



An
Bord
Pleanála

Inspector's Report

ABP-306312-20

Development	RETENTION: retention of a single storey canopy erected at ground level on the rear elevation of the house.
Location	51, Merrion Road, Dublin 4
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4163/19
Applicant(s)	Nahor Meenan
Type of Application	Retention
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Cathy Allen
Observer(s)	None
Date of Site Inspection	15 th June 2020
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1. No. 51 Merion Road is located on the northern side of Merrion Road in an established residential area in Dublin 4 south of Dublin city centre. It forms part of a pair of semi-detached dwelling. The appellants house, no. 53 is to the immediate south. The existing dwelling on site comprises of a two-storey dwelling together with a two-storey return and two storey side extension.
- 1.2. The subject site contains a two-storey, Tudor style, dwelling which is characteristic of the immediate area. The dwelling contains a dormer window on the rear (southern) roof slope and has a rear return and conservatory at the back of the house. The house is finished in red brick and pebble dash render and contains red brick feature chimneys and an arched entrance over the front door.
- 1.3. Wanderers Rugby Club is located to the rear of the site and the RDS is located about 1km to the north-west of the site. The properties along Merrion Road are characterised by large, semi-detached, hipped (red tiled) roofed, Tudor style houses on large landscaped sites. With deep manicured front gardens enclosed by boundary walls.

2.0 Proposed Development

- 2.1. Planning permission is sought for the retention of a single storey canopy erected at ground level on the rear elevation of the house.
- 2.2. The canopy covers a total area of 16.34sqm of external area. The canopy is 3m above ground level and 2.865m above the floor level of the extended house. The canopy has a light grey coated steel frame and the roof is glass with timber fin details. A section of the glazed roof extends beyond the steel frame where it is immediately adjacent to the property boundary.

3.0 Planning Authority Decision

3.1. Decision

The planning authority granted permission subject to 6 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer reflects the decision of the planning authority. The Planning Officer notes the zoning objectives for the area and that the extension is acceptable in terms of design and scale and that the canopy to be retained is an architectural feature that provides cover to a portion of the external space. It is lightweight and is set back from the site boundary with the adjoining property. It is considered that the proposed development by virtue of its size, scale and location would not detract from the amenities of adjoining properties by reason of overlooking or overshadowing and is therefore considered to be in accordance with the Dublin City Development Plan 2016 – 2022 and the proper planning and sustainable development of the area.

3.2.2. **Other Technical Reports**

Drainage Division -No objection in principle subject to conditions.

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

Three submissions were made in relation to the development. A brief summary of the issues raised in the submission to the Planning Authority are set out below:

- The neighbouring residents state that unauthorised development has been carried out on the site and adjacent to their property,
- The works proposed for retention are unsightly, intrusive and out of scale with the existing houses,
- The previously permitted shed also appears to be on a larger scale than previously permitted.

4.0 **Planning History**

Site

DCC Reg. Ref. 2331/18 – Planning permission granted for the amendments to extension works permitted under Reg. Ref. 3348/17

DCC Reg. Ref. 3348/17 – Planning permission granted for the partial demolition of the ground floor and first floor of the existing dwelling and the construction of a new side and rear extension at ground and first floors .

5.0 Policy Context

Development Plan

Zoning objective: The site is located within an area zoned Z2 “to protect and/or improve the amenities of residential conservation areas”

- 5.1.1. In terms of Conservation Areas, Dublin City Council seek to ensure the development proposals within all Architectural Conservation Areas and conservation areas complement the character of the area and comply with development standards.

Conservation Areas

Policy CHC4: To protect the special interest and character of all Dublin’s Conservation Areas (11.1.5.4). Development within or affecting all conservation areas will contribute positively to the character and distinctiveness; and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible

- 5.1.2. Relevant sections of the Development Plan include:

Section 16.2.2.3: Alterations and extensions (general)

- Extensions will be sympathetic to the existing building and adjoining occupiers,
- Alterations and extensions to roof will respect the scale, elevational proportion and architectural form of the building.

Section 16.10.12: Extensions and Alterations to Dwellings

Relates to alterations and extensions to dwellings and states that development will only be granted where it will not have an adverse impact on the scale and character of the area and will not adversely affect amenities enjoyed by occupants of adjacent buildings.

Appendix 17 of the Plan sets out design guidance with regard to residential extensions.

- 17.3: Residential amenity: extensions should not unacceptably affect the amenity of the neighbouring properties,
- 17.4 Privacy: Extensions should not result in any significant loss of privacy to the residents of adjoining properties.
- 17.6 Daylight and Sunlight: care should be given to the extensions and the impact on the adjoining properties,
- 17.11 Roof extensions: the design of the roof shall reflect the character of the area and any dormer should be visually subordinate to the roof slop, enabling a large proportion of the original to remain visible

5.2. **Natural Heritage Designations**

There are two designed sites within 1km of the site.

- South Dublin Bay SAC (Site code: 000210)
- South Dublin Bay & River Tolka Estuary SPA (Site code: 004024)

5.3. **EIA Screening**

The proposed development is not of a class for the purpose of EIAR. The nature and scale of the development would not result in a real likelihood of significant effects on the environment.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal, as submitted by the third-party appellant residing at No.53 Merrion Road, Ballsbridge, are as follows

- It is set out that the structure compose of thick steel girders could not be described as “lightweight” . The structure is unsightly and visually menacing
- It is set out that the purpose of the structure has not been clarified and as such has the potential to be used for purposes that could be a nuisance to our private living area.
- There is a risk that canopy will be used as the basis for an enclosed permanent structure which will impinge on privacy.

- Reference is made in the appeal submission to a garden shed on site and the use of this shed and the industrial design of the canopy raised similar concerns regarding use.

6.2. **Applicant Response**

None

6.3. **Planning Authority Response**

None

7.0 **Assessment**

7.1. **Introduction**

The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment also needs to be addressed. I consider the substantive issues arising from the grounds of appeal relate to the following:

- Design and Impact on Residential Amenity
- Appropriate Assessment

7.1.1. The site is zoned Z2 “to protect and/or improve the amenities of residential conservation areas”. Residential is a permissible use within this zoning category. The existing house is a semi-detached two-storey Tudor style, dwelling which is characteristic of the immediate area. The house has previously been extended over the garage with the addition of a first-floor extension. The current proposal seeks to retain 16.34sqm of external canopy area to the rear of the house. Therefore, the principle of the extension is acceptable on ‘Z2’ zoned land, subject to safeguards.

7.2. **Design and Impact on Residential Amenity**

- 7.2.1. The third-party grounds of appeal assert that as regards the design approach the structure which composes of thick steel girders could not be described as “lightweight” and the structure is unsightly and visually menacing. It is also set out that the purpose of the structure has not been clarified and as such has the potential to be used for purposes that could be a nuisance to the appellants.
- 7.2.2. The structure is located to the rear of the existing house approx. 600mm from the shared boundary with no. 53 (the appellants property). The structure is a single storey flat roof canopy 3m above ground floor level and 2.865m above the finished floor level

of the extended house. The canopy has a dark coated steel frame and the roof is described as glass with timber fin details. A section of the glazed roof extends beyond the steel frame where it is immediately adjacent to the property boundary. On the day of my site inspection the glass roof had been removed as works were on going on the external paving area underneath. Notwithstanding, the **design** of the proposed canopy is reflective of contemporary modern architecture consistent with the modern rear extension contrasting effectively with the original Tudor design of the main dwelling. The canopy is subordinate to the main dwelling and in accordance with Section 16.2.2.3: *Alterations and extensions (general)* of the Development Plan. The design approach and palette of materials are appropriate, in my view, are acceptable. Furthermore, all works will be carried out within the site as outlined in red and no works encroach or overhang third party properties.

- 7.2.3. The appeal refers to the intended use of the structure and the potential negative impact the appellants residential amenity. The canopy is an extension of the existing domestic house linked to the permitted overhang to the rear of the dwelling and is effectively an extension of same. The use of the canopy as part of the rear garden area of the dwelling is connected to the primary use of the house as a residential family home which would have been the case if the canopy were to exist or not. Any associated noise is incidental to the use of the garden. I am satisfied that The canopy area forms part of the external garden area.
- 7.2.4. The 'Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities' and its accompanying 'Urban Design Manual' does not set rigid minimum separation distances but does require that habitable rooms and private amenity space should not be directly excessively overlooked by neighbouring residents. The appellants have raised specific concerns in relation to the impacts on their living room to the rear of their house. In terms of **overlooking** the structure is a single storey canopy. The development is located in a suburban context and separated from the adjoining property by mature evergreen planting and a shared boundary wall. I am satisfied that there is no additional adverse overlooking of the adjoining property as a result of the development.
- 7.2.5. Overall, I do not consider the proposal results in any injurious impact on residential amenity and would not have an adverse impact on the character of the area. I consider the principle of the development is in line with Appendix 17 of the Development Plan.

7.3. **Appropriate Assessment**

Having regard to the nature and small 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 have a significant effect individually or in combination with other plans or projects on a European site

8.0 **Recommendation**

I recommend that planning permission be **GRANTED** for the proposed development having regard to the reasons and considerations and subject to conditions as set out below.

9.0 **Reasons and Considerations**

Having regard to the design and appearance of the proposed extensions, and the pattern of development in the vicinity, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the residential amenities of property in the vicinity and would not adversely impact on the character of the area. The proposed development, therefore, would be in accordance with the proper planning and sustainable development of the area.

10.0 **Conditions**

1. The development shall be retained 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 interest of clarity

2. The structure shall be used from domestic purpose only incidental to the enjoyment of the dwelling house; under no circumstances shall the structure be used as habitable accommodation.

Reason: In the interests of residential amenity

Irené McCormack
Planning Inspector

15th June 2020