



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308721-20

#### Development

PROTECTED STRUCTURE:

Permission for part demolition of exiting three storey return to rear and construction of two storey extension and additional accommodation for main dwelling.

#### Location

34, Lansdowne Road, Ballsbridge, Dublin 4.

#### Planning Authority

Dublin City Council South

#### Planning Authority Reg. Ref.

2815/20

#### Applicant(s)

Peter & Dr Mary Jones.

#### Type of Application

Permission

#### Planning Authority Decision

Grant with conditions

#### Type of Appeal

Third Party

#### Appellant(s)

Conor Keoghan & Fiona Foy Holland and Dermot and Mary McKeown

#### Observer(s)

None

**Date of Site Inspection**

23/02/21

**Inspector**

Adrian Ormsby

## 1.0 Site Location and Description

- 1.1. The appeal site is c. 2.5km to the south east of Dublin City centre at no. 34, Lansdowne Road, Ballsbridge, Dublin 4. The site is also c. 300m west of the Aviva Stadium and Lansdowne Rd Dart station. The site has a stated area of 572 sq.m.
- 1.2. The site is the curtilage of a two storey over basement style, semi-detached house, with a deep M shaped roof plan and large rear return. The return has four levels while the main house has three.
- 1.3. At the time of the site inspection the front of the site had perimeter hoarding erected inside the front railings to the public path and along the side boundary. Entrance gates were not in situ. Views of the lower levels of the house were not possible from the public road. The house was surrounded by scaffolding and windows were hoarded up. Behind the perimeter hoarding, the front garden area has two large and stacked storage containers along the south east boundary. The rear of the property can be accessed along the western side of the house. There is a large garden area to rear with boundary walls enclosing it to the side. The garden is separated to its rear by temporary fencing.
- 1.4. The site is on the north western side of Lansdowne Rd between the Shelbourne Rd and Northumberland Rd. There are a number of other similar style semi-detached dwellings on this road. There is a large 3 storey return/extension partly to the side and mainly the rear of No. 32 Lansdowne Rd. There is a glazed conservatory style extension to the rear of No. 36 Lansdowne Rd.
- 1.5. The house is recorded on Dublin City Council's (DCC) Record of Protected Structures as RPS Ref No. 4288- 'House.' Neighbouring houses No.'s 32 and 36 are also protected structures RPS Ref No. 4287 and 4289 respectively.

## 2.0 Proposed Development

- 2.1. The proposed development generally comprises-
  - Demolition of existing shed like structures to rear (5 sq.m), external stairs to gable side of house and part demolition of three storey return to rear

- Construction of three and fourth floor extension to side and two storey extension to rear (141 sq.m). Total proposed floor area 424 sq.m.
- A rear deck (terrace/balcony) at upper ground level.
- Reconfiguration of a two bed ground floor apartment
- Erection of new 1.8m high masonry wall to rear boundary.
- Widening of existing front vehicular entrance gates to 3.5 metres.

2.2. The application was accompanied by the following-

- A cover letter report
- A Conservation Report and Photographic Record

2.3. The Planning Authority requested Further Information (FI) on the 31/07/20 which can be summarised as follows-

- Impacts on residential amenity from the proposed deck in particular on No. 32 Lansdowne Rd and the proposed side windows to upper ground level would overlook No. 36 Lansdowne Rd.
- Applicant was invited to submit revised plans providing the proposed lower ground floor single residential unit across the majority of the lower ground floor with direct access to private space from a living room instead of a bedroom.
- Conservation concerns including- Relocation of lift and its enclosure from side extension to within the new build extension to the rear or subservient part of the Protected Structure, retention of internal staircase, proposed intention of lower ground floor and number of units to be clarified.
- Further details sought in relation to proposed boundary works.

The applicants responded to the FI request and submitted revised drawings on the 21/08/20

2.4. The Planning Authority requested Clarification of Further Information (CFI) on the 18/09/20 which can be summarised as follows-

- The applicant was requested to consider revised proposals-
  - including the omission of the lift, its enclosure and the four storey side extension. The applicant was recommended to consider the design approach taken by No. 32 Lansdowne Rd. The lift should be located within the new build to the rear or a subservient part of the Protected Structure.
  - the front boundary where the width of the extant entrance 2.7m exceeds the normally permissible 2.6m for vehicular entrances in historic boundaries.
  - showing the historic internal staircase retained in its entirety, to enable the house to be reinstated as one full house in the future.

The applicants responded to the CFI request and submitted a response and revised drawings on the 29/09/20. This response and the drawings show-

- the lift and its lobbies removed from the side extension and relocated to the rear within the new build.
- The side extension is now set back 8.5m from the front of the house.
- A nominal increase in width of the existing vehicular entrance having regard to the existing entrances along the road is requested.
- By relocating the lift the existing staircase connecting the lower ground to upper floor is maintained.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority decided to grant permission on the 23/10/20, subject to nine conditions generally of a standard nature including-

- C3- revised plans to be submitted for written agreement omitting the top floor (i.e. second floor) of the proposed extension.

- C7- Architectural Conservation conditions, including-
  - (ii) The proposed four-storey extension to the side of this Protected Structure shall be reduced to three storeys so that it mirrors the design approach taken by the immediately adjoining neighbour at No. 32 Lansdowne Rd in terms of how a more considerate and sympathetic extension to this Protected Structure could be accommodated. The applicant shall submit revised drawings showing this alteration in advance of works commencing on site.
  - (iii) The applicant shall reuse the extant original historic railings in the design of the new gates. 1:20 details and a specification and methodology for the conservation works to the gate shall be submitted. The extant granite plinth slabs shall remain within the curtilage of this Protected Structure. A high quality planting and landscaping scheme to retain the setting of the Protected Structure must be implemented.
- C8- Standard Drainage Division requirements including-
  - (v) The developer shall ensure that an appropriate Flood Risk Assessment (FRA), in accordance with the OPW Guidelines and the Dublin City Development Plan 2016-2022 Strategic Flood Risk Assessment, is carried out for the proposed development.
- C9- Standard Transportation Division requirements including-
  - (i) Driveway entrance shall be at most 3.0 m in width

## 4.0 Planning Authority Reports

### 4.1. Planning Reports

Following a request for FI and CFI, the final report of the Planning Officer (28/10/20) generally reflects the decision of the Planning Authority. The following is noted from the report:

- The reuse and repair of the protected structure is welcomed by the planning authority and would have positive impacts in preserving the longevity of the building and reusing this historic building for housing in the city.

- In response to Planning Authority and its Conservation Section's concerns the applicants have relocated the lift and associated lobbies from the side of the house to the rear within the proposed new build. The side extension sits back from the main entrance just under 8.5m and is similar to the design approach of the adjoining property at No. 32 Lansdowne Rd.
- The proposal at CFI stage maintains the existing staircase connecting the lower ground to upper ground floor area.
- The Conservation Officer has concerns in relation to the side extension and it is considered the top floor be omitted from the proposal so as to maintain the same height as the adjoining property.
- The Conservation Section considers the widening of the entrance should be refused. The Planning Authority considers a modest increase to 3m is reasonable.

#### 4.2. Other Technical Reports

- Conservation Officer-
  - Final report dated 21/10/20 states- concerns are raised in relation to the proposed four storey side extension, alterations to the front boundary and replacement of soft -landscaped lawn. Subject to specific condition a grant of permission is recommended.
- Drainage Division- No objection subject to condition
- Transportation Division- No objection subject to condition

#### 4.3. Prescribed Bodies

- None

#### 4.4. Third Party Observations

Two submissions were received. The issues raised include-

- No. 34 is one of the few if not only property along Lansdowne Rd whose natural character and conservation status remains unaltered

- The proposal would materially alter the conservation characteristics of not just No. 34 but the entire line of houses along Lansdowne Rd.
- The proposed development is significant in terms of height and bulk.
- It would negatively affect the character of the road permanently through incremental changes to a number of protected structures in contravention of the Architectural Heritage Protection Guidelines 2011
- Overlooking from the proposed balcony and windows to neighbouring properties.

## 5.0 Planning History

This site-

- 0047/20- Section 5 referral- Repair works to existing: Roof, Chimney, Stairs, Floors, Skirting, Mouldings, Cornices, Internal Plasterwork, Ceilings and Windows, split decision 25-May-2020

### works considered exempt-

- Localised repairs to the roof valley and gutters.
- Works to the chimneystack including the taking down of the stack to roof level and rebuilding of the stack using traditional techniques and materials with minimal loss of historic fabric.
- Localised works to the stairs to treat dry rot.
- Localised works to the floors and skirting to treat dry rot.
- Localised works to the mouldings, cornices and internal plasterwork ceilings to treat dry rot.
- Proposed repair works to Window 1, Window 2, Window 7, Window 8, Window 9, Window 10, Window 11, Window 12, Window 17, Window 19, Window 20, Window 21, Window 22, Window 23 and Window 24.

### works considered not exempt-

- Works to the chimneystack including the taking down of the stack to roof level and the rebuilding of the stack with modern materials.



- The full replacement of Window 3, Window 4 and Window 5.
- 4632/19- Extension etc, Application withdrawn

#### Adjoining Sites-

- 2981/99- construction of 3 storey extension to rear and side of 32 Lansdowne Rd, granted 23/12/99

## 6.0 Policy Context

### 6.1. National Guidance

#### 6.1.1. Architectural Heritage Protection – Guidelines for Planning Authorities 2011

Chapter 6 deals with Development Control. Section 6.8.1 – 6.8.5 deals with 'Extensions' and are considered relevant guidance for the proposed development.

Chapter 13 deals with Curtilage and Attendant Grounds, Section 13.4.3 and 13.4.4 deal with Consideration of Proposals affecting Boundary Features and Alterations to boundary features, cumulative effects and incremental changes.

#### 6.1.2. Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (DHLGH 2020)-

Specific Planning Policy Requirement 3- Minimum Apartment Floor Areas: 2-bedroom apartment (4 persons) 73 sq.m

Appendix 1- Required Minimum Floor Areas and Standards.

#### 6.1.3. The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009.

Section 5.28 deals with 'Assessment of minor proposals in areas of flood risk'-  
*Applications for minor development, such as small extensions to houses,..... are unlikely to raise significant flooding issues, unless they obstruct important*

*flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances.....*

## **6.2. Dublin City Council's (DCC) Development Plan 2016-2022**

6.2.1. 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.*

6.2.2. The following sections and policies are of particular relevance-

### Section 11.1- Built Heritage

*CHC1: To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.*

*CHC2: To ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage and will:*

*(a) Protect or, where appropriate, restore form, features and fabric which contribute to the special interest*

*(b) Incorporate high standards of craftsmanship and relate sensitively to the scale, proportions, design, period and architectural detail of the original building, using traditional materials in most circumstances*

*(c) Be highly sensitive to the historic fabric and special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials*

*(d) Not cause harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure.....*

### 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.....*

#### Section 16.2.2.3 Extensions and Alterations to Dwellings-

*....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-
  - *Balconies will only be allowed where they are well screened and do not adversely overlook adjoining properties. The use of the roofs of flat-roof extensions as balconies can often lead to problems of overlooking.*

### 6.3. Natural Heritage Designations

- None Relevant

## 7.0 The Appeal

### 7.1. Grounds of Appeal

One third party appeal was received from Reid Associates on behalf of-

- Conor Keoghan & Fiona Foy Holland of No. 36 Lansdowne Rd, Ballsbridge, Dublin 4 (neighbouring and adjoining house to north east).
- Dermot and Mary McKeown of No. 32 Lansdowne Rd, Ballsbridge, Dublin 4 (neighbouring house to south west).

The grounds of appeal can be summarised as follows-

- No. 34 Lansdowne Rd is one of the last intact original Victorian dwellings remaining on Lansdowne Rd. and therefore significant importance attaches to its historical conservation.

- It is also one of a pair with No. 36 Lansdowne Rd, which retains its original character and historical integrity and contributes significantly to the streetscape character of the area.
- Works have commenced on site, and the Victorian railings on the front boundary have already been removed.
- There are justified concerns regarding the potential impact of overlooking and intrusion on the residential amenity and privacy of neighboring houses and gardens.
- The external deck and access staircase are an insensitive intrusion on character of the protected structure and would seriously and adversely impact on the privacy of the neighboring properties in terms of overlooking noise and disturbance.
- There is alternative garden access at garden level from the proposed family room and this can be accessed by the proposed lift.
- They proposed external staircase will lead to direct overlooking into the conservatory attached to number 36 Lansdowne Rd. The boundary garden wall of 1.5 meters is inadequate to provide appropriate screening.
- The proposed alteration to the rear facade and external staircase would set an adverse precedent for similar works that would have a cumulative adverse impact on amenities and conservation.
- Windows in the proposed kitchen area on the north east elevation would overlook the conservatory of No. 36 Lansdowne Rd and the flat roof outside the kitchen area to the side of No. 36 Lansdowne Rd has to potential to be used as a deck area in the future.
- Windows on the South West elevation in the new return serve habitable areas and these windows should be obscured or rearranged to the rear façade.
- Condition 3 is void for uncertainty. If revised plans are to be submitted to the planning authority this is a matter of considerable interest and has a direct impact on adjoining neighbours. This excludes the neighbours from any input

in the process of what plans may be agreed or what third party impacts may arise.

- Matters of compliance should be reserved for non contentious issues of detail, allowing the submission of revised plans creates potential further impacts on our clients amenities and are outside the scope of what is generally understood as compliance.
- The applicant was afforded an opportunity to submit revised plans, however they were unwilling to revise the plans sufficiently to satisfy the Planning Authority, consequently they should have been refused permission.
- There is evidence of an underground screen stream passing under the property and the applicant has not indicated any protective measures to mitigate impact on this stream. An assessment of the impact of the construction is necessary as development could have significant impacts in terms of flood risk.

## 7.2. Applicant Response

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

- The original application to extend the house should be reinstated by An Bord Pleanála as the works in the first proposal makes for a good and proper reuse of a large dwelling house in an appropriate and relevant manner.
- The main reasons for this appeal appears to be overlooking and intrusion on the residential amenity and privacy of the surrounding house and gardens.
- Both neighbours have extended their houses to the rear and both look to afford views over the gardens. A bay window has been placed to rear of No. 32 to look directly into the applicant's rear garden. Points raised in the appeal in this context resound with absurd nimbyism.
- The contention that the roof could be used as a balcony is not relevant as there will not be easy access to it. Reference to people smoking on the balcony is offensive and sets the tone of the appeal.

- The applicants contend that the main houses set the rhythm for the streetscape on Lansdowne Rd. and subservient extensions to the side are not the same in any of the houses along this road. Most developments on this street have resulted in a discord between houses on the street but within the simple rhythm set out by the main bulk of the houses.
- The removal of the top floor of the small extension to side is not necessary and the contention that it is somehow welcomed by the two immediate neighbours is irrelevant.
- The applicants request An Bord Pleanála to remove condition 3 because the resulting room will be reduced to a size that will be unworkable as a habitable room. The original drawings have been attached to the appeal.
- In relation to an underground stream, the applicants understand that water courses and culverts exist throughout the city and county and such can be addressed. The neighbours would have had to deal with such issues when they extended their houses.

### 7.3. Planning Authority Response

- None received

### 7.4. Observations

- None received

## 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 appeal. I have inspected the site and have had regard to relevant local/regional/national policies and guidance.

8.1.2. I consider that the substantive issues for this appeal are as follows-

- Zoning

- Conditions 3 and 7 (ii) of the Planning Authority's Decision
- Conservation and Visual Impact
- Residential Amenity
- Flood Risk
- Proposed Apartment
- Other Matters
- Appropriate Assessment

## 8.2. Zoning

- 8.2.1. The subject site is located in 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 an existing house. The proposed development is, therefore, acceptable in principle, provided it does not negatively impact on the conservation status, visual or residential amenities of the area.

## 8.3. Conditions 3 and 7 (ii) of the Planning Authority's Decision

- 8.3.1. Condition no. 3 of the Planning Authority's decision required the omission of-
- the *'top floor (i.e. second floor) of the proposed extension'* and
- Condition 7 (ii) required-
- *'The proposed four-storey extension to the side of this Protected Structure shall be reduced to three storeys so that it mirrors the design approach taken by the immediately adjoining neighbour at No. 32 Lansdowne Road in terms of how a more considerate and sympathetic extension to this Protected Structure could be accommodated'*.



Neither the third party or the applicant have referred to condition 7 (ii) in the Appeal or the Applicants Response to the appeal.

- 8.3.2. The applicants' response to the third party appeal has taken issue with condition 3 and have requested the Board to reconsider the original proposal. The applicants did not avail of their entitlement to appeal the condition or any other part of DCC's decision. Therefore, it would be unreasonable to restore the elements of the proposed development that were omitted and amended by the conditions on the basis of a response to the third party appeal, where the grounds of those appeals objected to the development as a whole, as well as the details of condition 3.
- 8.3.3. Accordingly, the assessment in this report while having regard to the original and FI proposals, addresses the proposed development to which the decision of the planning authority refers, i.e. without the elements of the original proposal that were amended by Further Information (FI) and Clarification of Further Information (CFI) and those elements omitted by way of condition 3 and 7 (ii).
- 8.3.4. However, it is considered that there is some ambiguity in the imposition of both condition 3 and 7 (ii), as set out in the planning authority's decision. The assessment and recommendation below will seek to clarify same.

#### **8.4. Conservation and Visual Impact**

- 8.4.1. The house and the site subject to this application are recorded on Dublin City Council's Record of Protected Structures as RPS Ref No. 4288. The site is not located within a designated Architectural Conservation Area. But as identified in section 8.2 above the site is located in a designated a Z2- Residential Neighbourhoods (Conservation Area).
- 8.4.2. It is policy of the Planning Authority as set out in CHC1, CHC2 and CHC4 of the Development Plan to seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes; to ensure the special interest of protected structures is protected; and to protect the special interest and character of all Dublin's Conservation Areas including areas zoned Z2.
- 8.4.3. The proposed extension (as per the drawings submitted in response to the Planning Authority's request for CFI) is to the south west side and the rear of the existing

house. The extension to the side will be visible from Lansdowne Rd. It is c.10.3m high over four storeys, c. 1.6m wide and set back a stated 8.227m from the front of the house, a similar depth to the existing side extension to No. 32 Lansdowne Rd. This set back is considered appropriate in the context of the protected status of both houses, the Z2 Conservation Area and views from the public realm.

- 8.4.4. The CFI amendments relocate the proposed lift and its enclosure from the proposed side extension to the proposed rear extension. This requires the provision of a rear extension over all floors instead of the two lower floors as originally proposed. The floor plans for the lower and upper ground floor extension in terms of width and depth, generally appear to remain the same as the original proposal.
- 8.4.5. The Planning Authority has not considered it necessary to readvertise the proposed extensions to the north east side of the third and fourth floor, which are higher and closer in proximity to No. 36 Lansdowne Rd. I note the residents of No.36 the property affected most by this matter are party to the appeal.
- 8.4.6. I do not consider the proposed rear extensions will have any significant impact upon the character of the protected structure or on the Z2 Residential Neighbourhoods (Conservation Area).
- 8.4.7. I do however share the view of the Planning Authority's Conservation Officer that the height, design and provision of a fourth floor to the side of the house, would not be sympathetic to the protected structure. I also consider the height and provision of fourth floor to the side as proposed would detract from the visual integrity of the protected structure and the general streetscape that forms part of the Z2 Residential Neighbourhoods (Conservation Area).
- 8.4.8. Condition 7 (ii) requires '*the proposed four storey extension to the side to be reduced to three storey*'. Condition 3 requires the omission of the '*top floor (i.e. second floor) of the proposed extension*'. The appellants have taken significant issue with the imposition of condition 3 in particular and their ability to participate further in the process. In this context, I consider the omission of floors and associated reduction in height and bulk/massing is a reasonable and standard planning approach in such scenarios.
- 8.4.9. In my opinion, it is only necessary that the fourth floor extension to the side of No. 32 should be omitted by condition in order to address concerns over its visual impact on

the Protected Structure, No. 32 Lansdowne Rd and the Z2 Residential Neighbourhoods (Conservation Area). This condition should ensure the height of the extension to the side is the same height as the similar side extension to No.32 and with a similar fenestration pattern to its front elevation.

- 8.4.10. The appellants have also raised concerns the external deck and access staircase are an insensitive intrusion in terms of the character of the protected structure. The proposed external deck and staircase are located entirely to the rear of the proposed new extension. The deck is to be enclosed by a privacy green wall on its south west side to No. 32 (see drawing FI-05). The north and north east facing elevations of the deck appear to be enclosed by low level glazing c.1.1m high. The access staircase is to be finished with stainless steel hand rail/balustrade with glazed panels. I do not consider these to be insensitive intrusions to the character of the protected structure in this context.
- 8.4.11. It is considered that the proposed development, will ensure direct interventions to the original fabric off the protected structure to the side and rear are kept to a minimum, and subject to conditions in relation to the side extension, the proposal will not significantly impact upon the character of the protected structure and neighbouring protected structures. Furthermore, I am satisfied the proposed development will be subordinate in scale to the existing house and its design, scale, height, proportions, siting and materials will relate to, and complement the character of the protected structure and would contribute positively to the character and distinctiveness of the Z2 Residential Conservation Area.

## **8.5. Residential Amenity**

- 8.5.1. The appellants have raised concerns in relation to negative impacts on residential amenity including overlooking from the proposed deck, external staircase and side elevation windows to the proposed extension.
- 8.5.2. The Planning Authority raises similar concerns in their request for FI and it is noted that the applicant's submission at further information stage included the following amendments-

- A reduction in the size of the deck increasing the separation between the deck and the boundary with No. 32 Lansdowne Rd from 1m to 1.6m to match the separation between the extension to No. 32 and its boundary.
- A reduction in the size of windows/glazed area to the upper ground floor extension on the proposed north east elevation from 7m wide to 2 No. windows 1.3m wide and c. 2.7m high.

8.5.3. The applicants are proposing an overhanging external decking to the rear of the property off the proposed upper ground level extension, with an external staircase dropping down to the garden level (See drawing FI-05). The proposed extension at this level will extend c. 5-5.5m to the rear of the existing rear return and 8.5m to main rear wall of the existing house. The decking is to be located 1.6m off the boundary with No. 32 and c.3.2m off the boundary with No. 36. It extends slightly past the existing three storey rear extension with first floor bay window to the rear of No. 32 and significantly past the existing ground floor glazed conservatory to No. 36.

8.5.4. I share the Planning Authority's view that the proposed set back from the boundary with No. 32 and provision of a 2m screen wall will promote views to the bottom of the garden and not towards No. 32. However I share the appellants concern in relation to overlooking of the private amenity space and the glazed conservatory to the rear of No. 36 from the deck. I considered the use of the external staircase from the decking to be transitional in nature and unlikely to lead to undue overlooking in this context. In order to address overlooking from the deck towards the rear of No. 36 I recommend a condition be attached to provide for a 2m high obscure screening along the north eastern boundary of the proposed deck and to enclose the corner of the deck to the external staircase.

8.5.5. The appellant has also raised concerns of overlooking from windows on the north eastern elevation of the proposed extension at Upper Ground Floor. The revised proposals submitted at FI stage provides two large windows c. 2.7m high and 1.3m wide. These windows are to the proposed kitchen and lift areas and will be 2.89m from the boundary with No. 36 Lansdowne Rd. They face directly over No. 36's existing glazed conservatory and will provide direct views into much of No. 36's private amenity space. I agree with the appellants concern in relation to overlooking from these windows and as such I recommend a condition be attached omitting the

two upper ground floor side elevation windows and replace them with one high level window with obscure glazing.

- 8.5.6. A high level window is proposed to the south west elevation facing onto the side elevation of the existing rear extension of No. 32. I note there are windows on the side elevation of No. 32, however I am satisfied the location and height of this proposed high level window should ensure no undue overlooking between windows of No's 32 and 34.
- 8.5.7. The development also proposes windows on upper floors to the gable of the proposed side extension. Existing windows on the side elevation are not shown to habitable rooms and in particular the existing window on the southwest gable windows to the first floor is over a 'half landing'. The proposed side extension converts this space to a bedroom and proposes a window on this gable which will be closer to the side elevation of No. 32. It is appropriate in this context, for this window to be revised to the rear facing elevation to ensure there is no undue negative impact upon the privacy of No.32 and existing windows on its side gable.
- 8.5.8. The appellants have raised concerns over the potential use of the flat roof of the single storey extension along the north east boundary of the site as a terrace area. I do not share these concerns given the means of access to the space through a window from a dining room and the fact the applicants have not applied for permission for such a use.
- 8.5.9. The rear extension at ground and first floor (Lower Ground Floor and Upper Ground Floor on C.FI.-01) extends c. 5m - 8.5m to the rear and will be c.6.64m high. It is c. 2.892m off the boundary with No. 36 and 1m off the boundary with No. 32 (which extends back a similar distance).
- 8.5.10. The proposal also includes a second and third floor extension (First Floor and Upper Return on C.FI.-01) to the north east side of the existing rear return. This will be c.10.4m high, c. 3m deep (off the main house rear elevation) and will be c. 2.892m off the boundary with No. 36 Lansdowne Rd. This will not create significant overshadowing or overbearing off No.36.
- 8.5.11. Having considered all of the above and subject to conditions the proposed development will not have a negative impact on residential amenity of neighbouring properties in the area.

## 8.6. Flood Risk

- 8.6.1. The appellants have raised concerns in relation to evidence of an underground stream and the potential risk of flooding. During my inspection I did not observe any evidence to suggest an underground stream at the site.
- 8.6.2. Condition 8 (v) of the Planning Authority's decision to grant permission requires the developer to ensure that a Flood Risk Assessment is carried out for the proposed development. The Planners Report does not refer to the site been located with an area at risk of flooding.
- 8.6.3. The site is located c. 350 m west of the River Dodder. Volume 7 of the Dublin City Development Plan provides a Strategic Flood Risk Assessment (SFRA). Appendix 3 sets out Justification Test Tables and provides flooding maps. The subject site is identified within Site: 9. Dodder: Liffey to Ballsbridge. The site appears to be within Flood Zone C. The proximity of the site to Flood zones A and B is noted.
- 8.6.4. The proposed development is for an extension to an existing dwelling that appears to be in Flood Zone C. Notwithstanding this and having regard to Section 5.28 of the 2009 Flooding Guidelines I am satisfied the proposal is a minor in nature and is unlikely to raise significant flooding issues.

## 8.7. Proposed Apartment

- 8.7.1. The application provides for internal reconfiguration of an existing self-contained two bedroom flat at lower garden level and provision of a single storey extension to rear with access to private amenity space to the rear.
- 8.7.2. The Planning Authority and appellants have raised no concerns in this regard (save the potential use of the roof space of the extension as a terrace).
- 8.7.3. The applicants have indicated the apartment is existing and appears to be intended for purposes ancillary to the main home. In response to FI the applicants have stated it exceeds 100 sq.m.
- 8.7.4. I am satisfied the apartment meets Specific Planning Policy Requirement 3 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, December 2020 and generally meets the Required Minimum Floor Areas and Standards as set out in Appendix 1 of the same guidelines.

## 8.8. Other Matters

### 8.8.1. Proposed Entrance and front of house

- Condition 9 (i) of the Planning Authority's decision permits the widening of the entrance to no more than 3.0m.
- Condition 7 (iii) details the reuse of the extant original historic railings in the design of the new gates and the extant granite plinth slabs shall remain within the curtilage of the house. A high quality planting and landscaping scheme to retain the setting of the Protected Structure must also be implemented.
- I note DCC's Conservation Officer has raised significant concerns in relation to the proposed widening of the entrance and removal of granite plinth from the front boundary of the site. Similar developments in the area have led to an incremental loss in both the fabric and the character of the boundaries along Lansdowne Rd. The Conservation Officer recommends mitigation measures in this regard as set out in Condition 7 (iii).
- Having regard to the number of widened entrances on Lansdowne Rd, the narrow 'clear width' of the existing entrance as indicated by the applicants at 2.2m wide (CFI submission) and the need for a widened entrance I consider a maximum width of 3m as reasonable in this context. A high quality planting and landscaping scheme to be agreed with the Planning Authority should also be conditioned.

### 8.8.2. Works ongoing at the site

- The Board is advised that at the time of the site inspection development works were taking place at the site and the drawings submitted with the planning application do not accurately reflect the current condition of the site. The front of the site is surrounded in hoarding, there are large storage containers to the front, the existing front vehicular entrance gates and plinth appear to have been removed and the entrance appears to have been widened. It also appears that internal works are ongoing to the house.
- It is noted that the applicants have applied for a Section 5 referral under 0047/20 on the 03/02/20. DCC have issued a declaration on the 25/05/20 outlining a number of items that were considered exempt and some that were

not considered exempt. This declaration does not appear to include for all of the works that appear to be ongoing/that have occurred at the site.

- Article 26 (4) of the Planning and Development Regulations 2001 (as amended) states-

*Where, on inspection of the land to which the application relates, the planning authority considers that the requirements of articles 17(1)(b), 19 or 20 have not been met, or the information submitted in the planning application is substantially incorrect or substantial information has been omitted, the planning application shall, notwithstanding the fact that an acknowledgement has been sent to an applicant in accordance with subarticle (2), be invalid.*

- This application was originally lodged to DCC on the 05/06/20. Given the time that has passed since the application was submitted and notwithstanding the matter of works ongoing at the site, I see no reason to conclude that in the context of the information submitted with the application at the time of its lodgement, that those details could be considered as '*substantially incorrect*' or that '*substantial information has been omitted*'.

## 8.9. **Appropriate Assessment**

- 8.9.1. 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 that permission is granted subject to the following conditions-

## 10.0 **Reasons and Considerations**

- 10.1. It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenities of properties in the area, and would not detract from the character and integrity of the Protected Structure RPS Ref No. 4288 and neighbouring protected structures. The



proposed development would, therefore, be in accordance with the Z2 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 as amended by the further plans and particulars submitted on the 21<sup>st</sup> day of August 2020 and the 29<sup>th</sup> day of September 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.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
  - (a) The side extension hereby permitted shall be three storey and in keeping with the height of the side extension of No. 32 Lansdowne Rd.
  - (b) The fenestration pattern of the front elevation of the side extension shall be in keeping with the fenestration pattern of the side extension of No. 32 Lansdowne Rd.
  - (c) Bedroom windows to the side elevation of the side extension above ground level shall be relocated to the rear elevation.
  - (d) The two north east facing windows to the Upper Ground Floor extension as shown on Dwg No. FI.04 & FI.05 shall be omitted and replaced with a high level window/s of obscure glazing.

- (e) A 2m high and obscured screening shall be provided to the north east boundary of the deck and shall wrap around the north facing deck to the point of the external staircase.
- (f) The entrance shall be a maximum 3.0m wide and shall not have outward opening gates

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of conservation and residential amenity.

- 3. The external finishes of the proposed extensions shall be in keeping with the existing house in respect of colour and texture. Samples of proposed materials and details of the 'Privacy Green Wall' to the deck shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 4. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.
- (b) All works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items to be removed for repair or reuse shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

(c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings), staircases including balusters, handrail and skirting boards, original historic railings and granite plinth slabs shall be protected or reused during the course of the works and to the satisfaction and written agreement of the planning authority.

(d) A high quality planting and landscaping scheme appropriate to the setting of the Protected Structure shall be submitted for the written agreement of the planning authority.

Reason: To ensure that the integrity and character of the protected structure and its curtilage is maintained, the structures are protected from unnecessary damage or loss of fabric and to ensure that the proposed works are carried out in accordance with best conservation practice.

5. 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.

6. 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.

7. 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.

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Adrian Ormsby  
Planning Inspector

02<sup>nd</sup> March 2021