



An
Bord
Pleanála

Inspector's Report

ABP-304473-19

Development	Demolition of extension & construction of new extension.
Location	1, St. Audoen's Terrace, Dublin 8, D08 R6F4
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1101/19
Applicant(s)	Gillian Caldwell
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Gillian Caldwell
Date of Site Inspection	15 th July 2019
Inspector	Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area 0.0043 hectares, is located in Dublin City Centre a short distance south of the River Liffey. The appeal site is no. 1 St. Audoen's Terrace, which is an end of terrace two-storey dwelling. The dwelling is part of a terrace of dwellings consisting of two-storey dwellings with a ground floor portion to the rear. These dwelling back onto similar two-storey dwellings fronting Cook Street to the north, however the dwellings along Cook Street are at much lower finished floor level than those at St. Audoen's Terrace. The dwelling on the appeal site and the other dwellings making up St. Audoen's Terrace and the dwellings backing onto them are characterised by having a small footprint with most dwellings having 100% site coverage (some small yard areas). Some of the dwellings have been extended to the rear at first floor level. The dwelling on the appeal site backs onto no. 83 Cook Street, which is two-storey with a single-storey portion to the rear. The dwelling immediately adjoining the site to the west is no. 2 St. Audoen's Terrace, which is similar to the dwelling on the appeal site (two-storey with a single-storey portion to the rear). The appeal site is an end of terrace dwelling with road frontage along St. Michael's Close along its eastern elevation.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of the existing ground floor extension to the rear of a dwelling, 2 no. new windows to the existing gable wall facing onto St. Michaels Close. 1 no. new roof light to existing roof to the rear and construction of a new part single, part two-storey extension to the rear with 2.9sqm first floor terrace overlooking St. Michaels Close and north-west facing studio window and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 10 conditions. Of note is the following condition...

Condition no. 2

- (a) The two-storey extension shall be cut back so, it extends no more than 2.5m from the rear building line.
- (b) The terrace shall be omitted and this space, if so required, shall form part of the two-storey extension.
- (c) Any windows to the proposed new kitchen extension at first floor level shall be on the gable facing St. Michaels Close. One window only shall be permitted on the kitchen extension, which shall be of similar scale to that indicated in the living room.
- (d) The finishes on the ground floor and first floor extension fronting St. Michaels Close shall be finished in red brick to match the existing house.
- (e) The room downstairs indicated as a study/second bedroom shall not be used as bedroom accommodation but shall be used for study/storage purposes only.
- (f) The window to the proposed wetroom shall be fitted with obscure glazing and shall be non-openable.

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 interests of orderly development and visual amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (16/04/19): Issues of concern included inadequate bedroom size and, proximity and scale of the extension to the adjoining properties along Cook Street. A small extension was considered acceptable and permission was granted subject to the conditions outline above.

3.2.2. Other Technical Reports

City Archaeologist (20/03/19): Condition requiring archaeological monitoring.

Drainage Division (28/03/19): No objection subject to conditions.

3.3. Prescribed Bodies

TII (19/03/19): The development would be subject to a Section 49 contribution (Luas Cross City).

4.0 Planning History

4.1 No planning history.

5.0 Policy Context

5.1. Development Plan

5.1.1 The relevant Development Plan is the Dublin City Development Plan 2016-2022. The appeal site is zoned Z5 with a stated objective 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'.

5.1.2 The site is located within an Architectural Conservation Area.

5.1.3 Section 16.10.12 Extension and Alterations to Dwellings

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.

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.

5.2. Natural Heritage Designations

5.2.1 None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by Anna Hofheinz on behalf of Gillian Caldwell, 1 St. Audoen's Terrace, Dublin 8.

- The appeal concerns condition no. 2 and the fact that it significantly alters the design of the proposal where it is considered that such alteration is not necessary and sufficient documentation was submitted with application demonstrate that the proposal was acceptable.
- The restriction in depth imposed by condition no. 2 will provide for an extension that extends the full width and height to the rear of the dwelling. It is noted that there are two-storey extensions to the rear of adjoining properties extending further back than 2.5m.
- It is noted that the design has adequate regard to adjoining amenities due to the provision of the angled cut-out and that the shadow analysis submitted demonstrates such.
- It is noted that omission of the terrace at first floor level would be a negative and contrary development standards. It is noted that the existing dwelling has 100% site coverage and that provision of such amenity space is an improvement of the current situation.
- The restriction of condition no. 2(c) and 2(d) is not rational and such is not justified in the Planning Report. It is noted that the proposed external finishes are acceptable in the context of visual amenity.
- In relation to bedroom size it is noted that the standard quoted in the Planning Report is based on planning guidance for new apartments and that such cannot be applied to a refurbishment and extension of a small existing house. It is noted that the house was sold as a two bed unit and that the proposal is increasing the level of living space significantly.

- In relation to condition 2(f) there is no reason given why the window serving the wet room should be non-openable with it noted that it is bad practice not to naturally ventilate a wet room.

6.2. Planning Authority Response

6.2.1 No response.

7.0 Assessment

7.1 At the outset, I wish to point out that following consideration of the documentation on the appeal file and the site location and context, I am satisfied consideration of the proposal on a de novo basis, (that is as if the application had been made to the Board in the first instance), is unwarranted and that it is appropriate to determine the appeal in accordance with the provisions of Section 139 of the Planning and Development Act, 2000 as amended. Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Condition no. 2.

7.2 Condition no. 2:

7.2.1 Permission is sought for the demolition of existing ground floor extension to the rear of a dwelling, 2 no. new windows to the existing gable wall facing onto St. Michael's Close. 1 no. new roof light to the existing roof to the rear and construction of a new part single, part two-storey extension to the rear with 2.9sqm first floor terrace overlooking St. Michaels Close and north-west facing studio window and all associated site works. The existing dwelling on site is two-storeys with a single-storey portion to the rear and fronts onto St. Audoen's Terrace. The dwelling on site is back to back with a two-storey dwelling fronting Cook Street, which is at a much lower ground level. The dwellings along both streets have no open space areas and have 100% site coverage or in some case an extremely small amount of open area. The dwelling on site has 100% site coverage as does the dwelling it adjoins fronting Cook Street. It is proposed to demolish the single-storey portion of the existing dwelling and construct a new two-storey extension with reconfiguration of the internal layout. The internal layout is to provide two bedrooms at ground floor level and a

living space and kitchen area at first floor level reversing the existing arrangement of living space and bedroom space.

7.2.2 Condition no. 2 entails a number of alterations of the proposed extension. The main alteration is a reduction in scale of the first floor area of the extension to only project no more than 2.5m from the rear building line and the provision any windows to the proposed new kitchen extension at first floor level shall be on the gable facing St. Michaels Close. One window only shall be permitted on the kitchen extension, which shall be of similar scale to that indicated in the living room. The amendment appears to be motivated by concerns over the scale of the proposed extension and its relationship with adjoining properties. The proposed extension at first floor level projects 4.4m from the rear building line at first floor level, which is the full extent of the single-storey portion and to adjoin the boundary between the dwelling on site and no. 83 Cook Street. The first floor extension houses a kitchen and is to be primarily served by a window/door on the eastern elevation overlooking St. Michaels Close. The extension features an angled cut out with a window on the opposite elevation (western).

7.2.3 Condition no. 2 proposed that the extension at first floor level be reduced in depth to 2.5m and that the terrace area on the eastern elevation be omitted with a window to serve such provided on the eastern elevation. This portion of the condition appears to stem from concern regarding the scale of the extension relative to the adjoining dwelling fronting Cook Street due to its much lower ground floor level. The existing ground floor portion to the rear of the dwelling is to be replaced by a two-storey extension with the first floor portion of such projecting to the boundary with the adjoining dwelling. The extent of the first floor extension although to the boundary between the two properties is modest in scale and features a flat roof and an angled profile on its western side that reduce the bulk and scale of such. As noted above the adjoining dwelling to the north is two-storeys with a single-storey portion. The proposed extension will read as two-storeys relative to the first floor of the adjoining dwelling, which has the only window on the rear profile of the existing dwelling. As noted above the existing dwellings at this location have a unique layout with the absence of any external space. I would consider that the first floor portion of the extension is modest in scale relative to the adjoining dwellings to the north and west and that it would not have an overbearing impact or result in a significant loss of light

to adjoining properties. There is precedent for first floor extensions to the rear for full depth of the site, however there is no planning history pertaining to such. The applicant/appellant has submitted a shadow analysis to show that the impact of the proposed amendment (reduced depth) is no different than that of the original proposal in regards to overshadowing and that the alteration conditioned is not justified. I would concur with this view and be of the opinion that the reduction in the scale and bulk of the extension at first floor level is unjustified and that the scale of the proposed development is acceptable in the context of the amenities of adjoining properties. In regards to privacy the proposal would have a satisfactory impact in that the windows at first floor level are mainly on the eastern elevation overlooking a public area (St. Michael's Close) and that the angled window on the western elevation does not allow for overlooking of adjoining properties due to its design, orientation and angled nature.

7.2.4 Given the unique pattern of development and limited space there is an issue on whether the manner in which the dwelling is being extended is appropriate and would not compromise the development potential of future extension of adjoining properties. The unique and restricted pattern of development calls for an innovative architectural solution and in this the proposed extension is quite innovative and contemporary in its design. I would consider that the manner in which the proposal has been designed would not compromise the development potential of adjoining properties and is satisfactory in terms of overall design and scale.

7.2.5 Condition no. 2 also entails omission of the terrace on the eastern elevation at first floor level. Having regard to the assessment of overall scale in the previous section of this report in which the overall scale of the proposed extension is acceptable, I would be of the view that the provision of the terrace area on the side elevation is appropriate and done in a manner that would be acceptable in the context of the visual amenities of the area. The provision of such open space is beneficial to the amenities of the future residents of the dwelling and is done in a manner that would not be visually obtrusive or impact on the amenities of any adjoining properties (outlook over the public road).

7.2.6 Condition no. 2 also requires that finishes on the ground floor and first floor extension fronting St. Michael's Close shall be finished in red brick to match the existing house. The external finishes proposed include brick at ground floor level and a painted fibreglass cladding at first floor level. The proposal for an alternative finish on part of the side elevation is satisfactory and is subordinate to the existing external finish of brick. It is not clear from the documents submitted what this external finish will look like or what colour or texture it has. I would consider that the provision of an alternative finish to brick on the first floor portion of the extension would be satisfactory given the contemporary nature of the extension proposed. I would however consider it appropriate that this external finish be agreed with the planning authority due to the lack of information regarding such. I would recommend that condition no. 2 be amended to state that the external finish of the extension is to be agreed with the Planning Authority prior to the commencement of development.

7.2.7 Part (e) of the condition requires that the room downstairs indicated as a study/second bedroom shall not be used as bedroom accommodation but shall be used for study/storage purposes only. This appears to be based on the fact the room is 2.8m x 2m (5.6sqm) which is smaller than the 7.1sqm (excluding storage) standard under the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities. The existing dwelling is a two-bed dwelling and the proposal entails a significant improvement in terms of the level of living space provide. The bedroom in question is well served in terms of natural light and is classified as a bedroom/study. It is notable that there is sufficient space at ground floor level to enlarge the bedroom as there is an entrance hall/storage area with generous proportions adjoining the bedroom in question at ground floor level. I would consider that based on the fact that the existing dwelling is a two-bed unit and based on the quality of the design, which includes much improved living space and good level of natural light, that the overall quality of the dwelling is of a good standard and that this portion of the condition should be omitted.

7.2.8 Part (f) of condition requires that the window to the proposed wetroom shall be fitted with obscure glazing and shall be non-openable. I would question the necessity for this condition and would note that the window is a high level window due to the change in ground levels along St. Michaels Close. I would recommend that this part of the condition be omitted.

7.2.9 I would consider that the proposed development is of good quality in terms of architectural character and the residential amenity of future residents as well as having adequate regard to the residential amenities of adjoining properties and the amenities of adjoining dwellings. I would recommend that condition no. 2 be amended to require that the external finishes of the proposed development be agreed with the Planning Authority prior to the commencement of development.

8.0 Recommendation

8.1 Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND Condition as follows and the reasons therefor.

Condition no. 2:

Samples of the proposed external finish 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.

9.0 Reasons and Considerations

Having regard to the nature, scale and design of the proposed development, which is acceptable in the context of the visual amenities of the area and the residential amenities of adjoining properties, the proposed development would be consistent with Development Plan Policy and acceptable in the context of the proper planning and sustainable development of the area.

Colin McBride
Planning Inspector

23rd August 2019