



An
Bord
Pleanála

Inspector's Report ABP305318-19

Development	Demolition of existing extension to the rear of the dwelling (a protected structure) and construction of a new rear extension.
Location	29 Mount Merrion Avenue, Blackrock
Planning Authority	Dun Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D19A/0411
Applicant(s)	Simon Lynch & Jane Duffy-Lynch
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Simon Lynch & Jane Duffy-Lynch
Observer(s)	None
Date of Site Inspection	23 rd October 2019
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. No. 29 is a two-storey over basement mid terrace house located on the northern side of Mount Merrion Avenue in Blackrock, Co. Dublin. The site area is stated as 0.052 hectares and the floor area of the house is given as 216.7 sq m. No. 29 as with other houses in this terrace, is listed on the Record of Protected Structures (RPS no. 159 applies) described as a 'House Terrace'. The roof of these houses is in the form of a double 'A' pitch with a hipped roof on every house except the attached no. 31. The terrace consists of a total of eight houses.
- 1.2. The front door is accessed via a flight of steps with painted iron railings on either side. Steps also provide access to the basement level door. The front elevation is finished with a painted render. The rear elevation is primarily stone finished and the roof is finished with slates. A dormer extension has been provided at roof level and is not an original feature of this house. The rear garden faces north west and is extensive with a width of 8 m and a length of circa 36 m from the rear elevation to the rear boundary; there is a small domestic shed/ garage with a stated floor area of 36 sq m at the rear of the site. Access is possible to the rear of the site from a laneway with a direct link to Mount Merrion Avenue, it is noted that this laneway is gated. The garden boundaries consist of stone walls and the site is landscaped.
- 1.3. Unusually, part of the house extends into the footprint of the adjoining unit to the north east, no. 27. Bedrooms no. 2 and 3 located at first floor level and the hipped roof element over are part of the subject house but are over the footprint of no. 27. The bedrooms are therefore overlooking the rear and front gardens of no. 27.

2.0 Proposed Development

- 2.1. The proposed development consists of the following alterations/ extensions to no. 29 Mount Merrion Avenue:
 - Demolition of an existing single-storey extension with a stated floor area of 13.4 sq m to the rear of the house.
 - Construction of a new single-storey extension with a stated floor area of 22 sq m to the rear of the existing house with a double height glazed section.

- Alterations to the existing dormer window.
- Replacement of a landing window at first floor level, located under the dormer window.
- Internal alterations include the formation of a narrow void and balustrade at rear of the drawing room at upper ground floor; a new kitchen, utility room and drawing room at lower ground floor and a new en-suite shower room at first floor level.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission with a single reason issued as follows:

It is considered that the proposed development, namely its extent and design, layout, scale, and materials, would negatively impact on the character and appearance of the Protected Structure and would detract from the visual amenity and character of the area. It is considered that the proposed development would materially detract from the Protected Structure, and would contravene Policy AR1 and Section 8.2.11.2 (i) 'Works to a Protected Structure', of the Dun Laoghaire-Rathdown County Development Plan, 2016-2022. The proposed development would, therefore, seriously injure the amenities and depreciate the value of property in the vicinity, would help set an undesirable precedent for similar type development in the area, and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Authority report reflects the decision to refuse permission for this development.

3.2.2. Other Technical Reports

Transportation Planning: No objection subject to recommended conditions.

Conservation Division: Refusal recommended as the development would be contrary to Dun Laoghaire-Rathdown County Development Plan Policy AR1, failing to protect structures listed on the RPS and the development does not have regard to the *'Architectural Heritage Protection Guidelines for Planning Authorities'*.

Drainage Planning – Municipal Services Department: No objection subject to conditions relating to surface water drainage.

3.3. **Objections/ Observations**

A single letter of objection has been received, from Mrs Long who resides at 31 Westfield, Sion Hill, Blackrock. 31 Westfield is located to the rear/ north of the subject site. Relevant issues raised include:

- The proposed development would be visually out of character when viewed from the rear of the site.
- Continued extensions and alterations to these protected structures has resulted in a deterioration of the visual amenity.
- The alterations to this house would result in nuisance through noise, fumes and dust during the construction phase.

4.0 **Planning History**

There are no recent, relevant, valid applications on this site.

P.A. Ref. D11A/0032 refers to a grant of permission for a single-storey rear extension, in internal porch behind the main front door, raising of the roof level of a rear return and other associated works to No. 37 Mount Merrion Avenue. No. 37 is a located in a terrace of houses further to the west of the subject site along Mount Merrion Avenue.

5.0 Policy and Context

5.1. Development Plan

5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the site is zoned A ‘To protect and/ or improve residential amenity’.

5.1.2. No. 29 as with the other houses in this terrace, is listed on the Record of Protected Structures (RPS no. 159 applies) and is described within the RPS list as a ‘House Terrace’.

5.1.3. Under Section 6.1.3.1 *Policy AR1: Record of Protected Structures*, stated Council policy is:

i. Include those structures that are considered in the opinion of the Planning Authority to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures (RPS).

ii. Protect structures included on the RPS from any works that would negatively impact their special character and appearance.

iii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Department of the Arts, Heritage and the Gaeltacht ‘Architectural Heritage Protection Guidelines for Planning Authorities’ (2011).

iv. Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.

Section 8.2.3.4(i) of the Development Plan, refers to Extensions to Dwellings.

Section 8.2.11.2 of the Development Plan, refers to Architectural Heritage –

Protected Structures and the following is noted as relevant to this development:

The inclusion of a structure in the Record of Protected Structures does not prevent a change of use of the structure, and/or development of, and/or extension to, provided that the impact of any proposed development does not negatively affect the character of the Protected Structure and its setting (Refer also to Section 6.1.3).

5.2. National Guidance

The Architectural Heritage Protection Guidelines for Planning Authorities (2004 and amended in 2011) are noted.

5.3. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

The applicant has engaged the services of Boyd Cody Architects to lodge an appeal against the decision of Dun Laoghaire-Rathdown County Council to refuse permission. The issues raised in support of the appeal include:

- The alterations to no. 29 Mount Merrion Avenue do not adversely affect its character and the front elevation in particular is not interfered with. The development is in accordance with Section 8.2.11.2 of the Dun Laoghaire-Rathdown County Development Plan.
- The extension to the rear of the house is subordinate to the main body of the house.
- The design uses contemporary materials/ methods and cannot be described as a pastiche design. Examples are provided of similar designs used in London and within the Dun Laoghaire-Rathdown County area.
- Written details have been provided from a Director of Sherry Fitzgerald – Property Advisers, that the proposed development will not negatively impact on the residential amenity of the area.
- The comments raised in the letter of objection are addressed and it is considered that the development will not impact negatively on the residential amenity of this person.

- The design of the extension and the other alterations to this house are considered to be appropriate and will not negatively impact on the protected structure or on the residential amenity of the area.
- Details have been provided in the form of perspectival views demonstrating the difference between the existing house and the proposed alterations.

6.2. **Planning Authority Response**

- The grounds of appeal do not address the reason for refusal and there is therefore no change in the recommendation of the Planning Authority to refuse permission for this development.

7.0 **Assessment**

7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Design and Impact on the Protected Structure
- Impact on the Character of the Area
- Impact on Residential Amenity
- Appropriate Assessment Screening

7.2. **Design and Impact on the Protected Structure**

- 7.2.1. I have noted the comments of the Dun Laoghaire-Rathdown, Acting Conservation Officer in her report dated 24th July 2019. Her concerns with the development relate to the replacement of the dormer extension and the new extension to the rear at ground floor level. The applicant has appealed the decision to refuse permission for this development which is proposed to provide for an improved level of residential amenity for the occupants of this house.
- 7.2.2. From the submitted plans and elevations, there are no alterations proposed to the front elevation of this house. The rear alterations include a replacement dormer and rear extension. The existing dormer does not have the architectural quality of the proposed new dormer. The dormer is to be fully clad and the cladding is to extend

below the eaves line; it is not clear what type of cladding is to be used but if permission were to be granted, this could be addressed by way of condition. A single window with dimensions of 1.1 m wide by 1.3 m high is proposed which is significantly less than the current 2.3 m wide by 1.3m high glazed area. What results is an architecturally designed dormer with a relatively simple form and much reduced glazed area. The applicant proposes the removal of the semi-circular element of a round-headed window. Due to changes in the floor levels within the house, the round headed element does not function as a window anymore with no light or views possible. It is considered that this window should be retained as is, as it does provide part of the character of the rear elevation of this house. The cladding of the dormer should be reduced such that it does not extend by more than 1 m below the eaves level and this will allow for the retention of the round headed window.

7.2.3. The extension to the rear at lower and upper ground levels is acceptable. Whilst part of the rear wall of the house will be removed and windows also removed, the rear extension is sympathetic and provides for a suitable contemporary alteration to this house that allows for its continued use as a family home. The applicant has provided a survey of the existing house which includes photographs of the subject areas

7.2.4. It is considered that the existing extension to the rear of the house whilst relatively modest in scale does have a negative impact on the overall character of the rear of this house. The height of the extension and its location do not complement the house. The proposed extension through the extensive use of glazing will appear as a more lightweight structure that does complement rather than detract from the existing house. A key aspect to this development is the applicants' desire to increase daylight to the rear of the house and to improve its internal amenity. The proposed development will be an improvement over the existing extension and layout of the house.

7.3. **Impact on the Character of the Area**

7.3.1. I do not foresee that the proposed development will have a negative impact on the character of the area. The front elevation of this house is retained as is and there

will be no discernible change when viewed from the public street. The overall character of this house is retained, and the proposed alterations will ensure the continued use of this unit as a house which is desirable. I do not consider that the proposed development would be contrary to Policy AR1 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022.

7.4. Impact on Residential Amenity

- 7.4.1. I do not foresee that the proposed development would have a negative impact on the existing residential amenity of the area in terms of overlooking leading to a loss of privacy.
- 7.4.2. It was raised in the letter of objection to this development that the proposed development would give rise to nuisance during the construction phase. Considering the separation distances to the properties to the north, which is in excess of 40 m and the relatively small scale of development, it is not foreseen that there will be significant negative impact in terms of noise, dust and fumes during the construction phase.
- 7.4.3. The proposed alterations to the ground floor rear extension will improve the residential amenity of the adjoining unit to the east, no. 27, through the removal of the existing extension and which will allow for more light into the rear garden of no. 27. A 2.8 m separation between the proposed extension and the boundary is proposed and which will allow for an increase of daylight/ sunlight to the rear of no. 27.

7.5. Appropriate Assessment Screening

- 7.5.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

8.0 Recommendation

8.1. I recommend that permission be granted subject to the following conditions and reasons.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016 - 2022 and the zoning for residential purposes, to the location of the site in an established urban area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities 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.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 13th of June 2019, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The round-headed window in the rear elevation shall be retained as is.</p> <p>(b) The dormer shall only extend to a maximum of 1 m below the eaves of the house. The width of the dormer shall not exceed 2.5 m. Full details of the cladding to be provided.</p>

	<p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of visual amenity.</p>
3.	<p>A full architectural survey of buildings proposed for demolition shall be carried out and shall be submitted to the planning authority prior to commencement of development. Archive standard drawings and a photographic survey shall be prepared in accordance with the requirements of the planning authority.</p> <p>Reason: In order to facilitate the conservation, preservation and/or recording of the architectural heritage of the site.</p>
4.	<p>All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.</p> <p>Reason: To secure the authentic preservation of this [protected] structure and to ensure that the proposed works are carried out in accordance with best conservation practice.</p>
5.	<p>The house shall be used as a single dwelling unit.</p> <p>Reason: In the interest of clarity.</p>
6.	<p>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.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>
7.	<p>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</p>

	<p>circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
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Paul O'Brien
Planning Inspector

26th November 2019