



An
Bord
Pleanála

Inspector's Report

ABP-306408-20

Development	Two storey extension and associated works to mews House .
Location	29 Raglan Lane, Dublin 4
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4226/19
Applicant(s)	Shane & Una DeBlacam
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	John & Maggie Carvill
Observer(s)	Pat & Emily Finnegan
Date of Site Inspection	27 th February 2020
Inspector	Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.0022 hectares, is located on the eastern side of Raglan Lane to the north east of Ballsbridge. Raglan Lane runs to the rear of properties fronting Raglan Road to the east and Wellington Road to the west. The laneway is characterised by a number of mews properties set back from the laneway. The appeal site is occupied by a two-storey dwelling. Adjoining development to the north consists of a three-storey dwelling (no. 27), to the south is a two-storey dwelling (no. 31). To the east is no. 29 Raglan Road, which backs onto the site and is a three-storey over basement terraced dwelling (Protected Structure). The appeal site would once have been part of the curtilage of no. 29 Raglan Road. The appeal site is located in a designated Architectural Conservation Area.

2.0 Proposed Development

2.1. Permission is sought for a two-storey extension (inducing attic floor, change in roof profile, increase in roof ridge and existing chimney) to the rear of the existing mews house corresponding with the rear extension of the adjoining mews houses and small extension at ground floor to the front. The proposal entails an increase in floor area of the existing dwelling from 90sqm to 259sqm.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 7 conditions. The conditions are standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (09/12/19): The design and scale of the proposal was considered satisfactory in the context of visual amenities of the area and the amenities of adjoining properties. A grant of permission was recommended based on the conditions outlined above.

3.2.2. Other Technical Reports

Drainage Division (13/11/19): No objection.

3.3. Prescribed Bodies

3.3.1 None.

3.4. Third Party Observations

3.4.1 Submission were received from...

Pat & Emily Finnegan, 27 Raglan Lane, Dublin 4.

John & Maggie Carvill, 24 Raglan Lane, Dublin 4.

Perter Priestley, 22 Raglan Lane, Dublin 4.

The issue raised can be summarised as follows...

- Design and scale relative to adjoining propitiates, impact on residential amenity through overlooking, overshadowing, reduction in car parking, insufficient private open space, impact on an existing gable window (no. 27) and validation issues.

4.0 Planning History

No planning history.

On adjoining sites...

4226/19: Permission granted for alterations and extension of an existing dwelling at no. 27 Raglan Lane.

2503/17: Permission granted for alterations and an extension to an existing dwelling at no. 27 Raglan Lane.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Dublin City development Plan 2016-2022. The appeal site is zoned Z2 with a stated objective 'to protect and/or improve the amenities of the residential conservation areas'.

The appeal site is within a designated conservation area.

Policy CHC4: To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Enhancement opportunities may include:

1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting
2. Re-instatement of missing architectural detail or other important features
3. Improvement of open spaces and the wider public realm, and re-instatement of historic routes and characteristic plot patterns
4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area
5. The repair and retention of shop- and pub-fronts of architectural interest.

Section 16.10.12: Extensions 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

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by Downey Planning on behalf of John & Maggie Carvill, 24 Raglan Lane Dublin 4. The grounds of appeal are as follows...

- The scale of the extension is not subordinate to the existing dwelling being significantly larger than the floor area of the existing dwelling and, therefore, contrary development plan policy.
- The scale of the proposal leaves insufficient private open space and given the level bed space proposed would be well below the minimum required under development plan policy. The proposal materially contravenes development plan policy and provides for sub-standard development.
- The proposal would result in a loss of 1 no. car parking space and put additional pressure and parking demand on Raglan Lane. The proposal would lead to increased traffic congestion and conflict between vehicular and pedestrian movements.

- The design and scale would impact on daylight to adjoining properties, to the north and south. The additional windows at second floor level could give rise to overlooking.
- The proposal is out of character with the surrounding area and would set an undesirable precedent.
- The appellants raise validation issue regarding the description of the proposed development. The description of an attic floor is misleading as the proposal is a three-storey development. It is considered that the description in the public notices does not comply with Article 18, 19(1)(A) or 22 of the Planning and Development Regulations 2001 (as amended).

6.2. Applicant Response

6.2.1 Response by the applicants, Shane & Una DeBalcam,

- The scale of the extension is acceptable in the context of the level of extensions constructed/permitted on either side at no.s 29 and 31.
- Sufficient private open space is maintained with a total of 71sqm provide to front and rear of extended dwelling.
- There is one existing car parking space serving no. 29 and there will still be one parking space post development.
- The proposal would be acceptable min the context of adjoining amenities and would have no impact on light levels or overlook adjoining properties.
- The applicants refute claims that the proposal is out of character and would set a bad precedent noting the planning history on adjoining sites and the character and scale properties redeveloped in the vicinity.
- The public notices were deemed to be accurate and acceptable by the Planning Authority.
- In relation to the issues raised regarding no. 27 and its gable window, it is noted that this matter was assessed by the planning authority with the proposal considered acceptable in the context of adjoining amenities. It is noted that the window in question contravenes the Professional Standards

Right of Light Guidance Note and does not enjoy a right of light (period to establish such is 12 years with the window being in place for two years). It is noted that the window will receive south sun light.

6.3. **Planning Authority Response**

6.3.1 No response.

6.4. **Observations**

6.4.1 An observation has been submitted by Noonan Moran Architecture on behalf of Pat & Emily Finnegan, 27 Ragan Lane, Dublin.

- The observers' property was extended on foot of permission ref no. 2503/17 and included a window on the side elevation serving a bathroom. The proposed development would eliminate light to this window and restrict ventilation flow. It is noted that the extension could be modified to address this concern by moving the lift 600mm to the south.

7.0 **Assessment**

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Design, scale, visual impact, adjoining amenities

Car parking

Appropriate Assessment

7.2. Design, scale, visual impact, adjoining amenities:

7.2.1 The existing dwelling on site is a two-storey dwelling and is being extended to the rear and increased in height to provide an additional floor within the roof space at second floor level. The appeal submission raises concerns regard the impact of the

design and scale of the development noting it is excessive in scale and would have an adverse impact on the character of the area and on adjoining properties.

7.2.2 The proposal does entail a significant increase in the floor area of the existing structure with the level of extension larger than the floor area of the existing dwelling on site. The appellant questions whether the extension is subordinate in nature relative to the existing dwelling and in compliance with development plan policy. I would consider that the fact the extension is larger than the existing floor area of the dwelling is not a material consideration in isolation and the design and scale in the context of existing development on adjoining sites and the prevailing pattern of development is the relevant consideration. The appeal site is adjoined by no. 29 to the north and no. 31 to the south. No. 29 has been extended in recent years including extension to the rear and an increase in ridge height to facilitate a floor at second floor level. No. 31 also has also been extended to the front with both properties either side projecting significantly beyond the rear building line of no. 29. I would consider that the proposed development in terms of scale including height and the level of projection to the rear is in keeping with established pattern of development on adjoining site and that the orientation of windows is also in keeping with the prevailing pattern of development in the area.

7.2.3 The overall design and scale of the proposal is in keeping with the pattern of development and would be acceptable in the context of visual amenities of the area. The proposal does entail a single-storey extension into the courtyard area to the front however such is not visible due to existing boundary treatment along Raglan Lane. In terms of windows at first ground and first floor level there are windows on the front (west) and rear (east) elevations, which in keeping with the established pattern of development. At second floor level all windows are high level windows serving the second floor mezzanine level. I would consider that the design and scale of the proposal has adequate regard to the existing pattern of development and adjoining properties and would not lead to an adverse impact in relation to overshadowing and overlooking on any of the adjoining properties. The appellants'

property (no. 24) is on the opposite of Raglan Lane and would not be diminished in regards to existing residential amenity.

7.2.4 The appeal site is located in an Architectural Conservation Area. The overall proposal is designed to have regard to this fact and is acceptable in the context of its location within such.

7.2.5 The appellants note that the level of private open space to be retained with the existing dwelling is insufficient and below the level required under Development plan policy. The proposal provides for 42sqm of private open space to the rear of the dwelling. This level of open space is in keeping with the level of private open space associated with the similar properties along Raglan Lane and provides for a sufficient quality of amenity for the future residents of the dwelling.

7.2.6 The observer owns no. 27 Raglan Lane which has been extended in recent years under ref no. 4226/19. There is a window on the southern elevation at second floor level and the observer claims that this window will be impacted adversely in terms of light levels and ventilation due to the proposal. There is a gap between the gable of no. 29 and no. 27. I would note that the level of development proposed on the appeal site is lesser in scale than that permitted at no 27. I am satisfied that the proposal does not compromise the use of the window but will reduce some level of light. I would however consider that this would not be significantly detrimental to residential amenity. The window is a bathroom window and not a window serving a living space. I would also question why such was permitted at a location where it could be deemed to impact the development potential of an adjoining property. I am satisfied that the proposed development would be satisfactory in the context of adjoining amenities.

7.3 Car parking:

7.3.1 The appellant notes that the proposal reduces the level of off street car parking in the front courtyard area due to the extension to the front. The applicant refutes this claim

noting that there is currently one off-street car parking space and that this level of parking is maintained in the proposal. The proposal reduces the size of the courtyard to the front, however one space for off-street car parking for one car is maintained. The provision of one space is in keeping with the maximum requirement for car parking for a dwelling under Table 16.1 of the Dublin County Development Plan 2016-2022. I would also note the site is in an area well serviced by public transport and in walking distance/cycling distance of the city centre. The proposal would be satisfactory in the context of traffic safety and convenience.

7.4 Appropriate Assessment:

7.4.1 Having regard to the nature and scale of the proposed development and its proximity 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.

8.0 Recommendation

8.1. I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the design and scale of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the visual amenities of the area, the character of a designated Conservation Area and would not seriously injure the amenities of adjoining property. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed 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 existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of

the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Colin McBride
Planning Inspector

27th February 2020