



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308117-20

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<b>Development</b>	Construction of pitched roof extension at first and second floor level over existing part single storey, part two storey flat roof.
<b>Location</b>	49, Arnott Street, Dublin 8
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	2905/20
<b>Applicant(s)</b>	Noele McEvoy
<b>Type of Application</b>	Noele McEvoy
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Noele McEvoy
<b>Observer(s)</b>	1) Helen O'Grady Jack Hayden
<b>Date of Site Inspection</b>	11 <sup>th</sup> November 2020
<b>Inspector</b>	Mary Crowley

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## 1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 97sqm is located in the south inner city of Dublin in an area characterised by Victorian and Edwardian terraced housing. The former Meath Hospital is across the street to the north. The appeal site is one element of a terrace of 4 no houses which was formerly a workshop, grocery store and a large house.
- 1.2. The site consists of the curtilage of a contemporary house that was part of an infill development on a corner plot. The stated floor area of the existing house is 88m<sup>2</sup>, of which 63m<sup>2</sup> is at ground floor level and 25m<sup>2</sup> is at first floor level. There are two bedrooms, one on the ground floor and one on the first floor. The eastern side of the house adjoins a lane that runs along the back of the curtilages of the houses at Nos. 10 and 11 Heytesbury Street. The first floor is set back from the eastern edge of the site by between c2.2m and c3.5m.
- 1.3. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail.

## 2.0 Proposed Development

- 2.1. The application submitted to DCC on 23rd June 2020 sought permission for construction of pitched roof extension at first and second floor level (61sqm) over existing part single storey, part two storey flat roof, including 2 no. new external terraces at front/north of house, and construction of projecting first floor level bay window to rear, all to existing end of terrace house.
- 2.2. The application was accompanied by the following:
  - Daylight and Sunlight Assessment
  - Planning Report
- 2.3. Amended plans were submitted with the first party appeal on 7th September 2020 and are described in the appeal below.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. DCC issued a notification of decision to refuse permission for the following reason:

1. *The proposed development by reason of its design and scale would have an adverse impact on the architectural and historic character of the area and so would be contrary to its zoning as a residential conservation area under objective Z2 of the Dublin City Development Plan 2016-2022, and would unduly overbear the neighbouring residential properties to the east at Nos. 10 and 11 Heytesbury Street in a manner that would seriously injure their residential amenities.*

### 3.2. Planning Authority Reports

3.2.1. Planning Reports

- **Case Planner** – Considered that the quality and bulk of the proposed extension would have a detrimental impact on the character of this existing infill development, the appearance of the streetscape within the Residential Conservation Area and the amenities of neighbouring properties Nos. 10 and 11 Heytesbury Street. Recommended that permission be refused for a single reason. The notification of decision issued by Dublin City Council reflects this recommendation.

3.2.2. Other Technical Reports

- **Drainage** – No objection subject to conditions set out in the report.

### 3.3. Prescribed Bodies

3.3.1. **Transport Infrastructure Ireland (TII)** – The proposed development falls within the area for an adopted Section 49 Supplementary Development Contribution Scheme – LUAS Cross City (St Stephens Green to Broombridge Line) under S49 Planning and Development Act 2000 (as amended).

### 3.4. Third Party Observations

- 3.4.1. There are 2 no observations recorded on the appeal file from (1) Helen O'Grady and (2) Jack Hayden, No 10 and 11 Heytesbury Street. The issues raised relate to overbearing visual amenity, impact to daylight, importance of setback between the ground floor and first floors on the south elevation, impact to residential amenity and overdevelopment.

### 4.0 Planning History

- 4.1. **PL29S.216298 (Reg. Ref. 5685/05)** – In November 2006 the Board granted permission to demolish existing buildings and provide 3 no houses and an apartment on a site that includes the appeal site. Condition 1 of the permission omitted one of the proposed apartments which would have occupied a position equivalent to the first floor of this appeal site.
- 4.2. **PL29S.229057 (Reg. Ref. 1579/08)** – In November 2008 the Board refused permission for an additional bedroom at first floor level on the appeal site stating that it would overshadow the properties at 10 and 11 Heytesbury Street and would be visually obtrusive. The planning authority had decided to grant permission.
- 4.3. **PL29S.234209 (Reg. Ref. 2873/09)** – In December 2009 the Board granted permission for a bedroom at first floor level on the site.
- 4.4. **ABP-305622-19 (Reg Ref WEB1446/19)** (Copy of plans and Inspectors Report in pouch) – DCC refused permission for the construction of a first-floor extension to front, side and rear (wrapped around existing first floor extension), at 49 Arnott Street. Following a first party appeal the Board refused permission for the following reason. Noted that this reason is similar to the current decision of DCC.

*It is considered that the proposed development would have an adverse impact on the architectural and historic character of the area and so would be contrary to its zoning as a residential conservation area under objective Z2 of the Dublin City Development Plan 2016-2022, and would unduly overbear and overshadow the neighbouring residential properties to the east at numbers 10 and 11 Heytesbury Street in a manner that would seriously injure their*

*residential amenities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The operative plan for the area is the **Dublin City Development Plan 2016-2022**. The site is within an area zoned **Z2 Residential Neighbourhoods (Conservation Areas)** where the land use zoning objective is “*to protect and/or improve the amenities of residential conservation areas.*” **Section 14.8.2 Residential Neighbourhoods (Conservation Areas) – Zone Z2**. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such area, both protected and nonprotected.

#### 5.1.2. Chapter 11: Built Heritage and Culture

- **Policy CHC4** - To protect the special interest and character of all Dublin’s Conservation Areas. 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.

#### 5.1.3. Chapter 16, Section 16.2.2.3 Extensions and Alterations

- Dublin City Council will seek to ensure that alterations and extensions will be sensitively designed and detailed to respect the character of the existing building, its context, the amenity of adjoining occupiers and integrated with the surrounding area.

5.1.4. **Chapter 16, Section 16.10.12 Extensions and Alterations to Dwellings** - This section states that the development should integrate with the existing building in terms of form and finishes. 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.

5.1.5. **Appendix 17 – Guidelines for Residential Extensions** – This provides general advice and design principles for residential extensions. The guidelines should be interpreted in the context of the Development Plan Core Strategy, which promotes a compact city, sustainable neighbourhoods and areas where a wide range of families can live

## 5.2. **Natural Heritage Designations**

5.2.1. The site is not located within a designated Natura 2000 site.

## 5.3. **EIA Screening**

5.3.1. Having regard to the nature and scale of the proposed development comprising a residential extension in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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 has been prepared and submitted by Studio D Architects and may be summarised as follows:

- The application sought to design a contemporary extension significantly different from the earlier applications.
- There is clear need for homeowners to be able to extend their properties in a sustainable manner allowing for increased density within the existing urban context while ensuring that it does not negatively impact on the amenities of the neighbouring properties. Contemporary and well-designed proposals are promoted as a way of achieving this.



- This application needs to be considered on its merits and should not have been reviewed entirely in the light of earlier planning applications. To do so effectively freezes development on this site permanently.
- The Board and the Inspector are asked to consider the original scheme as submitted and if they consider it appropriate to include amended proposals (individually or wholly) submitted with the appeal and grant permission for same.

6.1.2. Amended plans submitted with the appeal can be summarised as follows:

- Overall height has been reduced by 1.4m by changing the roof profile from A pitch to a stepped flat roof design
- The design of the proposed extension at first floor and above has been set back a further 1.5m to reduce the impact on the streetscape.
- It is proposed to eliminate the lower first floor terrace on Arnott Street and the enlarged upper terrace will provide the equivalent private open space.
- The gable wall height has increased by only 1.2m and a slate pitched roof above. The daylight and sunlight study have shown no significant loss of light and sunshine.
- The imposition of a restricted lower height level to this house is an anomaly when all the houses adjoining have 3 levels of accommodation and the hospital four to five stories.

6.1.3. The appeal was accompanied by the following:

- Letter from applicant setting out that there are 4 no adults living in the house, it is local and national policy to encourage higher densities, there are lots of contemporary extensions in this conservation area and that a submission of support was not reviewed in the planning process due to an administration error.
- Letter of favour from Caitriona Egan, No 46 Arnott Street
- Amended Architectural Drawings

## 6.2. Planning Authority Response

6.2.1. None

### 6.3. **Observations**

- 6.3.1. There are 2 no observations recorded on the appeal file from (1) Helen O’Grady, No 44 Arnott Street and (2) Jack Hayden, Nos 10 and 11 Heytesbury Street.
- 6.3.2. The issues raised relate to concurring with the decision to refuse, diminution of residential amenity to No 44, overdevelopment of the site, adverse impact to visual amenity, overbearing to Nos 10 and 11 Heytesbury Street, contravening Z2 zoning and the proposal is not subservient in form to existing buildings as required in a Residential Conservation Area.

### 6.4. **Further Responses**

- 6.4.1. None

## 7.0 **Assessment**

7.1. This assessment is based on the plans and particulars submitted to Dublin City Council on the 23rd June 2020 as amended by plans and particulars submitted to An Bord Pleanála on 7th September 2020.

7.2. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Visual Impact
- Residential Amenity
- Appropriate Assessment
- Other Issues

### 7.3. **Principle**

- 7.3.1. Under the provisions of the Dublin City Development Plan 2016 – 2022 the site is wholly contained within an area zoned Sustainable Residential Conservation Area – Zone Z2 where the land use zoning objective is “to protect and / or improve the

amenities of residential conservation areas” and where residential development is a permissible use. Accordingly, the principle of a residential extension at this location is acceptable subject to compliance, with the relevant policies, standards and requirements set out in plan.

#### **7.4. Visual Impact**

- 7.4.1. DCC in their reason for refusal states that the proposed development by reason of its design and scale would have an adverse impact on the architectural and historic character of the area and so would be contrary to its zoning as a residential conservation area under objective Z2 of the Dublin City Development Plan 2016-2022.
- 7.4.2. There are planning decisions on this site going back 15 years. This current proposal is essentially a repeat application for an extension to a contemporary house that was part of an infill development on a corner plot at 49 Arnott Street Portobello. Permission was most recently refused by DCC and An Bord Pleanála earlier this year (2020) for construction of a first-floor extension to front, side and rear (wrapped around existing first floor extension) (ABP-305622-19 refers). This decision is not dissimilar in its wording to this current refusal.
- 7.4.3. This is a sensitive site located on a prominent corner within a Residential Conservation Area. As observed on day of site inspection there is a mix of relatively high-rise hospital buildings, tall brick incinerator chimney and 3 storey residential properties; No 10 and 11 Heytesbury Street and Nos 46, 47 and 48 Arnott Street proximate to the appeal site that contrasts with the low-rise red brick houses on the remaining Arnott / Curzon Street, Lombard Street West part of Portobello. Notwithstanding this mix of building height, materials and typology, it remains, given the zoning objective for the site, to ensure that any new development will protect and/or improve the amenities of the residential conservation areas while also contributing to the character and distinctiveness of the area
- 7.4.4. While acknowledging the efforts the applicant has gone to in trying to balance their need to extend their house with the constraints and difficulties the site presents it remains that the scheme as submitted to DCC in the first instance by reason of its exposed location, scale and design would have an adverse impact on the overall architectural character of the area.

- 7.4.5. While I note the significant changes the applicant is proposing in response to the reasons for refusal the amended scheme before the Board would also diminish the extent to which the house on the site is subordinate to the historic streets and houses in the area and would be visually obtrusive when viewed from the public realm. The amended scheme would result in an adverse impact on the architectural and historic character of the area that would be contrary to its zoning as a residential conservation area under objective Z2 of the Dublin City Development Plan 2016-2022. Overall the the scheme would unduly overbear the neighbouring properties in a manner that would seriously injure the visual amenities of the area.
- 7.4.6. As pointed out by the previous Inspector the limited scope for first floor accommodation on the site appears to have been exhausted by the extension permitted by the Board under PL29S. 234209. Refusal is recommended.

## 7.5. Residential Amenity

- 7.5.1. In their reason for refusal DCC also state that the original scheme would unduly overbear the neighbouring residential properties to the east at Nos. 10 and 11 Heytesbury Street in a manner that would seriously injure their residential amenities.
- 7.5.2. As documented the amended scheme has been scaled down, the lower first floor terrace on Arnott Street removed and the enlarged upper terrace screened with opaque glass. Having regard to the amended plans, orientation of the scheme, separation distances together with the Daylight and Sunlight Assessment I am satisfied that the design, scale, form and positioning of the extension strikes a reasonable balance between the protection of the amenities and privacy of the adjoining dwellings, that it will not result in any significant over shadowing of adjoining properties or any unreasonable loss of natural light or overlooking to neighbouring residential properties. Overall, I am satisfied that the amended plans will not adversely affect the amenities enjoyed by the occupants of adjoining houses.

## 7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the proposed development comprising a residential extension and its distance 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.

## **7.7. Other Issues**

**7.7.1. Supplementary Contribution Scheme for Luas Cross City Extension** - The appeal site is within the catchment area of the scheme. However, Section 11 provides an exemption from contributions for domestic extensions.

**7.7.2. Development Contributions** – I refer to the Dublin City Council Development Contribution Scheme 2020-2023. Section 12 outlines circumstances where no contribution or a reduced contribution apply. It is stated that the first 40sq metres of extensions to a residential development will not be required to pay development contributions under the Scheme. The proposed development as amended is in excess of 40sqm. It is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

## **7.8. Recommendation**

**7.8.1.** I have read the submissions on file and visited the site. Having due regard to the provisions of the Development Plan, together with all other issues arising, I recommended that permission be REFUSED for the following reasons and considerations.

## **7.9. Reasons and Considerations**

1. It is considered that the proposed development would have an adverse impact on the architectural and historic character of the area and so would be contrary to its zoning as a residential conservation area under objective Z2 of the Dublin City Development Plan 2016-2022, and would be unduly overbearing in a manner that would seriously injure the visual amenities of neighbouring properties and when view from the public realm along Arnott Street. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Mary Crowley**

**Senior Planning Inspector**

**26<sup>th</sup> November 2020**