



An
Bord
Pleanála

Inspector's Report

ABP-308994-20

Development	The development will consist of a first floor rear extension, EV charging point to front of house, raising height of existing rear extension
Location	5, Richmond Mews, Dublin 6.
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1651/20
Applicant(s)	Brenda Farrell
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	First Party
Appellant(s)	Brenda Farrell
Observer(s)	None
Date of Site Inspection	01/04/2021
Inspector	Adrian Ormsby

1.0 Site Location and Description

- 1.1. The appeal site is c. 2.5 km to the south of Dublin City centre at 5, Richmond Mews, Dublin 6. The site has a stated area of 125 sq.m.
- 1.2. The site is on the western side of Richmond Mews which is a narrow cul de sac road serving primarily residential properties. The cul de sac is to the north and perpendicular to Richmond Hill and to the west and parallel to Rathmines Road Lower. The buildings located along Richmond Mews are likely to have originally formed part of the rear garden curtilage of the main houses on Rathmines Road Lower which are noted to be protected structures.
- 1.3. The site is located c. 30-40m south of the Church of Mary Immaculate Refuge of Sinners which is also a protected structure and its highly visible and prominent roof dome. The site is c. 30m north of the junction with Richmond Hill. The site is c. 500m north of the centre of Rathmines.
- 1.4. The existing house can be described as a mid-terrace, two storey, mews style house with single storey rear return/extension. There are 9 similar houses on the road and it is noted the structure to the immediate south is not in residential use and may still form part of the curtilage of the house onto Lower Rathmines Road. The houses on this cul de sac generally have different roof heights and profiles with the subject site appearing to have one of the lowest ridge levels.
- 1.5. Cars currently park on the road tight along the boundary of the houses. There are double yellow lines on the opposite side of the cul de sac which adjoins the western boundary of a HSE community care building.

2.0 Proposed Development

- 2.1. The proposed development comprises-
 - a rear extension with flat roof (20.5 sq.m),
 - raising the height of the roof and parapet of the existing rear return/extension by 200mm,
 - an EV charging point to the front wall,
 - enlargement of the existing window to front elevation and new rooflights.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission on the 23/11/20, subject to two conditions. Condition 2 states-

- The terms and conditions of the permission for the original development, which was issued under Reg. Ref. WEB1200/20 shall be fully complied with, except where modified by this permission.

4.0 Planning Authority Reports

4.1. Planning Reports

The report of the Planning Officer (16/11/20) reflects the decision of the Planning Authority. The following is noted from the report:

- Planning permission was previously granted for the subject development under DCC Reg Ref. WEB1200/20. However, condition 2 altered the development as follows:
the width of the rear extension at 1st floor level shall be reduced by 1 metre, measured externally; and with the exception of the flue, no part of the rear extension shall exceed the height of the existing roof ridge.
- This condition was added following the applicant's failure to amend the proposal at Further Information in the previous application where concerns were raised regarding the proposal's height and massing, which would appear overly dominant in relation to the existing dwelling and would give rise to material negative impacts on the neighbouring occupier to the north with regard to loss of daylight/sunlight and overbearing impacts.
- The applicant has not submitted any additional information that would address the concerns or warrant setting aside the issues raised by the previous case officer. The proposed development is therefore unacceptable with regard to its scale and impact on neighbouring amenity

- The amendments set out under Condition 2 of WEB1200/20 are considered necessary.

4.2. Other Technical Reports

- Drainage Division- No objection subject to condition

4.3. Prescribed Bodies

- None

4.4. Third Party Observations

- None

5.0 Planning History

This Site

- WEB1200/20, a rear extension, EV charging point to front wall of house, raising height of the roof and parapet of the existing rear extension, Grant 08-Oct-2020. The following condition is relevant-

Condition 2-

- The development shall be revised as follows:
 - a) the width of the rear extension at 1st floor level shall be reduced by 1 metre, measured externally; and
 - b) with the exception of the flue, no part of the rear extension shall exceed the height of the existing roof ridge.

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings

Reason: In the interests of orderly development and visual amenity.

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

6.2. Natural Heritage Designations

- None relevant

7.0 The Appeal

7.1. Grounds of Appeal

A first party appeal has been received from the applicant. The grounds of appeal can be summarised as follows-

- Web1200/20 was for exactly the same development as the subject application. However condition 2 of Web1200/20 makes the development as applied for in that permission unfeasible.
- The current application sought to highlight the problems caused by condition 2 of the previous permission.
- The Planning Authority did not request a shadow study be carried out.
- The grant of the subject permission reimposes the conditions of Web1200/20

- The requirement to reduce the overall width of the extension by 1m will not have any beneficial impact on the residential amenity of adjoining dwellings. It will make the proposed development unviable.
- A shadow study has been submitted which demonstrates no noticeable benefit by reducing the extension at first floor by 1m on No. 6 Richmond Mews.
- There are numerous precedents for similar development on the same row of Mews houses including No.'s 3, 7 and 8.
- There are no objections to the proposed development.

7.2. Planning Authority Response

- None received.

7.3. Observations

- None

8.0 Assessment

8.1.1. I have examined the application details and all other documentation on file. I have inspected the site and have had regard to relevant local/regional/national policies and guidance where relevant.

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

- Zoning
- Residential and Visual 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.

8.3. Residential and Visual Amenity

- 8.3.1. The Planning Authority have permitted the proposed extension subject to the terms and conditions of a previous grant of permission under Pl. Ref. No. WEB1200/20. Condition 2 of that permission required revisions including the width of the first floor extension to be reduced by 1 metre and for no part of the rear extension to exceed the height of the existing roof ridge (except for the flue). The reason given for this condition was in the interests of orderly development and visual amenity.
- 8.3.2. The Planners Report for the current application details that no additional information has been provided from that of the previous application to demonstrate that adverse impacts on residential amenity would not arise.
- 8.3.3. The proposed development provides a first floor extension that extends c. 3.2m from the existing house along the northern boundary with No. 6 Richmond Mews before stepping off the northern boundary for c. 1m and extending c. 3.8m from the existing house all the way to the southern boundary. The extension will provide a first floor bedroom and bathroom. The existing ridge height is indicated as 5.74m. The proposed development will have a slightly slanted flat roof with the rear parapet wall indicated at a height of 5.95m. The proposal also seeks to raise the height of the existing ground floor extension/return by 0.2m.
- 8.3.4. I have considered the existing ridge height and the varying roof heights and profiles along this cul de sac. In my opinion the proposed development will have a minimal, if any visual impact from public areas along Richmond Mews and Richmond Hill. In this regard the proposed development will have a negligible impact upon the character and appearance of the Z2 Residential Conservation Areas and its setting.
- 8.3.5. I note the building to the immediate south of the site is not in residential use and as such I have no visual amenity concerns in this regard. The proposed development will be visible from the private amenity space to No. 6 Richmond Mews but given its height I do not consider this obtrusive or overbearing in the context of mews style

development. The proposal will be visible from the upper floors and rear of a number of protected structures on Rathmines Road Lower. However I do not consider it will be visually detrimental to or would detract from the character of any of these protected structures. Accordingly I am satisfied the proposed height of the first floor extension and raised height of existing rear return would be acceptable.

- 8.3.6. I note the Planning Authority's concerns in relation to adverse impacts on residential amenity and the requirement to reduce the width of the extension by 1m. This condition is somewhat ambiguous as it is not explicitly clear if the width reduction should be off the southern or northern boundary or shared off both. It is however considered that it is most likely that the requirement is off the northern boundary with the neighbouring mews house No. 6.
- 8.3.7. As part of the grounds of appeal the applicant has submitted a shadow study where it details the overall impact of the development on No. 6 Richmond Mews to be minimal. It states the development will not result in lost daylight to the neighbouring dwelling. It details that the study demonstrates the extreme scenario where there would be clear sky's in winter and for most days these it will be overcast.
- 8.3.8. There is a south facing window on the existing single storey return to No. 6 that may suffer some overshadowing from the proposed development and that permitted by DCC. However having reviewed the submitted shadow study, I share the applicants contention that the benefit of reducing the width of the extension by 1m from the northern boundary would be minimal in this regards.
- 8.3.9. Having considered the context of No.'s 5 & 6 on this mews laneway, the westerly rear garden orientation and west facing windows and the extent of private open space to the rear of No. 6 Richmond Mews, I do not consider the development as proposed would be overbearing or lead to significant overshadowing or loss of light that would unduly detract from residential amenity. Accordingly I recommend permission be granted without amendments to the first floor extension.

8.4. Appropriate Assessment

- 8.4.1. 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 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 except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. 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.

3. 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.

4. 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

06th April 2021