



An  
Bord  
Pleanála

## Inspector's Report ABP-303885-19

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<b>Development</b>	House extension with roof terrace opening.
<b>Location</b>	10, Greenville Avenue, Dublin 8, D08 E0W7
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	4573/18
<b>Applicant(s)</b>	Zara Fonseca Kelly
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Zara Fonseca Kelly
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	29 <sup>th</sup> May 2019
<b>Inspector</b>	Ronan O'Connor

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## 1.0 Site Location and Description

- 1.1. The site is located at the northern end of a terrace redbrick properties. The dwelling in question is part-single storey, part two-storey with a small yard to the side. There is access to the laneway to the rear from the yard. The remainder of the terrace is two-storey redbrick properties.

## 2.0 Proposed Development

- 2.1. House extension with roof terrace opening.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Refuse permission for one reason as follows:

1. The form of the existing building has not been followed as closely as possible and the proposed development would not integrate with the existing building through the use of similar finishes and windows contrary to Section 16.10.12 of the Dublin City Development Plan 2016-2022 (Extensions and Alterations to Dwellings). The provision of a first floor level open terrace would promote human activity (noise and nuisance) at first floor level, in close proximity to the public realm and to neighbouring residences, contrary to Appendix 17 of the Dublin City Development Plan 2016-2022 (Guidelines for Residential Extensions). The internal alterations would result in two bedrooms with windows facing directly onto the public footpath and a substandard living/ dining room in terms of floor to ceiling height requirements at first floor level. The provision of an additional bedroom at ground floor level would result in the substandard provision of private open space for the house and the overdevelopment of the site. The proposed first floor level render and glazed side extension, located on the prominent gable end of a historic terrace of brick houses, would be visually intrusive contrary to Section 16.2.2.3 (Alterations and Extensions) Dublin City Development Plan 2016-2022. Having regard to the zoning objective Z2 'to protect and/or improve the amenities of residential conservation areas', the proposed development, in itself and by the precedent a decision to grant permission

would provide for substandard development which is inconsistent in character with the existing house, would be seriously injurious to the residential amenity of existing and potential residents contrary to the proper planning and sustainable development of the area.

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

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

The report of the planning officer reflects the decision of the planning authority.

Points of note are as follows:

- Existing rear yard provides 12.7 sq. m. of open space. Following development it would provide less than 2 sq. m.
- Extension is located to the side and is visibly intrusive.
- First floor extension would obscure gable end of the house which is a characteristic feature of the house/is not consistent with the established character of the houses in the vicinity/contrary to Section 16.2.2.3 (Alterations and Extensions).
- Extension at first floor level would present itself as an additional floor to the side of the existing house on this prominent corner.
- Proposed first floor extension does not meet the standards for a habitable room – floor to ceiling height is 2.2m.
- Proposed first floor level terrace would be highly visible from its surroundings.
- Could potentially overlook the rear elevations and yards of houses on St. Alban Road.
- Open terrace above public footpath would promote safety and security concerns/would set a precedent for first floor level balconies in close proximity to neighbouring residences.
- Applicant indicates a number of contemporary designed developments in the vicinity, which are not relevant.
- Previously permitted extension was subordinate to the existing house and attempted to integrate in design terms with the original house.

- Alteration to the front door and insertion of window at ground floor level are inconsistent with the established character of the structure.
- Provision of a bedroom directly onto the public footpath is not consistent with protecting the amenity of the future occupants.
- Living room/dining room/kitchen at first floor generate overlooking issues.
- Provision of an additional bedroom may result in overdevelopment of the site having regard to the minimum requirement for provide open space for a two-bed/three person house in the inner city.

### 3.2.2. Other Technical Reports

Drainage – No objection subject to conditions.

### 3.3. Prescribed Bodies

3.3.1. None.

### 3.4. Third Party Observations

3.4.1. None.

## 4.0 Planning History

Web 1099/08 – Grant permission for a two-storey side extension

Web 1099/08/x1 – Extension of the above permission until 12/03/2019.

## 5.0 Policy and Context

### 5.1. Development Plan

Dublin City Development Plan 2016-2022

5.1.1. The site is located in an area that is zoned Objective Z2 (To protect and improve the amenities of residential conservation areas) under the provisions of the Dublin City Development Plan 2016-2022. Under this land use zoning objective, residential development is a permissible use.

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

- Policy CHC4 – To protect the special interest and character of all Dublin’s Conservation Areas.
- Section 16.2.1 Design Principles.
- Paragraph 16.10.12 of the Plan relates to extensions to residential properties.
- Appendix 17 of the Plan provides guidance on residential extensions.

## 5.2. **Natural Heritage Designations**

5.2.1. None.

## 5.3. **EIA Screening**

5.3.1. Having regard to the nature and scale of the proposed development, a residential extension, and having regard to the separation distance to the nearest sensitive location, 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.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The First Party Grounds of Appeal are as follows:

- Existing bathroom not fit for purpose.
- Small side yard provide little and poor amenity space.
- Previous permission not consistent with present owner’s requirements.
- These properties do not have the generous rear gardens other terraced streets have.

- Layout of house differs from adjoining houses/40 sq. m. for a two-bed properties is a poor standard of accommodation.
- House has only opportunity to develop to the side.
- Moving the living areas to first floor allows for a space that complies with current standards.
- The provision of a balcony for provide open space at first floor is allowable in Appendix 17 of the Development Plan.
- Line of the extension is under the eaves line of the original house and is subordinate to the original dwelling.
- Use of simple materials is intended to minimise the visual impact on the adjoining residential amenities and the character of the street.
- Area of existing open space to the side is in fact less than 9 sq. m/proposed open space at first floor is 5.5 q. m. and is more usable.
- Remaining open space at ground floor level is closer to 3 sq. m. and is only intended for storage of bins.
- Site is an end of terrace site which is already peculiar in its shape and site.
- No overlooking will result from the terrace.
- Safety concerns cited by the planner are not understood/no different to a first floor balcony.
- Nature of an inner-urban development is that noise and human activity are present.
- 8 sq. m at first floor is the same area as that approved in 2008 – cannot be considered large.
- Dublin City Council also supports contemporary design.
- Nowhere in guidance is it stated that use of a first floor for habitation is inappropriate.
- Others examples of contemporary designed extension are relevant. – examples are sited.

## 6.2. **Planning Authority Response**

6.2.1. None.

## 6.3. **Observations**

6.3.1. None.

## 7.0 **Assessment**

7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

- Principle of Development
- Neighbouring Amenity
- Conservation and Design
- Appropriate Assessment

### 7.2. **Principle of Development**

7.2.1. The site is zoned 'Z2' under the Dublin City Development Plan, 2011-2017. The stated objective for 'Z2' zoned land is "to protect and/or improve the amenities of residential conservation areas". The principle of residential development is generally acceptable on 'Z2' zoned land, subject to safeguards.

### 7.3. **Conservation and Design**

7.3.1. The appeal site is located in a residential conservation area where the overall objective is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.

7.3.2. Appendix 17 of the Development Plan sets out guidelines for residential extensions, with Section 17.10 dealing specifically with Contemporary Extensions, stating that the Council supports contemporary design which can offer more imaginative solution to an unusual dwelling type or provide a contrast to a traditional building.

7.3.3. The existing building is unusual in its form and layout, yet displays traditional features in its external elevations, and also forms part of a terrace of buildings that



are traditional in their appearance and form. As such a contemporary design solution can work in this instance and is necessary in my view, given the limitations of the site in terms of internal floor area, and external amenity space.

- 7.3.4. The addition at first floor level provides a contrast to the traditional appearance of the dwelling, and terrace, yet is small enough in scale not to be overbearing or visually dominant in the streetscape. The context of the site is one of transition in terms of architectural styles, with more modern two-storey suburban dwellings of limited architectural merit opposite the site and to the north, with single storey traditional dwellings along St. Alban's Road. In my view, the extension makes a positive contribution to the visual amenity and to the architectural character of the area.

#### **7.4. Residential Amenity**

- 7.4.1. The Planning Authority had concerns in relation to the issue of residential amenity including potential overlooking of the rear elevations and rear yards of properties on St. Alban's Road from the first floor terrace as well as noise and disturbance from the terrace.
- 7.4.2. The First Party Appellant states that no overlooking of these properties will result as there is screening in place, and it is the nature of an inner-urban development is that noise and human activity are present.
- 7.4.3. The proposal incorporates an uncovered roof terrace at first floor level, which is open to the street, with a clear glass balustrade. Opaque glazing is proposed for the northern and eastern (rear) elevations.
- 7.4.4. It is my view that no material overlooking would result from this relatively limited area of open space. There is a separation distance of 15m to the property located directly opposite the balcony (No. 22 Greenville Avenue). The opaque screening ensures that there is no overlooking of the properties on St. Alban's Road.
- 7.4.5. In relation to noise and disturbance, again regard is had to the limited area of the balcony which would in turn limit the number of people on the terrace at any one time. It is unlikely that noise and disturbance impacts would result.

#### **7.5. Residential Standards**

- 7.6. The Planning Authority raised concerns in relation to the overdevelopment of the site resulting in insufficient amenity space, and also raised concerns in relation to the provision of a bedroom at ground floor level.
- 7.6.1. In relation to the amenity space provision, there is an existing yard to the rear, which is limited in terms of its usability and provides little amenity for the existing dwelling. The proposed terrace at first floor level, while smaller in overall area than the existing yard, provides an area that is far more usable and easily accessible.
- 7.6.2. In terms of quantum of amenity space, I note the standards cited in the planner's report apply to new build housing units and are not applicable to extensions to existing dwellings. I also note the number of bedroom within the dwelling has not increased and remains at two bedrooms.
- 7.6.3. In relation to the provision of a bedroom at ground floor level, I do not share the concerns of the planning authority in relation to this bedroom and its provision should be viewed in the context of the improvement in the overall standard of the dwelling and in the context of the constraints of the site.

#### **7.7. Appropriate Assessment**

- 7.7.1. Having regard to the nature and scale of the proposed development, extensions to an existing property, 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.

#### **8.0 Recommendation**

- 8.1. Grant permission.

#### **9.0 Reasons and Considerations**

Having regard to the zoning objective for the site, the pattern of development in the vicinity and the policies of the current Dublin City Development Plan 2016-2022, 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.

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 interests of clarity.

2. Site development and building works shall be carried out only between the hours of 0800 to 1800 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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Rónán O'Connor  
Planning Inspector

29<sup>th</sup> May 2019

