



An
Bord
Pleanála

Inspector's Report ABP. 305057-19

Development	Demolition of existing extension and outhouse and construction of two-storey extension to the rear of the house.
Location	59 Albert Road Lower, Glenageary, Co. Dublin.
Planning Authority	Dún Laoghaire-Rathdown Co. Council
Planning Authority Reg. Ref.	D19B/0246
Applicants	Glenn Cran & Sarah Carroll
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	First Party against condition
Appellants	Glenn Cran & Sarah Carroll
Observers	(1) Monica Duff (2) Terance Jonhston & Others
Date of Site Inspection	8/10/19
Inspector	Siobhan Carroll

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	3
3.3. Third Party Observations	4
4.0 Planning History.....	4
5.0 Policy Context.....	4
5.1. Development Plan.....	4
5.2. Natural Heritage Designations	5
5.3. EIA Screening	5
6.0 The Appeal	5
6.1. Grounds of Appeal	5
6.2. Planning Authority Response	8
6.3. Observations	8
7.0 Assessment.....	9
8.0 Appropriate Assessment.....	11
9.0 Recommendation.....	11
10.0 Reasons and Considerations	12

1.0 Site Location and Description

- 1.1. The site of the proposed development is located on the eastern side of Albert Road Lower, Glenageary, Co. Dublin. The section of Albert Road Lower where the site is located features predominately early 20th Century properties.
- 1.2. The site has an area of 0.0472 hectares. It contains a double fronted Victorian style villa which is at the end of a terrace of four similar properties. The dwelling has a floor area of 196sq m. It features a single storey extension to the rear which projects out 7.6m from the rear building line.
- 1.3. Immediately to the east of the site lies 60a Albert Close, a detached two-storey dwelling. The property is currently being refurbished and extended. The southern boundary adjoins Albert Close which serves backland and mews development. Albert Close also provides pedestrian route from Albert Road Lower to Dundela Park to the east.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of existing extension and outhouse and construction of two-storey extension to the rear of the house.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 10 no. conditions. Condition no. 2 specified that the first-floor element of the proposed extension be omitted.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- It was considered that the proposed first floor element by reason of its overall bulk, scale and massing would be visually incongruous when viewed from the streetscape and that it would significantly impact on the residential amenity of

adjacent properties by reason of overbearing appearance and potential overlooking.

3.2.2. Other Technical Reports

Drainage Planning – no objection subject to conditions.

3.3. **Third Party Observations**

- 3.3.1. The Planning Authority received three observations/submissions in relation to the proposed development. The main issues raised are similar to those set out in the observations to the appeal.

4.0 **Planning History**

PA Reg. Ref. D08A/0569 – Permission was granted for the development of a detached single-storey one bed mews dwelling to rear of existing dwelling. This development was not carried out.

PA Reg. Ref. D06A/1049 & PL06D.219963 – Permission was refused for development of a mews house to the rear of 59 Albert Road Lower. Permission was refused by the Board on the basis that it would represent overdevelopment of the site which would seriously injure the residential amenities of nearby properties.

PA Reg. Ref. D18A/1061– Permission was granted for the renovation and extension of no. 60a Albert Close.

5.0 **Policy Context**

5.1. **Development Plan**

The site is governed by the provisions of the Dún Laoghaire – Rathdown County Development Plan 2016-2022.

- It is zoned Objective 'A' 'to protect, provide for and/or improve residential amenity.'
- Chapter 8 – Principles of Development
- Section 8.2.3.4 – refers to Additional Accommodation in built up areas

First floor rear extensions will be considered on their merits, noting that they can often have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

- Overshadowing, overbearing and overlooking -along with proximity, height and length along mutual boundaries.
- Remaining rear private open space, its orientation and usability.
- Degree of set-back from mutual side boundaries.
- External finishes and design, which shall generally be in harmony with existing.

5.2. Natural Heritage Designations

5.2.1. Dalkey Island SPA (Site Code 004172) is 1.7km to the east of the appeal site.

5.2.2. Rockabill to Dalkey Island SAC (Site Code 003000) is 1.9km to the east of the appeal site.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale the development which consists of an extension to a dwelling in a serviced urban area, 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

A first party appeal was lodged by Brock McClure Planning and Development Consultants on behalf of the applicants Glenn Cran & Sarah Carroll. The first party is

appealing against condition no. 2 attached to the permission granted under PA Reg. Ref. D19B/0246.

- The applicants submit that their current house is not fit for purpose and is no longer able to accommodate their current and future needs. The proposed first floor extension is considered relatively modest in scale.
- Revised proposals have been submitted as part of the appeal and a Visual Impact Assessment has been prepared.
- The planning history on the site and of the surrounding area has been detailed in the appeal. This includes the permission under PA Reg. Ref. D08A/0569 for a detached single storey one bed mews dwelling to the rear of no. 59 Albert Road and the recent permission PA Reg. Ref. D18A/1061 to renovate and extend no. 60a Albert Close including a two-storey extension to the rear.
- They submit there is a precedent for a variety of additions and modifications to surrounding properties and that there are examples of first floor extensions to single storey dwelling adjacent to laneways along Albert Road Lower.
- The proposed development with the omission of the first floor extension as permitted by the Planning Authority does not facilitate the applicant's family needs and would render the entire proposed development as an unviable development option.
- The applicants refute the position of the Planning Authority that the precedent in the area is to replace existing single storey rear return with a single storey extension. First floor extensions have previously been permitted in place of a single storey rear return in the area for end of terrace units adjacent to a lane.
- They refute the position of the Planning Authority that the first-floor extension would be "visually incongruous from the subject streetscape". A "Townscape and Visual Impact Appraisal" was prepared by Model Works. It was concluded that the proposed development "would amount to at most a low magnitude of change" to the existing streetscape and that the significance of the visual effect on Albert Road is predicted to be slight and neutral.

- The site is located at the end of a terrace and adjoining a narrow laneway it is submitted that a first-floor extension would be appropriate to the site context and that the design would be acceptable particularly having regard to the high quality pallet of materials such as light grey brick and wood. It is submitted that the proposal is in accordance with the relevant provisions of the Development Plan.
- The omission of the first-floor element of the proposed extensions is considered excessive.
- Revised proposals have been submitted which would reduce the length of the first-floor extension by 750mm. It is submitted this will address any overbearing impact. It is proposed to reduce the height of the first-floor parapet level by 250mm in order to reduce the visual impact on adjoining properties and the streetscape character of Albert Road Lower.
- To reduce potential overlooking it is proposed that the cill height of the south facing window be 1.8m above the floor level. Clear glazing is proposed with timber screening to prevent views into gardens. The vertical fins direct views mostly ahead towards neighbouring boundary walls.
- The revised proposals provide for a set back of 2.1m at first floor level from the northern boundary with no. 60 Albert Road Lower, 4.19m from the southern boundary with Albert Close, 9.7m from the southern boundary with no. 58C Albert Road Lower and 15.5m from the boundary with 60A Albert Close.
- It is noted that no objection was made to the Planning Authority by the owner of the neighbouring property no. 60 Albert Road Lower.
- The original proposal provided for an extension of 13.6m at first floor level which represents the overall length of the proposed development which includes a 4m single storey glazed link corridor with a flat roof separating the main dwelling and the extensions. The first-floor element will be set back circa 5m from the rear wall of the existing house. The single storey flat roof extension will provide an improvement in terms of natural light accessing the rear of no. 60.

- Regarding the visual impact of the proposal upon the streetscape as detailed in the “Townscape and Visual Impact Appraisal” there is no uniformity in the built form along Albert Road Lower. The streetscape comprises a mix of single and two-storey semi-detached and terraced houses. Many have been extended to the rear with varying roof profiles visible at street level. The addition of this first-floor extension at this location is not considered to be out of character with the context of the area.
- It is requested that the Board omit or revise condition no. 2 to provide for a first-floor rear extension to the property.

6.2. Planning Authority Response

- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.3. Observations

(1) An observation to the appeal was submitted by Monica Duff. The issues raised concern the following;

- The observer Monica Duff is the owner of no. 60 Albert Road Lower the property to north.
- The applicants are appealing against the condition attached by the Planning Authority which removes the first-floor element of the proposed extensions.
- The observer has confirmed that she is satisfied with the first-floor design as originally proposed which includes the east facing window with wooden fins and the 200mm setback at first floor level.
- The observer notes that there is a two-storey dwelling at no. 60a Albert Road and also there are two-storey houses beyond no. 59 Albert Road. Therefore, the observer has no concerns in relation to the proposed two-storey rear extension.

- It is noted that the light study shows no loss of light to the main section of the observer's rear garden.
- The replacement of the existing pitched roof extension with a section of single storey flat roof adjacent to the observer's kitchen door would result in some increased light to rear of the property in the autumn and winter.
- The proposed extension would provide an appropriately sized family dwelling. The observer confirms that she supports the proposed development.

(2) An observation to the appeal was submitted by Terance Jonhston & Others.

The issues raised concern the following;

- The Observers object to the proposed first floor extension in the basis that it would cause overlooking of their property.
- The proposed design of the first-floor extension is considered out of character with the surrounding development and that the proposal would set an undesirable precedent for other similar development.

7.0 Assessment

7.1. The subject appeal is a first party appeal against condition no. 2 of the grant of permission under PA Reg. Ref. D19B/0246. I consider, having regard to the nature of the condition, that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted and the appeal should be determined under the provisions of Section 139 of the Planning & Development Act, 2000, as amended.

7.2. Condition no. 2

2. *The first floor element of the proposed rear extension shall be omitted from the proposed development. A flat roof maximum 3.25m in height shall be provided to the resultant ground floor extension below same, to match the height and profile of the ground floor extension element hereby permitted.*

Reason: In the interest of visual and residential amenity.

- 7.3. The proposed first floor element of the extension would extend for circa 9m and it would be setback 5m from the rear building line of the main property. The revised proposal as set out in the appeal would reduce the length by 750mm. It is also proposed to reduce the overall height from 5850mm to 5650mm. The ridge height of the existing single storey dwelling is 3900mm.
- 7.4. Regarding the matter of overlooking, I note that first floor windows are proposed to three elevations. A first-floor window is proposed to the west facing elevation this would directly address the rear of the original property. No first-floor windows are proposed to the north facing elevation which addresses the rear of no. 60 Albert Road Lower. A rear window serving the bedroom is proposed to the south facing elevation. The design features timber screen fins which would direct visibility forward and limit any potential overlooking to the north towards no. 60. Three first floor windows are proposed to the south facing elevation which addresses the lane at Albert Close. The proposed windows are high level and setback behind timber screen fins. Having regard to the siting and design of the proposed first floor windows including the timber screen fins, I consider that the proposed windows would not any undue overlooking of neighbouring property.
- 7.5. In relation to the issue of overbearing impact, I note that the two-storey element of the rear extension has a length of 9m which is setback circa 5m from the original rear building line of the property and that it would be inset circa 1.9m from the site boundary with no. 60 Albert Road to the north. Having regard to the height, scale and length of the proposed first floor extension in relation to the adjoining and neighbouring properties within the terrace of single storey properties, I would consider that notwithstanding the proposal to marginally reduce the length of the first-floor extension that it would result in a negative visual impact in terms of overbearing and loss of outlook particularly in relation to the neighbouring dwelling to the north. In terms of overshadowing, having view the submitted shadow study, I note that the proposed extension would result in some additional shadowing of the rear garden of the adjoining property no. 60 Albert Road Lower on the 21st of June.
- 7.6. The revised proposal as set out in the first party appeal reduces the overall height from 5850mm to 5650mm. The ridge height of the existing dwelling is 3900mm.

Accordingly, the proposed first floor roof ridge would project 1750mm above that of the existing roof of the property. Therefore, the proposed two-storey extension would be highly visible from the public domain along Albert Road. Having regard to the design character of the existing property which is a double fronted Victorian style villa which is at the end of a terrace of four similar properties, I would consider that the proposed first floor extension would have a negative visual impact upon the streetscape character along this section of Albert Road Lower. Furthermore, should the two-storey extension be granted permission it would set an undesirable precedent for similar development within the terrace.

- 7.7. Therefore, having regard to the site context and to the depth of the proposed extension, roof height and relative to the separation distance of proposed two-storey extension to the neighbouring dwelling to the north, I consider that it would result in an undue overbearing impact and that it would negatively impact upon the streetscape character along Albert Road Lower. Accordingly, I would concur with the assessment and recommendation of the Planning Authority.

8.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development, and the location of the site within an established urban area, and its 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 a European site.

9.0 Recommendation

- 9.1. Having regard to the nature of the condition which is the subject of the appeal and based on the reasons and considerations set out below, I am 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 recommend that the said Council be directed under subsection (1) of section 139 of the Planning and Development Act, 2000 to ATTACH Condition Number 2.

10.0 Reasons and Considerations

Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, the established pattern of development and to the nature and scale of the proposed first floor rear extension, it is considered that the first floor extension would be overly dominant and appear overbearing when viewed from the adjoining property to the north development and would seriously injure the amenities of the area or of property in the vicinity. Furthermore, the two-storey extension would appear visually incongruous and would not be acceptable within the streetscape.

Siobhan Carroll
Planning Inspector

18th of October 2019