



An  
Bord  
Pleanála

## Inspector's Report ABP-308630-20

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<b>Development</b>	Two-storey front extension and a single-storey porch extension to house
<b>Location</b>	70 Philipsburgh Terrace, Dublin 3
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3219/20
<b>Applicant(s)</b>	Rita Brennan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First
<b>Appellant(s)</b>	Rita Brennan
<b>Observer(s)</b>	Transport Infrastructure Ireland
<b>Date of Site Inspection</b>	21 <sup>st</sup> December 2020
<b>Inspector</b>	Colm McLoughlin

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## **1.0 Site Location and Description**

- 1.1.** The appeal site is located at the junction of Philipsburgh Terrace and Croydon Gardens, within the tree-lined residential streets of the Marino estate, opposite a circular public park and approximately 2.8km northeast of Dublin city centre.
- 1.2.** The site has a stated area of 402sq.m, with approximately 36m frontage onto Philipsburgh Terrace and a further 17m onto Croydon Gardens. It contains a two-storey dual frontage end-of-terrace house set back between 6m and 10m from the public footpath and comprising a single-storey side extension to the south. To the north of the house is a garden area enclosed by a beech hedge, to the west is a vehicular hardstanding area accessed off Philipsburgh Terrace and to the south is a garden area containing a small shed, enclosed and screened from the public realm by a painted timber fence and a tall line of mature Leylandii trees. A pedestrian access lane serving the rear of houses along Philipsburgh Terrace runs along the southern boundary of the site, separating it from no.68 Philipsburgh Terrace. Attached to the east is no.5 Croydon Gardens.
- 1.3.** The surrounding area is characterised by rows of terraced and semi-detached dwellings of similar styles in a uniform and symmetrical layout. Ground levels in the vicinity drop gradually to the south. Mapping for the area suggests that the site sits directly above the M50 Dublin Port Tunnel.

## **2.0 Proposed Development**

- 2.1.** The proposed development comprises:
  - the construction of a two-storey front extension and a single-storey porch extension with a stated gross floor area of 103sq.m, as well as landscaping and ancillary works.
- 2.2.** The planning application was accompanied by a set of photomontages of the proposed development.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. The planning authority decided to refuse to grant permission for the development for the following reason only:

- The proposed development is located within a Z2 Residential Conservation Area as set out in the current Dublin City Development Plan 2016-2022, the zoning objective of which is 'to protect and/or improve the amenities of Residential Conservation Areas'. The proposed development, in its scale, appearance, mass and position significantly forward of established building lines on Croydon Gardens and Philipsburgh Terrace presents a highly visually obtrusive and incongruous structure within the streetscape which would have a detrimental impact on the residential and visual amenities of the area and which, in itself and by the precedent established for similar unsympathetic development in the vicinity, would cause serious injury to both the residential amenities of the area and to the visual amenity, scale and inherent architectural character of the Marino estate contrary to the zoning objective. The proposed development is considered to be contrary to both the zoning objective for the area and the policies and objectives of the current Dublin City Development Plan, in particular Policy CHC4 and Section 16.10.12, and is therefore contrary to the proper planning and sustainable development of the area.

### **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 noted the following:

- the proposed development would not be sympathetic to the site context and the streetscape, as a result of its scale and visual impact;
- the extreme projection of the proposed extension would introduce a severely incongruous and obtrusive element into the streetscape of this residential

conservation area, to the detriment of the residential and visual amenities of the area;

- proposals would set a highly undesirable and unsustainable precedent for similar development to occur in the Marino estate;
- should the permission be refused, a development assessment with regard to the positioning of the extensions directly over the M50 Port Tunnel would not be necessary.

### 3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) - no objection subject to conditions;
- Dublin Port Tunnel Project Office – no response.

### 3.3. Prescribed Bodies

- Irish Water - no response;
- National Transport Authority – no response;
- Transport Infrastructure Ireland - further information requested.

### 3.4. Third-Party Observations

3.4.1. During consideration of the application by the planning authority, one observation was received from a neighbouring resident of no.21 Shelmartin Avenue, which is located approximately 260m to the south of the appeal site. The issues raised in this observation can be summarised as follows:

- assessment of the proposed development should be considered against the policies contained within chapter 11 of the Dublin City Development Plan 2016-2022, including the Z2 residential conservation area zoning objectives;
- the extensions would not be in keeping with houses within the conservation area, which have an attractive design and scale;
- proposals would hugely impact on the residential and visual amenities of the area;

- permission was granted by An Bord Pleanála for a two-storey extension to no.2 Croydon Terrace, but this development is clearly not in keeping with the surrounding streetscape;
- permission for the proposed development would set an undesirable precedent for similar development and would undermine the status of the Marino estate conservation area.

## **4.0 Planning History**

### **4.1. Appeal Site**

4.1.1. I am not aware of any recent planning applications relating to the appeal site.

### **4.2. Surrounding Sites**

4.2.1. There have been numerous planning applications and appeals relating to domestic extensions in the immediate area, including applications for development on similar type corner sites to the appeal site, such as the following that have been referred to by parties to the appeal:

- no.2 Turlough Parade - DCC ref. 2286/16 – permission was granted by the planning authority in May 2016 for a two-storey rear extension, a single-storey front extension and elevation alterations to a corner house located approximately 150m to the northeast of the appeal site;
- no.2 Croydon Terrace - DCC ref. 3252/18 – permission was granted by the planning authority in August 2018 for the construction of a part single-storey and part two-storey extension to the front, rear and side of a corner house approximately 120m to the north of the appeal site. Following an appeal (ABP ref. 302405-18) of a condition only, the Board decided to remove a condition that required the omission of the two-storey front extension, as well as an increased building set back and a revised roof parapet height;
- no.2 Croydon Terrace - DCC ref. 2605/19 – permission was refused by the planning authority for revised extensions to those approved under DCC Ref.

3252/18 (ABP ref. 302405-18), as the proposals were considered to constitute a visually incongruous form of development;

- no.100 Brian Avenue – DCC ref. 3604/20 – notification of a decision to grant permission was issued by the planning authority in December 2020 for a single-storey extension to a corner house located approximately 120m to the east of the appeal site.

## **5.0 Policy & Context**

### **5.1. Development Plan**

- 5.1.1. The appeal site is situated in an area identified within the Dublin City Development Plan 2016-2022 as having a land-use zoning objective 'Z2 – Residential Neighbourhood (Conservation Areas)' with a stated objective 'to protect and/or improve the amenities of residential conservation areas'. The general objective for these lands is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.
- 5.1.2. Under Section 16.10.12 of Volume 1 to the Development Plan, it is stated that applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied that the proposal would:
- 'not have an adverse impact on the scale and character of the dwelling;
  - have no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight'.
- 5.1.3. Appendix 17 of Volume 2 to the Development Plan provides guidance specifically relating to residential extensions.
- 5.1.4. The following Development Plan policies are relevant in consideration of this appeal:
- CHC4 - protect the special interest and character of conservation areas;
  - MT22 – a development assessment is required where development would be located in the vicinity of the Dublin Port Tunnel.

## **5.2. Environmental Impact Assessment - Preliminary Examination**

- 5.2.1. Having regard to the development on site, the nature and scale of the proposed development and the location of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental 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 grounds of appeal, which were accompanied by photomontages of the proposed development and a copy of a planning consultant's report from a neighbouring planning application file (DCC ref. 3252/18), can be summarised as follows:

- the appeal should be considered in the context of other recent planning permissions on neighbouring sites, which include extensions breaking the front building lines to much greater extents than the subject proposals;
- the unique character of the Marino estate is recognised, but this should not impose a restriction on extensions to this type of house, which are of limited floor area and scale;
- the expansion and upgrade of these houses would protect the residential amenity of the house and would not be to the detriment of the area;
- the ongoing housing crisis provides additional rationale for extending these houses;
- the proposed extensions were considered most appropriate in terms of meeting the appellant's design requirements, as an extension to the rear would be impeded by overlooking concerns and the loss of garden space;
- the elevations, scale, window types, roof and proportions have been designed to be in keeping with the existing character of the host house;



- the building line is continually being broken within the immediate area, including at no.12 Shelmartin Terrace, which is located approximately 220m to the south of the appeal site.

## **6.2. Planning Authority Response**

6.2.1. The planning authority did not respond to the grounds of appeal.

## **6.3. Observations**

6.3.1. The response from Transport Infrastructure Ireland to the grounds of appeal refers the Board to matters raised in their original submission to the planning authority during consideration of the planning application, including the need for a development assessment to be submitted to address the structural requirements of the project, given its positioning in the vicinity of the M50 Dublin Port Tunnel.

## **7.0 Assessment**

### **7.1. Introduction**

7.1.1. I consider the substantive issues arising from the third-party grounds of appeal and in the assessment of the appeal, relate to the following:

- Impacts on Visual Amenities;
- Impacts on Residential Amenities;
- Planning Policy MT22.

### **7.2. Impact on Visual Amenities**

7.2.1. The planning authority's reason for refusal of the proposed development is primarily centred on concerns regarding the scale, appearance, mass and position of the extension substantively forward of the established building lines along Croydon Gardens and Philipsburgh Terrace and its consequent impact on the streetscape. The planning authority consider this aspect of the impact to be contrary to the provisions of the Dublin City Development Plan 2016-2022, including the Z2

residential conservation area zoning objectives for the area and Policy CHC4, which aims to protect the special interest and character of conservation areas.

- 7.2.2. Section 16.10.12 of volume 1 to the Development Plan and Section 17.8 of appendix 17 to the Development Plan provide specific requirements with regard to the 'subordinate approach' when considering proposals comprising extensions to houses, including the need for such extensions to perform a 'supporting role' in the scale and design of the host house. Section 17.7 of appendix 17 to the Plan also outlines the requirements for the 'appearance' of residential extensions, including the need for extensions not to dominate the existing building, to harmonise with the existing house and the adjoining buildings, and to ideally incorporate materials, doors and windows similar to those used on the existing housing.
- 7.2.3. While acknowledging the location of the appeal site within a conservation area of architectural character, the grounds of appeal assert that the proposals would be in keeping with the host house and that other permitted and existing house extensions in the area support their assertions that the subject proposals would not have undue impacts on the visual amenities of the conservation area. Photomontage images of the proposed development from two locations along the street to the north have been submitted with the application and appeal. These images would largely appear to accurately illustrate the proposed development in this context, although I would note that the large mature tree fronting the house to the north would be likely to be removed to facilitate the extension and, thus, should have been omitted from the images.
- 7.2.4. The subject site contains a dual frontage end of terrace house, which the planning authority has referred to as a set piece property arranged around a circular public park within the residential conservation area. The orientation and layout of the site presents constraints in extending the subject end of terrace house, other than building to the front. The floor area of the proposed extension would almost double the floor area of the host house. Notwithstanding this, the proposed extension would not be larger or higher than the existing house, would be complementary to the scale, materials and proportions of the host house and would be in keeping with the style of house in the area.

7.2.5. The footprint for the proposed extensions would substantively extend the house forward of its existing building line, coming to within almost 1m of the footpath along Croydon Gardens and 2.2m along Philipsburgh Terrace at the nearest points. The extension would potentially be visible from the public realm when approaching from the south along Philipsburgh Terrace, from the east along Croydon Gardens and also from within the public park. Photomontage images of the proposed development from the east side along Croydon Gardens and the south along Philipsburgh Terrace would have been beneficial in portraying the visual impact of the extensions along these streetscapes, but these were not provided with the submitted photomontages. While there are deviations in the building line along Philipsburgh Terrace and there is a staggered curvilinear arrangement to the building line along Croydon Gardens, the positioning of the extensions up to 1m and 2.2m from the roadside boundaries is inconsistent with the distinct historical housing layout of the area, with all other end of terrace 'set piece' houses onto the circular park generally setback 7m to 14m from the roadside boundaries. I recognise that front and side extensions have been granted and constructed to a similar 'set piece' house on the opposite side of the public park at no.2 Croydon Terrace (DCC Ref. 3252/18), but these extensions are over 7m from the public footpath and are largely in keeping with the layout and form of housing within the area. As a consequence, I am satisfied that the proposed extension would form an obtrusive feature within the streetscape, with building lines, layout and form out of character with neighbouring housing, which would be to the detriment of the visual amenities of this Z2 residential conservation area. I am satisfied that in failing to protect the visual amenities of the area, including the special interest and character of the Z2 residential conservation area, the proposed development would be contrary to policy CHC4 of the Development Plan and permission for the proposed development should be refused for this reason.

### **7.3. Impact on Residential Amenities**

7.3.1. The Development Plan requires extensions to houses to have regard to the impact on the residential amenities of neighbouring properties. The planning authority's reason for refusal refers to the unacceptable impact of the proposed development on the residential amenities of the area. The reason for refusal and the planning

officer's report does not specify the manner in which this unacceptable impact on residential amenities would arise from. Given the absence of any new windows directly facing onto the adjoining properties and the positioning and separation distances of the proposed extensions relative to neighbouring properties, I am satisfied that excessive impacts on neighbouring residential amenities would not reasonably arise from undue overlooking, overshadowing or overbearing effects. In conclusion, the proposed development would be in compliance with the guidance contained in the Development Plan and would not injure the residential amenities of the area.

#### **7.4. Planning Policy MT22**

- 7.4.1. As noted above, the proposed development would sit above the M50 Dublin Port Tunnel based on mapping for the area. Policy MT22 of the Development Plan requires a development assessment to be prepared by a suitably qualified structural engineer to be submitted to the planning authority, where a development is to be located in the vicinity of this tunnel. A development assessment was not submitted with the planning application or with the appeal, and Transport Infrastructure Ireland has requested that this be provided. Given the clear policy requirement in the Plan, in the event of permission being granted for the proposed development, I would suggest the attachment of a condition requiring the submission of a development assessment prepared by a suitably qualified structural engineer to address the potential impacts of the development on the M50 Dublin Port Tunnel and for this to be agreed in writing with the planning authority prior to the commencement of the development.

#### **8.0 Appropriate Assessment**

- 8.1. Having regard to the minor nature of the proposed development and to 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.

## **9.0 Recommendation**

- 9.1.** I recommend that permission for the proposed development should be refused for the reasons and considerations set out below.

## **10.0 Reasons and Considerations**

1. Having regard to the established character and pattern of development in the vicinity, the provisions of the Dublin City Development Plan 2016-2022, including the 'Z2 residential conservation area' zoning objectives for the site and surrounding area, and the form and layout of the proposed development, with the proposed extensions to be constructed projecting substantially forward of the building lines along Philipsburgh Terrace and Croydon Gardens, it is considered that the proposed development would be visually obtrusive within the immediate streetscapes, would detract from the visual amenities of the area and would be contrary to policy CHC4 of the Dublin City Development Plan 2016-2022, which aims to protect the special interest and character of conservation areas in the city. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Colm McLoughlin  
Planning Inspector

2<sup>nd</sup> February 2021