



An
Bord
Pleanála

Inspector's Report

ABP-305122-19

Development	Construction of a two storey rear extension, to house.
Location	31, Chelmsford Avenue, Ranelagh, Dublin 6
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4411/18
Applicant(s)	Aidan & Sheila Brady.
Type of Application	Permission.
Planning Authority Decision	Grant Permission with conditions
Type of Appeal	First Party v Condition 2
Appellant(s)	Aidan & Sheila Brady.
Observer(s)	None.
Date of Site Inspection	7 th October 2019.
Inspector	Bríd Maxwell

1.0 Site Location and Description

1.1. The appeal site has a stated area of 187m² and is located within a well-established residential area on Chelmsford Avenue in Ranelagh Dublin 6. The site No 31 comprises a two-storey end of terrace dwelling which has a two-storey rear gable extension. The dwelling fronts onto Chelmsford Avenue to the south west and the public road continues and wraps around the northern site boundary while a laneway also serving the rear of properties fronting onto Leeson Park to the east runs along the eastern appeal site boundary. The appeal site has an elongated narrow rear garden extending to c27metres. Adjacent dwellings within the terrace have a mix of single and two storey extensions of various scale, design and height. The adjoining dwelling no 30 has a single storey rear extension of recent construction with a flat roof.

2.0 Proposed Development

- 2.1. The proposal involves construction of a part two-storey part single storey rear extension to the dwelling. The ground floor extension will consist of a family/ dining room area whilst the first-floor extension will consist of a master bedroom and a remodelled bathroom. Rooflights are proposed to the side elevation and alterations to existing windows. Included in the works is a new terrace area, a relocated side access gate and associated site works.
- 2.2. In response to the Council's request for additional information the proposal was revised with a reduction in the scale of first-floor extension from 9.4sq.m to 5.25sq.m. The floor level of the proposed extension was also revised to match the existing first floor level thereby eliminating the requirement for a flat roof section to the south facing pitch of the roof.

3.0 Planning Authority Decision

3.1. Decision

By order dated 17th July 2019 Dublin City Council issued notification of decision to grant permission subject to 7 conditions which included the following of particular note.

Condition 2 “The development hereby permitted relates to the ground floor extension and new opening in existing boundary wall only.

(a) Prior to the commencement of development on site, the applicant shall submit revised plans to the Planning Authority indicating the omission of the proposed extension at first floor level.

(b) The proposed ground floor extension shall be carried out in accordance with the drawings submitted on 16th November 2019.

Reason: In the interest of clarify and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planning Report notes that while proposal is reduced in scale from that previously refused the proposed first floor element considered to be visually obtrusive and unduly overbearing when viewed from Chelmsford Avenue. Applicant should be requested to omit the first-floor element. Further information was also requested with regard to the proposal to build over proposed combined sewer having regard to the code of practice for water infrastructure. Final report maintains concern that the first-floor element is obtrusive and notes discrepancy in submitted roof plan dimensions. Permission recommended for single storey element only.

3.2.2. Other Technical Reports

Engineering Department – Drainage Division recommends that permission is withheld until Irish Water report has been submitted because of the combined sewer

running under the building proposed for this development. Following submission of additional information Engineering Department report indicates no objection subject to compliance with Greater Dublin Regional Code of Practice for Drainage Works Version 6.0. Drainage designed on a completely separate foul and surface water system with a combined final connection discharging to Irish Water's combined sewer system. Development to incorporate SUDS to management of surface water.

3.3. **Prescribed Bodies**

Initial Irish Water submission asserts that the proposed development impacts on an Irish Water asset and as such does not comply with the Irish Water Code of Practice for Water Infrastructure. Further information should be requested regarding proposal to build over the existing combined 1,100mm diameter brick sewer. Following further information submission report asserts that the proposed development will detrimentally impact on the existing 1,100mm diameter brick sewer. Applicant has not provided sufficient design layout and information for Irish Water to assess the risk to water resource and or Irish Water Assets. Applicant requested to contact Irish Water in respect of diversion/build over.

3.4. **Third Party Observations**

3.4.1 Observations from Mr Conor MacGuinness, 30 Chelmsford Avenue, notes that there was a request to built a two storey extension to the rear of the same no 31 which was refused. Proposal will block view from rear window of first floor of house. Street consists of reasonably small houses and proposed two storey extension would be overbearing on house garden and laneway.

3.4.2 Mr Eoin Brazil, 21 Chelmsford Avenue. Objects on grounds of overlooking and overbearing impact.

4.0 **Planning History**

3745/17 Refusal of permission for two storey rear extension on grounds of scale, mass and roof profile / height being visually obtrusive and overbearing.

243158 19 Chelmsford Avenue. Permission or ground floor extension to rear. The Board upheld decision of Dublin City Council to grant permission.

ABP303236 28 Chelmsford Avenue. Retention of single storey flat roof dog grooming premises to rear. Accessed from rear lane way and advertisement. Board upheld decision of Dublin City Council to grant permission.

5.0 Policy Context

5.1. Development Plan

5.1.1 The Dublin City Development Plan 2016-2022 refers. The site is zoned Z2, the objective is *“To protect and or improve the amenities of residential conservation areas”*

5.1.2 CHC4 Conservation Areas. *“To protect the special interest and character of all Dublin’s Conservation Areas.”*

5.1.3 Section 16.10.12 Extensions and alterations to dwellings”.

5.2. Natural Heritage Designations

5.2.1 The site is not within a designated area. The closest European sites are those located in the coastal area of Dublin including the South Dublin Bay SCA (Site Code 000210) and South Dublin Bay and River Tolka Estuary SPA (Site Code 004024).

5.3. EIA Screening

5.3.1 Having regard to the nature and scale of the proposed development, and to the nature of the receiving environment, 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

6.1.1 The first party Appeal relates to condition 2 requiring omission of the proposed first floor extension. Grounds of appeal are summarised as follows:

- Reduced scale of first floor extension as submitted in response to the request for additional information extending 2.39m renders proposal so as it is not dominant overbearing or visually obtrusive to the adjacent terrace, streetscape or the site.
- Revised scale, form, orientation and roof pitch of the proposed two storey extension very closely follows the form of the original building and as such is sympathetic to both the site and conservation area. Additionally, it represents an enhancement opportunity in terms of concealing the adjoining uncharacteristic low-pitched roof which is not in accordance with the zoning objective of the conservation area.
- Proposal represents a modest addition of bedroom space to accommodate a growing teenage family. Ground floor portion of plans are inadequate for this purpose. New floor plans would have to be drafted to accommodate a bedroom.
- There are seven houses in this terrace on Chelmsford Avenue, the majority of which have combined two storey and/or single storey extensions. Scale, size and roof pitches permitted by the Planning Authority are variable. Two storey extensions at No 26 and 27 extend to a depth of 7.7m and represent a precedent for two storey developments.
- The appeal is accompanied by a number of photographs to illustrate the case made.

6.2. Planning Authority Response

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

7.0 Assessment

7.1 Having regard to the nature of the development and the grounds of appeal I consider 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.

Condition 2 is as follows:

“The development hereby permitted relates to the ground floor extension and new opening in existing boundary wall only

(a) Prior to the commencement of development on site, the applicant shall submit revised plans to the Planning Authority indicating the omission of the proposed extension at first floor level.

(b) The proposed ground floor extension shall be carried out in accordance with the drawings submitted on 16th November 2018.

Reason: In the interest of clarity and the proper planning and sustainable development of the area.

7.2 I note that the Planning Authority imposed the condition on the basis of its contention that the proposed two storey element would be overbearing and out of character. The first party notes that a number of dwellings on the terrace have been variously extended at single and two storey level and therefore a precedent has been set for such two-storey development. Whilst, I acknowledge that there have been a number of two storey extensions, I note that the appeal site occupies a unique position given its location at the end of the terrace and its high degree of visibility as it is bounded by the public road not only to the west but also along its side boundary to the north. The original terrace dwellings on Chelmsford Avenue are modest two up two down

dwellings with deep gardens to rear. In my view the proposed two storey element would be overbearing and would negatively impact on the setting of the streetscape. I also consider that the proposal to extend beyond the rear building line would have an adverse impact on the adjoining property. On this basis I consider that the condition is appropriate and therefore recommend that the Board uphold the decision of the Planning Authority. A revision in terminology of the condition is recommended below.

- 7.3 Having regard to the scale and nature of the proposed development and to the serviced location, no Appropriate Assessment issues arise. 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.

8.0 Reasons and Considerations

- 8.1. It is considered that, subject to compliance with the condition set out below, the proposed development would not seriously injure the residential amenities of the adjoining property and would be in accordance with the proper planning and sustainable development of the area.

Condition No 2

The proposed development shall be amended to exclude the proposed extension at first floor level. Ground floor extension shall be in accordance with the plans submitted on 16th November 2018. Revised plan section and elevation drawings shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To clarify the permission and in the interest of visual amenity.

Bríd Maxwell

Planning Inspector

1st November 2019