the submitted planning drawings, it is argued that these are based on the best available information including visual inspection, aerial photography and ordinance survey records. It is acknowledged that the OS maps are somewhat outdated.
- In relation to the precedent for further developments in the vicinity, extracts from the planners report are included to state that it is not considered that the inclusion of the proposal and the existing rear extension to the rear of the site at No 24 Thomas Davis Street South would lead to a tunnelling effect, as both extensions are minimal in depth.

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

None received.

### 6.4. **Observations**

None received.

## 7.0 **Assessment**

7.1. The issues of the appeal can be dealt with under the following headings:

- Impact on Residential Amenity
- Impact on the Built Heritage
- Appropriate Assessment
- Other

## **Impact on Residential Amenity**

- 7.2. The subject site contains a modest two storey mid terrace dwelling which fronts directly onto John Dillon Street and has a single storey extension and small rear courtyard, similar to other dwellings in the vicinity. The proposed development includes the removal of the existing single storey extension and construction of a new two storey rear extension. The grounds of appeal is submitted by a resident of an adjoining property to the south of the site who is concerned the second storey extension will have a negative impact on their residential amenity and considering the current two storey extension on an existing property at the rear, west No 24 Thomas Davis Street, there will be a tunnelling effect to the rear of the appellants property.
- 7.2.1. Overbearing: The footprint of the ground floor extension is to be retained and the proposed first floor works include a flat roof extension projecting out from the rear building line by c. 2.2m. Section 16.10.12 of the development plan, states that alterations and extensions to dwellings should be sensitively designed and detailed to respect the character of the existing building, its context and the amenity of adjoining occupiers. Appendix 17 of the development plan also states that extensions should be confined to the rear in most cases and be clearly subordinate to the existing building in scale and design. I note the location of the first floor window on the appellants dwelling and whilst I consider the second floor extension will be visible, having regard to the location and orientation, I do not consider it will have a significant overbearing impact on the resident's amenity. The proposed development will not visible from the street and is clearly subordinate to the existing dwelling.
- 7.2.2. Overlooking: The proposed first floor extension will accommodate a bathroom, no elevation windows are proposed and ventilation and light will be provided via a roof light over the shower. Therefore, having regard to the design, I do not consider the proposed development will cause any overlooking on any adjoining properties.
- 7.2.3. Overshadowing: The first floor extension is located to the north of the appellant's dwelling and c. 2.2m from the boundary of No 15, to the north. The ground floor extension at the property to the north extends c. 3.8m from the rear boundary, further

than the proposed extension on the subject site, therefore I do not consider there will be any overshadowing on the adjoining properties.

- 7.2.4. The grounds of appeal have raised concern in relation to a possible tunnelling effect generated to the rear of their dwelling should No 21 to the south construct a rear extension. I note there are no current proposals for works to the rear of No 21 and I consider the impact of each application will be assessed on its own merits.
- 7.2.5. Therefore, having regard to the orientation of the site and the scale and design of the proposed extension I do not consider there will be any negative impact on the amenity of those residents in the vicinity of the site.

### **Impact on Built Heritage**

- 7.3. The subject site is located on lands zoned 'Z2' residential conservation, where it is an objective "*To protect and/or improve the amenities of residential conservation areas*" and to protect the general area from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. The subject site is also within the Thomas Street and Environs Architectural Conservation Area (Plan adopted by the Council in 2009) and the area of the Liberties LAP.
- 7.4. Policy CHC4 of the development plan requires the character of the conservation area to be protected and any new developments should not constitute a visually dominant form. The proposed development does not include any alterations to the façade of the dwelling and will be finished with the same red brick as the existing dwelling and I do not consider the proposed rear extension will be significantly visible from the surrounding terraces. It is of note a similar extension to the rear of the site at No 24 Thomas Davis Street, and I do not consider this similar development has a significant negative impact on the overall character of the ACA.
- 7.5. Therefore, having regard to the location, scale and finish of the first floor I do not consider the proposed extension will not affect the established character of the area.

### **Appropriate Assessment**

- 7.6. 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.

### **Other**

- 7.7. Procedural- The grounds of appeal have raised concern in relation to the accuracy of the drawings and state that they do not accurately reflect the visual layout of the surrounding buildings. The grounds of appeal have submitted indicative examples of the proposed extension which the applicant notes and considers inaccurate. In response to the grounds of appeal, the applicant states that the best available data from the ordnance survey was used in addition to on-site inspection. I note the drawings submitted and I consider they are reasonable to allow a full assessment to be undertaken.
- 7.8. Environmental Impact Assessment (EIA): The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations and therefore is not subject to EIA requirements.

## **8.0 Recommendation**

- 8.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

## **9.0 Reasons and Considerations**

Having regard to the Z2 zoning objective, the design and layout of the proposed development and the policies of the current Dublin City Development Plan 2016-2022, in particular Section 16.10.12, residential extensions, and Policy CHC4, conservation areas, it is considered that subject to compliance with the conditions below, the proposed development would not seriously injure the residential or visual amenity of the area and would not detract from the character or setting of the Architectural 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 out in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. 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.

3. 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.

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Karen Hamilton  
Planning Inspector

09<sup>th</sup> of January 2019