



An
Bord
Pleanála

Inspector's Report

ABP-308710-20

Development

Partial demolition of a single storey extension to rear and construction of a two storey extension to rear and side, extension to garage to side, attic conversion and new attic dormer to front and rear.

Location

7 Rathdown Crescent, Terenure, Dublin 6W.

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

3279/20

Applicant(s)

Tony Lonergan & Paula Keaney

Type of Application

Permission

Planning Authority Decision

Grant with Conditions

Type of Appeal

Third Party

Appellant(s)

Austin Ó Briain

Kevin & Maeve Kelly

Dr JP Seery & Dr Karen Strahan

Mr & Mrs B Kilgallon

Observer(s)

None

Date of Site Inspection

23/02/2021

Inspector

Adrian Ormsby

1.0 Site Location and Description

- 1.1. The appeal site is c. 5 km to the south west of Dublin City centre at No. 7 Rathdown Crescent, Terenure, Dublin 6W. The site has a stated area of 1070.88 sq.m.
- 1.2. The site is located on the south western side of Rathdown Crescent which is an internal estate road linking two roundabouts joining to Rathdown Drive and Rathdown Crescent. The site is c. 200m north of Bushy Park and the River Dodder.
- 1.3. There are c. 11 houses on Rathdown Crescent, including detached hipped roof two storey houses and two storey hipped roofed semi-detached houses. Some of these houses have different type of annexes/extensions including to the side.
- 1.4. No. 7 Rathdown Terrace is a large two storey, detached house with a hipped roof and a two storey flat roof side annex, off the hipped gable. The house is mainly finished in plaster with some brick at a low level to the ground floor. To the north west side of the house and to its rear there is an attached side garage/workshop that appears to share the boundary with No. 9 Rathdown Crescent.
- 1.5. There is a vehicular entrance to the northern side of the house. The front of the house includes hard surfacing and a boundary wall, with piers to the public footpath.

2.0 Proposed Development

- 2.1. The proposed development comprises-
 - construction of a two storey extension to rear and side (ground floor 91.28 sq.m, first floor 39.06 sq.m).
 - attic conversion (46.26 sq.m) and attic dormer extension (23.96sq.m) to front and rear (Total 60.86 sq.m),
 - proposed total floor area- 438.93 sq.m
 - demolition of an existing single storey extension to rear (6.08 sq.m)
 - extension to existing garage/workshop to side- this appears to be a reduction in the footprint from 20.29 sq.m to 14.21 sq.m and an increase in height from 2.693m to 3.385m,

- alterations to front elevation (including front dormer) and
- repositioning of vehicular entrance to allow for electric gates (same width) and insertion of a pedestrian gate.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission on the 22/10/20, subject to twelve conditions of a standard nature including-

- C3-
 - a) The dormer extension to the rear to be set back a minimum of 1metre from the eaves of the existing roof and reduced in width to a maximum of 6metres. The existing set down from the roof ridge shall not be reduced.
 - b) The height of the single storey rear extension shall be reduced to a maximum height of 3.2metres within 1metre of the boundary with No. 73 Rathdown Park
- C7- proposed new window at first floor level in the northwest elevation shall be permanently glazed with obscure glass.

4.0 Planning Authority Reports

4.1. Planning Reports

The report of the Planning Officer (22/10/20) reflects the decision of the Planning Authority. The following is noted from the report:

- The proposed development is consistent with the Z2 Zoning objective.
- The front dormer constitutes a bold and contemporary addition to the dwelling which when viewed in the context of the other proposed alterations to the front elevation, would refresh the appearance of the dwelling, whilst retaining key

features of the architecture which are characteristic of the building and wider area.

- It is considered the rear dormer window be excessive in width relative to the extended roof area and that it would not be adequately set back from the eaves to achieve visual subordination to the roof slope.
- Subject to conditions it is considered that the scale form and appearance of the proposed extensions would be proportionate and complementary to the character to the dwelling, would not result in harm to the conservation area and would be acceptable with regard to design and visual amenity.
- It is not considered that material impacts in terms of overbearance or loss of privacy would arise for occupiers of No.9 Rathdown Crescent.
- It is considered the proposed development would result in an overbearing impact on No. 73 Rathdown Park and this can be addressed by condition. There is no overlooking to No. 73.
- The applicants overshadowing study indicates the proposed development would have limited impact on adjoining properties in terms of overshadowing.
- A degree of oblique overlooking is typical in urban areas and would be limited in this case by virtue of the central position of the dormer within the roofscape.

4.2. Other Technical Reports

- Drainage Division- No objection subject to condition
- Transportation Division- No objection subject to condition

4.3. Prescribed Bodies

- None

4.4. Third Party Observations

Five submissions were received. The issues raised are generally included in the four third party appeals and are set out in the Grounds of Appeal in section 7.1 of this report.

5.0 Planning History

This Site-

- 0531/90 Widen existing gate opening, 11-May-1990, Grant

Adjoining Site-

- 1239/07 two storey extension at the side, single storey extension to rear, at 7 Rathdown Crescent, 23-Apr-2007 Grant

6.0 Policy Context

6.1. Dublin City Development Plan 2016-2022

6.1.1. The appeal site has a zoning objective 'Z2 - Residential Neighbourhoods (Conservation Areas)' within the Dublin City Development Plan 2016-2022, with a stated objective '*To protect and/or improve the amenities of residential conservation areas.*

6.1.2. Relevant planning policies and objectives for residential development are set out under Section 5 (Quality Housing) and Section 16 (Development Standards) within Volume 1 of the Development Plan. Appendix 17 of Volume 2 of the Development Plan provides guidance specifically relating to residential extensions.

6.1.3. The following sections are of particular relevance:

Section 11.1.5.4- Architectural Conservation Areas and Conservation Areas.

The policy mechanisms used to conserve and protect areas of special historic and architectural interest include:

- Land-use zonings: Residential Conservation Areas (land-use zoning Z2)....

The policy to ensure the conservation and protection of the areas of special historic and architectural interest is as follows-

It is the Policy of Dublin City Council:

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.

It is the Policy of Dublin City Council:

Development will not:

- 1. Harm buildings, spaces, original street patterns or other features which contribute positively to the special interest of the Conservation Area*
- 2. Involve the loss of traditional, historic or important building forms, features, and detailing including roof-scapes, shop-fronts, doors, windows and other decorative detail*
- 3. Introduce design details and materials, such as uPVC, aluminium and inappropriately designed or dimensioned timber windows and doors*
- 4. Harm the setting of a Conservation Area*
- 5. Constitute a visually obtrusive or dominant form.*

Section 16.2.2.3- Extensions and Alterations to Dwellings-

.... alterations and extensions should:

- Respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings*
- Retain a significant proportion of the garden space, yard or other enclosure*
- Not result in the loss of, obscure, or otherwise detract from, architectural features which contribute to the quality of the existing building*
- Retain characteristic townscape spaces or gaps between buildings*
- Not involve the infilling, enclosure or harmful alteration of front lightwells.*

Furthermore, extensions should:

- *Be confined to the rear in most cases*
- *Be clearly subordinate to the existing building in scale and design*
- *Incorporate a high standard of thermal performance and appropriate sustainable design features.*

Section 16.10.12 Extensions and Alterations to Dwellings:

‘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.’*

Appendix 17 Guidance for Residential Extensions

- Section 17.3 Residential Amenity Issues
- Section 17.4 Privacy
- Section 17.5 Relationship Between Dwellings and Extensions
- Section 17.6 Daylight and Sunlight
- Section 17.7 Appearance
- Section 17.8 Subordinate Approach
- Section 17.10 Contemporary Extensions
- Section 17.11 Roof Extensions: *When extending in the roof, the following principles should be observed:*
 - *The design of the dormer should reflect the character of the area, the surrounding buildings and the age and appearance of the existing building.*
 - *Dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible.*

- *Any new window should relate to the shape, size, position and design of the existing doors and windows on the lower floors.*
- *Roof materials should be covered in materials that match or complement the main building.*
- *Dormer windows should be set back from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties.*

6.2. Natural Heritage Designations

- None relevant

7.0 The Appeal

7.1. Grounds of Appeal

Four third party appeal were received from the following-

- Austin Ó Briain, of 11 Rathdown Crescent
- Brazil Associates on behalf of Kevin & Maeve Kelly, of 77 Rathdown Park
- Dr JP Seery & Dr Karen Strahan of 9 Rathdown Crescent
- Mr & Mrs B Kilgallon of 7 Rathdown Crescent

The grounds of appeal can be summarised as follows-

- The design, scale, massing and proximity of the proposed development including both dormer extensions are excessive in size and are out of character with the area given the conservation setting. The proposal is not in with DCC's Development Plan Guidelines for residential extensions.
- Residential amenity concerns are raised including impacts on privacy from overlooking especially on No's 73, 75 and 77 Rathdown Park and the visual impact from overbearing in particular on No. 73. These concerns will affect the value of the impacted houses.

- The changes detailed in Condition 3 of the Planning Authority's decision are insufficient to ameliorate the impact on surrounding houses.
- There are concerns over the proximity of the proposal to No. 9 Rathdown Crescent and that it creates the impression of a semi-detached form. The increase in the height of the parapet/garage roof will also have a significant negative visual impact on No. 9 Rathdown Crescent.
- Concerns are also raised in relation to noise and vibration from machinery in the workshop.

7.2. Applicant Response

The applicants response to the grounds of appeal can be summarised as follows-

- All four planning appeals are characterised by a fundamental mis-interpretation and mis-representation of the scale of the proposed dwelling.
- The majority of the additional floor space is accommodated at ground level. It extends 6.1m beyond the rear and does not impinge upon the boundaries with adjoining dwellings. The plot is very broad and accommodates a 14m extension.
- The first floor extension extends 1.85m beyond the existing rear elevation and is set back from the side boundaries. There is no material increase in scale at this level.
- When the appellants refer to doubling of floor area they include the attic conversion in this calculation. This is misleading. The majority of the increase to floor area is at ground level.
- The rear facing fenestration at attic level is designed to let natural light into these living spaces. They don't lend to overlooking.
- The applicants accept DCC's alterations to the rear dormer window. A revised drawings is submitted.
- The boundary with number 7 Rathdown Crescent is heavily planted with mature trees and hedges that protect views and residential amenity. The

applicants note DCC's report and that no issue of overlooking arises. Photographs are submitted in support of this.

- The side extension above the proposed workshop is set back from the boundary with No.9. The proposal does not give rise to visual coalescence (semi-detached form).
- The applicants have provided amended plans and are submitted to the Board to provide an architectural response to the issues identified that are more nuanced than provided for under condition 3.

7.3. Planning Authority Response

- None Received

7.4. Observations

- None

7.5. Further Responses

Three further responses were received from the appellants and can be summarised as follows-

- The applicants submission does not address the visual impact concern of increase in height to the garage roof/parapet. This has not been revised in the plans submitted to include DCC's modifications.
- The proposal will still overlook private rear gardens of adjoining properties. The Board will be alert to the requirement of engaging with the concerns of a submission.
- The proposal is an increase in scale at high level, with a totally different character of rear facing windows with high visual impact. The first floor extension does not play a 'supporting role' to the original dwelling but completely obliterates the existing house form.
- The rear dormer is not subordinate to the roof slope, is over dominant and appears overbearing. The treatment to both dormers does not make a positive

contribution to the streetscape and character of the area. The front dormer dominates the front elevation and doesn't harmonise with existing neighbours in terms of shape and size.

- The dormer design is not in accordance with the criteria of appendix 17.11 and in many ways represents overdevelopment of the rear of the house.
- The proposed development would exacerbate overshadowing in the late afternoon.
- Existing planting does not provide protection in the long run as they can be removed at any time.

8.0 Assessment

8.1. Introduction

- 8.1.1. I have examined the application details and all other documentation on file, including all of the submissions received in relation to the appeals. I have inspected the site and have had regard to relevant local/regional/national policies and guidance.
- 8.1.2. I note the applicants have submitted revised drawings with their response to the appeal that address condition 3 and 9 of DCC's grant of permission. These and the original drawings will form the basis for this assessment
- 8.1.3. I consider that the main issues for this appeal are as follows-
- Zoning
 - Conservation and Visual Impact
 - Residential Amenity
 - Appropriate Assessment

8.2. Zoning

- 8.2.1. The subject site is located within an area with a zoning objective 'Z2- Residential Neighbourhoods (Conservation Areas)' within the Dublin City Development Plan 2016-2022, with a stated objective *'To protect and/or improve the amenities of residential conservation areas'*.

8.2.2. The proposed development seeks to provide a residential extension to the existing house. The proposed development is, therefore, acceptable in principle, provided it does not negatively impact on the conservation zoning, visual and residential amenities of the area.

8.3. Conservation and Visual Impact

8.3.1. As identified in section 8.2 above No. 7 Rathdown Crescent is located in a designated Residential Neighbourhoods (Conservation Area). However, the site is not located within an Architectural Conservation Area nor is it a Protected Structure. As such the site is not afforded further statutory protection based on its conservation merits.

8.3.2. Policy CHC4 as set out in the Development Plan seeks to protect the special interest and character of all Dublin's Conservation Areas including areas zoned Z2. In this regard it goes on to detail that development *'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'*. It also states that development will not *'Harm the setting of a Conservation Area'*.

8.3.3. The appellants have raised concerns around the design, scale, massing, proximity and the visual impact the proposed development will have upon the streetscape. In particular, they refer to the front dormer window and the creation of a semi-detached relationship with the house at No. 9 Rathdown Crescent.

8.3.4. The proposed front dormer extension will provide a staircase to the converted attic. Externally it will measure 2.57m wide and will be finished in zinc/metal. It will be c. 1m below the main ridge level. In the context of the overall front elevation and the other alterations, the proposed dormer extension is considered a contemporary design feature that would not be visually obtrusive on the streetscape.

8.3.5. The existing roof of No. 7 Rathdown Crescent is quite wide at c.15.5 m from eave to eave and c 7.5m at ridge level. The rear attic dormer extension is also quite large. However it is considered that views of the rear of the roof from public areas are minimal and intermittent. In the applicants response to the appeal they have submitted revised drawings in accordance with condition 3(a) of DCC's grant of permission. The rear roof level attic dormer extension has been reduced from 7.65m

wide to 6m wide and is now set back 1 m from the eaves of the existing roof. These changes ensure the dormer extension will be visually subordinate to the roof slope, enables a large proportion of the original roof to remain visible and minimises the visual impact of the proposed rear roof extension.

- 8.3.6. The application proposes a side extension above part of the existing workshop/garage which appears to be built on to the boundary of the house at No. 9 Rathdown Crescent. The proposed works also includes raising the height of the workshop/garage to 3.385m. This first floor extension is set back from the front of the house and set off the boundary with No.9. I am satisfied that the proposed development would not be visually obtrusive and would not give an appearance of a semi-detached relationship between No 7 and No. 9 Rathdown Crescent.
- 8.3.7. Overall, I consider that the proposed development will not have a negative visual impact on the streetscape and will contribute positively to the character and distinctiveness of the area and as such is in accordance with policy CHC4, Sections 16.2.2.3 & 16.10.12 and the 'Z2' Zoning Objective of the Development Plan.

8.4. Residential Amenity

- 8.4.1. The appellants have raised a number of concerns in the appeal and further responses in relation to negative impacts on residential amenity from the proposed development that can be summarised as follows-

- Overbearing
- Overlooking and Privacy
- Overshadowing
- Impact on value of property in the area
- Noise and vibration in the workshop

8.4.2. Overbearing-

The original proposal involved a rear ground floor extension extending 6.18m deep running across the full width of the house at ground level to a indicated height of 3.73m.

The proposal included a rear first floor extension extending 1.85 from the existing first floor rear wall at the east side of the house and extending c. 2.35m at the west side where the proposed extension also extends to the side of the house above the workshop/garage.

The first floor extension is c. 1.7m off the eastern boundary with No. 73 Rathdown Park. The first floor extension will be 1-1.5m off the west boundary with the property at No. 9 Rathdown Crescent.

In the applicants response to the appeal they have submitted revised drawings in accordance with condition 3(b) of DCC's grant of permission. The height of the single storey rear extension has been reduced to 3.2m for 1m off the eastern boundary with No. 73 Rathdown Park.

The rear of No. 73 is orientated at an angle to the application site and as a consequence is most likely to be affected by overbearing from the proposed development. However I am satisfied that the proposed extension as revised in the drawings submitted by the applicants in their response to the appeal will not lead to undue overbearing.

8.4.3. Overlooking and Privacy-

The appeals raise concerns in relation to the loss of privacy resulting from overlooking to the rear of the property. The Planning Authority have raised no significant concerns in this regard but have requested the rear attic level dormer extension to be reduced in width and set back 1m from the existing roof eaves.

The site is located in an existing residential estate and I agree with DCC's Planning Report in that oblique views can be typical in this context. I note the site benefits from its wide and deep rear garden and the proposed development generally aligns with the orientation of No. 9 Rathdown Crescent.

The proposed attic level rear dormer extension is located centrally in the hipped roof profile and will be c. 4-5m north west of the boundary with No. 73 Rathdown Park. Views from the dormer extension and the first floor extension windows will be predominantly over the rear garden of the application site. Views to the rear garden areas of No. 73, 75 and 77 Rathdown Park will be oblique or greater than 90 degrees. The distance and subsequent views to these rear gardens also increases

as the angle of view gets closer to 90 degrees i.e. the distance to the rear garden of No 77 will be c. 20m, No. 75 will be c.15m and No. 73 will range from c 5m to c. 13m. The angle of view to the rear garden of No. 73 from first floor windows and the dormer extension are considered difficult and will not lead to significant overlooking. Overall I am satisfied there are no significant concerns in relation to overlooking or loss of privacy from the proposed development.

8.4.4. Overshadowing

The applicants have submitted existing and proposed shadow diagram drawings for three different times of the day in March, June, September and December.

The rear of the application site faces south west. Having regard to the orientation of the site and immediately neighbouring houses I am satisfied that the proposed development will not increase or lead to significant overshadowing on either property.

8.4.5. Other Concerns

In terms of the other residential amenity concerns raised I see no reason or evidence to suggest that the proposed development will depreciate the value of property in the area. Noise and vibration concerns from the proposed workshop can be addressed by a condition ensuring it is used ancillary to the main use of the house.

8.5. **Appropriate Assessment**

8.6. Having regard to the nature and scale of the proposed development and the distance from 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.

9.0 **Recommendation**

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

10.0 Reasons and Considerations

10.1. It is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the visual and residential amenities of properties in the area. The proposed development would, therefore, be in accordance with the Z2 Residential Neighbourhoods (Conservation Areas) zoning objective of the Dublin City Council Development Plan 2016-22 and the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanála on the 15th day of December 2020, 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.

2. The external finishes of the proposed extensions (including roof tiles/slates/materials) shall be the same as those of the existing dwelling in respect of colour and texture. Samples of proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The workshop/garage shall be used for purposes ancillary to the main residential use of the house.

Reason: In the interest of clarity and residential amenity.

4. Water supply and drainage arrangements, including the 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.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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.

Adrian Ormsby
Planning Inspector

24th February 2021