



An
Bord
Pleanála

Inspector's Report ABP 307552-20.

Development	Two storey extension to rear, alterations to roof, attic conversion, dormer window repairs, refurbishment and, associated site works.
Location	No 11 Sussex Road, Dublin 4.
Planning Authority	Dublin City Council.
P. A. Reg. Ref.	2538/20
Applicant	John Fitzgerald
Type of Application	Permission
Decision	Grant Permission
Type of Appeal	First Party x Conditions
Appellant	John Fitzgerald.
Date of Site Inspection	22 nd September, 2020.
Inspector	Jane Dennehy.

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1.0 Site Location and Description

- 1.1. The site has a stated area of 75.6 square metres and is that of a two-storey nineteenth century house which has a stated floor area of 75.7 square metres and is within a terrace along Sussex Road. The site width is five metres and its depth is 15.4 metres. The existing dwelling is unoccupied and is a two-storey house, which it's the adjoining property at No 10 has a flat parapet level to the front of the pitched roof at the road frontage and a two storey pitched roof element at the rear.
- 1.2. These properties on Sussex Road are located at the rear, south west side of nineteenth century two storey houses located along Leeson Street which are included on the record of protected structures.
- 1.3. There is a prior grant of permission for development of a house at No 12 Sussex Road which adjoins the application site. At present there is a vacant, single storey structure and shopfront for Wallace Motors, the former occupant.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for a two-storey extension to rear, alterations to roof, attic conversion, dormer window repairs, refurbishment and, associated site works. The lodged plans indicate a ground floor and first floor extension along with a raised new roof in which the hight is increased and slope is altered and includes a dormer. The separation distance from the rear boundary which adjoins no 125 Leeson Street is reduced to circa three metres.
- 2.2. The total stated floor area is 50.9 square metres resulting in a combined floor area of 126.6 square metres. The stated plot ratio 1.69 and site coverage 82%. With the development as proposed in place the private open space to the rear is reduced from twenty-four square metres to fourteen square metres in area.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 30th June, 2020 the planning authority decided to grant permission subject to conditions which include the appealed condition, the requirement of which

are for omission of the first floor and roof extension and provision for an 0.5 metre setback for the proposed dormer in the roof slope. A compliance submission is required comprising revised drawings showing these modifications and consequent alterations, including provision for a roof over the ground floor extension.

3.2. Planning Authority Reports

- 3.2.1. The planning officer indicated recommendations for the modifications to be implemented, by condition on account of concerns about potential overlooking, potential precedent, and adverse visual impact.
- 3.2.2. The Drainage Division report indicates no objection subject to standard conditions.

4.0 Planning History

There is no record of planning history for the application site.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Dublin City Development Plan 2012-2022 according to which the site, is subject to the zoning objective. Z2: *“To protect and/or improve the amenities of residential conservation areas”*.

Policy Objective CHC4 and Section 11.1.5.4 provides for protection of the special interest and character of Conservation Areas with works being required to enhance and contribute positively to the distinctiveness, character and setting of the environs.

Policies, objectives and standards for extensions and alterations to dwellings are set out in Section 16.10.12.

Appendix 17 contains guidance on residential extensions and in section 17.11 there is guidance on dormer and roof level extensions.

6.0 The Appeal

6.1. Grounds of Appeal

An appeal against Condition No 2 was received from the applicant on his own behalf on 13th July 2020 attached to which are photographs of the front façade and interior of the building and, a copy of an email with notes on a pre planning consultation meeting which took place prior to lodgement of the application. In the appeal it is stated that the existing house is semi derelict and needs a deep retrofit and modernisation. It is stated that the house is not habitable, is undersized, is not suitable for the applicant's accommodation needs, that the proposed first floor extension is modest in scale, and the cost of the project warrants a two-storey extension. It is requested that Condition No 2 be omitted.

According to the appeal:

- The requirements of the appealed condition are too restrictive. A two-storey extension had been accepted in principle at pre planning consultations with the planning authority. A similar assessment should have been to that of the grant of permission for the new house at No 12 Sussex road which is three storey with windows at the rear which are frosted to prevent overlooking. (P. A. Reg. Ref. 2239/19 refers.) The property at No 10 Sussex Road has been extended at first floor level and has a balcony. The houses to the rear, on Leeson Street have all been extended whereas the proposed development at No 11 Sussex road is very modest and the applicant is willing to install opaque glazing if necessary.
- The roof would not be visible from the front as the buttress will be removed. A steel insertion plan for two floors covers the first storey and attic space according to the applicant's engineer who has advised that for structural reasons, a two-storey extension is required if the buttress alone is removed. A single storey extension would be unsafe whereas the two-storey extension enables to the house to function properly.
- As a three-storey extension has been permitted at No 12, the decision of the planning authority to include the condition is unfair.

- There is no objection to the requirement under condition No 3 that the attic not be used as a bedroom.

6.2. **Planning Authority Response**

There is no submission from the planning authority on file.

7.0 **Assessment**

- 7.1. The appeal is solely against Condition No 2 in which the applicant is required to omit the first-floor extension and setback the dormer window at attic level with a compliance submission showing the omissions and consequent necessary modifications being required.
- 7.2. It is the applicant's case that the required revisions are inequitable and unfair on grounds that no similar requirements or restrictions were imposed or attached by condition in respect of the grant of permission for a dwelling on the adjoining unoccupied site at No 12 Sussex Road. On review of the plans, it is clear that there are no grounds for such a claim in that the proposed and permitted developments are not comparable with regard to footprint, separation from adjoining developments and form, in particular in that the three storey element of the permitted dwelling confined to a narrow projection at upper level with a blank rear elevation enclosing a terrace.
- 7.3. In the current proposal the two storey element infills the entire width of the site and dwelling and extends into the rear garden area which is to be confined to an area of fourteen metres leaving a separation distance between the rear façade and boundary of circa three metres.
- 7.4. Nevertheless, given the relative orientation between the application site dwelling and the dwelling at the rear on Leeson Street Upper, it is considered that with some modification, the proposed first floor extension can be accepted in that overlooking and potential perceptions of intrusiveness and a dominant effect can be mitigated by modifications. It is therefore recommended that the condition be revised providing for substitution of the proposed rear elevation bedroom window with a high level, (openable) window positioned at 1.5 metres above finished floor level, and use of opaque glazing in the en-suite bathroom window which should be fitted

(unopenable). In addition, it is considered that one or more rooflights, depending on size should be substituted for the attic level dormer in the rear which would adequately provide for the proposed /study/storage use at this level.

- 7.5. The remaining rear private open space provision is limited qualitatively in amenity potential and in quantum at fourteen square metres and the relatively high plot ratio is of note particularly given the 'Z2' zoning objective. Nevertheless, given, that the proposed development would otherwise result in delivery of a quality habitable dwelling providing for contemporary living standards on a serviced site of close to the city centre which is consistent with the interests of sustainable development. Given the location it is considered reasonable to accept the proposed development without incorporation of an on-site parking space.

Environmental Impact Assessment Screening.

- 7.6. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Appropriate Assessment

- 7.7. Having regard to the planning history for the site, the zoning objective, the location of the site which is on serviced land, to the existing development on the site and in the vicinity and, to the nature and scale of the proposed development, 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 Recommendation

- 8.1. Given the foregoing it is considered that the appeal can be determined in accordance with the requirements of section 131 and that *de novo* consideration is unwarranted and it is recommended that the planning authority be directed to delete Condition No 2 and to insert a revised condition a draft of which, along with draft reasons and considerations follows.

9.0 Condition.

The first-floor rear elevation bedroom window shall be omitted and replaced with a window positioned at a minimum height of 1500 mm above the finished floor level. The en-suite bathroom window shall be in opaque glazing and shall be fitted. The dormer window in the rear roof slope shall be omitted and replaced with rooflights.

Prior to the commencement of the development the applicant shall submit and agree in writing revised plan, elevation, and section drawings with the planning authority.

Reason: *In the interest of the protection of the residential amenities of the adjoining property.*

10.0 Reasons and Considerations

It is considered that subject to the omission of Condition No 2 and insertion of the revised condition, the proposed development would not be seriously injure the residential or visual amenities of the adjoining property and would be in accordance with the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector
22nd September, 2020.