



An
Bord
Pleanála

Inspector's Report 309909-21

Development	Partial demolition of rear ground floor return [to enable ground floor extension to be built as exempt development] and construction of a new first floor rear return extension to the existing dwelling and associated site works.
Location	9 Marine Drive, Sandymount
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2085/21
Applicant(s)	Karen Clarke & Alan Giles
Type of Application	Planning permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Catriona Ni Chuiv
Observer(s)	None None
Date of Site Inspection	15 th May 2021
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1.** The site is located on Marine Drive, Sandymount, which is a suburban road linking Sandymount Road with Strand Road, just to the east of the village main street. Marine Drive is a low-density suburban street of primarily 2-storey semi-detached dwellings dating from the 1930s, with a short terrace of Victorian dwellings at the Sandymount Road end, and a few houses dating from the 1950s/60s to the east of this terrace. The Victorian dwellings comprises a terrace of three (Nos. 5, 7 and 9) red-bricked 2-storey dwellings with traditional sash windows. They are situated to the rear of the Tesco Metro on the corner of Sandymount Road and Marine Drive. The houses are set back from the road with front gardens that are defined by railings and hedges. Two of the dwellings have individual vehicular entrances and one (the appeal site) has a pedestrian entrance only. No. 5 is bounded to the west by the service delivery entrance to Tesco (which is secured by means of a high security gate) and all three properties back onto the rear service yard. The appeal site is at the eastern-most end and the appellant's property is the mid-terrace house (No. 7).
- 1.2.** The site area of the appeal site is given as 0.0216ha (216m²). There is a two-storey rear return with a further single storey extension attached to the rear gable wall of the return. The single storey 'shower room' had been demolished at the time of my inspection. The existing 2-storey return extends c.4.5m from the rear wall of the house and c.3.4m from the western side boundary with No.7. The existing plans show it as a kitchen on the ground floor with Bedroom 3 above. The first-floor level of the return is c.600mm lower than that of the main house. The gable wall of the return at No. 9 is shared with the gable wall of the return at No. 7, and there is a shared chimney at the top of this gable end. At present, the rear return and annexe are sited c.2.3m from the eastern boundary with No. 11 Marine Drive and alongside the eastern boundary with No. 7, and they extend approx. 6.8 metres from the main rear wall of the main house.

2.0 Proposed Development

- 2.1.** It is proposed to partially demolish the rear return and annexe and to construct a two-storey rear extension with a wrap-around extension at ground floor level enclosing a small courtyard at the rear of the main wall of the original house. The

partial demolition involves demolishing the gable wall at ground floor level of the existing return and a substantial proportion of the first-floor wall of this gable end and extending out a further 4.09m beyond the retained element. Thus, the total depth (existing and proposed) of the 2-storey element would be 8.66m with a width of 3.427m. It is further proposed to construct an additional single-storey extension (17.5m²) to the east of the 2-storey return, which would occupy the space between the new 2-storey extension and the eastern boundary wall but would terminate c.2.5m south of the main wall of the house (thereby creating an internal courtyard). This ground floor extension is to be constructed as exempted development and does not form part of this application.

- 2.2.** The floor area of the building to be retained is given as 133m² and that of the proposed extension as 29.5m², (which includes the 17.5m² exempted GF section and 12m² first floor section). Thus, the proposed development the subject of this application and appeal consists of the partial demolition of the existing rear extension and the construction of a 12sq.m first floor extension. Bedroom 3 in the existing return would be relocated to the rear section of the first-floor extension with a new bathroom occupying the retained space between this and the original house. The expanded ground floor would be used as a kitchen/dining room.
- 2.3.** The proposed extensions would have flat roofs and the walls would be nap rendered and painted, with Aluclad windows. The overall height of the flat roof would be 5.7m and the height of the single-storey extension would be 3.23m. The depth of the proposed 2-storey extension would not project beyond the depth of the existing rear extension at No. 7, which projects beyond the proposed rear building line by just over 2m at GF level and c.0.5m at FF level.
- 2.4.** The application was accompanied by a planning report which includes photographs of the site.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to 7 no. conditions. The majority of the conditions were of a standard nature apart from the second condition, which reads as follows:

2. The development shall be revised as follows:

The rear elevation plans should accurately reflect the location of the proposed first floor extension in respect of the shared boundary wall as per the proposed first floor plans (Drawing No. 310) and no part of the development should be located outside or overhang the property boundary. Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to and agreed in writing by the P.A., and such works shall be fully implemented prior to the occupation of the buildings.

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

The remainder of the conditions relate to hours of construction, noise during construction and drainage requirements.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Reference was made to Section 16.10.12 (Extensions and Alterations to dwellings) and Appendix 17 (Guidelines for Residential Extensions) of the CDP which required the development of domestic extensions to have regard to the design and scale of the existing dwelling and to the amenities of adjoining dwellings, particularly in respect of the need for light and privacy. Extensions are also required to be subordinate in terms of the scale of the main unit.

There was no objection in principle to the proposed extension which was generally considered to be in accordance with the guidance in the CDP. No objection was raised to the proposed demolition of part of the ground floor return. It was noted that an objection had been received to the demolition of the load-bearing wall, but it was

considered that any structural matters could be dealt with post planning and should this lead to any further requirements arising from a structural engineering report, this could be addressed by means of a further planning application (if required).

It was considered that the proposed development would not give rise to any overlooking or loss of privacy to the adjoining properties and that the amenities of these properties would not be adversely affected. The proposed development was also considered to be in compliance with the requirements of the Sandymount Village ACA as it would result in a modest rear extension which is of an appropriate scale and does not dominate or overwhelm the existing dwelling.

A discrepancy was noted on the existing drawings of the rear elevation which show part of the shared boundary with No. 7 within the red line boundary of the application site. It was further considered that the proposed rear elevation was lacking some of the detail set out in the plans in the vicinity of the shared boundary wall. It was considered that this matter was likely to involve a boundary dispute which is a civil matter, but it was proposed to attach a condition to address the discrepancy.

3.2.2. Other Technical Reports

Drainage Planning - No objections subject to conditions.

3.3. Prescribed Bodies

3.3.1 None.

3.4. Third party observations

An objection was received from the neighbouring property at No. 7 Marine Drive. The concerns raised are similar in content to those made in the grounds of appeal which are summarised below at Section 6.0. In brief, the main areas of concern related to the following matters:

- Encroachment into adjoining property (No.7) which is incorrect as it is a shared boundary. The integrity of the shared structures along the boundary should be respected. No consent has been given for oversailing the boundary.

- The weight of the chimney stack is borne by the full width of the shared gable wall beneath. Any removal of this wall would disrupt the stability and transfer a large load to No. 7 and pose a risk.
- The historical return comprises a single structural unit. The proposal disregards the safeguarding of the historic fabric by demolishing part of the shared original return gable wall with original chimney stacks.
- Misrepresentations on the submitted drawings – discrepancies.

4.0 Planning History

2493/21 – current application with P.A. pending decision for permission for attic conversion with rear dormer window, front velux window and new vehicular entrance and parking space.

3267/04 – 7 Marine Drive - Permission granted for first floor rear extension to rear of 11.76m² and balcony over ground floor extension of 16.36m² (exempted development) in Sept. 2004. The balcony was omitted by condition.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

- 5.1.1 The site is zoned 'Z1' for which the objective is to "To protect, provide and improve residential amenity". The indicative plot ratio for this zone is 0.5-2.0 and indicative site coverage is 45-60%.

Section 16.10.12 and Appendix 17 – Guidelines for Extensions to Dwellings

require residential extensions to have regard to the amenities of adjoining properties and in particular to the need for privacy and light. Extensions should be subordinate to the main dwelling in terms of scale. The form of the existing dwelling should be followed as closely as possible. Specifically, such proposals should -

- Not have an adverse impact on the scale and character of the dwelling.

- Not adversely affect the residential amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight.

5.2. Natural Heritage Designations

South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA lie approx. 150m to the east and North Dublin Bay SAC and North Bull Island SPA lie approx. 5km to the north-east.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first-party appeal against refusal. The main points raised may be summarised as follows:

- **Removal of substantial portion of shared gable wall** – the proposed development would see over 60% of the external structural walls of the 2-storey return demolished at ground floor level and the majority of this wall at first floor level. Furthermore, the demolition at ground floor level includes a further section of the side wall of the return. These proposals will undermine the stability of the gable wall and that of No. 7, as the integrity of this shared gable wall which supports the chimney stacks above will be compromised.
- **Loss of historic fabric** – serious concerns are raised regarding the loss of historic fabric due to the removal of a substantial part of the original gable wall of the return. The undermining of the stability of the wall and chimneys could result in the further loss of historic fabric which is contrary to the policies and objectives of the ACA.
- **Discrepancies in drawings** – it is entirely reasonable that the appellant should be entitled to expect a high degree of accuracy in the original submissions where these relate to issues of material interest to her. This is particularly of relevance as once the application/appeal is determined, the third party is no longer guaranteed a right of observation.

- **Boundary walls** – the proposed development should be required to be in a straight line following the inner side of the granite boundary walls, with no encroachment.
- **New rooflight** – the application does not include the proposed new rooflight on the original 2-storey return facing back towards the main house with a clear line to the fanlight window over the appellant's stairway. This would amount to overlooking and loss of privacy and it is requested that it should be removed. The Board should note that the said proposed rooflight relates to another planning application which has yet to be determined by the planning authority (2493/21) and does not form part of the application/appeal that is currently before the Board.

6.2. Planning Authority Response

The P.A. has not responded to the grounds of appeal.

6.3. First party response to the grounds of appeal

A response to the grounds of appeal was received on 30th April 2021. No new material issues were raised. It is stated that the structural stability issue is not a planning matter and that the design of the proposed development respects the line of the granite boundary walls. Copies of correspondence between the parties is also enclosed with the submission.

7.0 Assessment

It is considered that the main issues arising from the appeal are as follows: -

- Compliance with Development Plan policy
- Structural and boundary issues

7.1. Compliance with Development Plan policy

The current Dublin City Development Plan 2016-2022 provides guidance on extensions to dwellings at 16.10.12 and in Appendix 17. Essentially, domestic extensions should avoid adverse impacts on the scale and character of the original

dwelling and on the residential amenity of adjoining neighbours. Further guidance is provided at 8.1.2 in respect of domestic extensions within Sandymount Architectural Conservation Area. Extensions and alterations should have regard to the character and appearance of the original property in terms of its height, scale, bulk, massing, density and orientation which should relate to any building line or footprint of the existing property. Extensions in ACAs should ideally be at the rear of properties and the quality and type of materials should complement the existing building. In visually prominent areas, sensitive design is required.

- 7.1.1.** The proposed extensions to the existing dwelling are to the rear and in the case of the ground floor extension, is exempted development. The first-floor extension is of a very modest scale and does not extend as far as the existing permitted extension at No. 7 Marine Drive. The removal of a substantial section of the shared gable wall and the introduction of a flat-roofed extension at first floor level would alter the character of the historic property to some extent. However, the property is not a Protected Structure, and the demolition is proposed at the rear of the property.
- 7.1.2.** It is noted that the height of the parapet would be below the eaves height of the main dwelling and the ridge height of the return, enabling the retention of the roof of the return. It is considered, therefore, that the design is sensitive to the character and scale of the original dwelling and would not be visible from the public realm of the ACA. The proposed extension would not adversely affect the residential amenities of the adjoining properties, as it would not overshadow or overlook adjoining properties. It is proposed to fit opaque glazing to the windows facing No. 11 Marine Drive. However, there is the potential for overlooking from the flat roofs should these be used as external amenity areas. It is considered that this matter can be addressed by means of a condition, should the Board be minded to grant permission.
- 7.1.3.** I would agree with the planning authority, therefore, that the proposed development would comply with the standards contained in the current Dublin City Development Plan and would be in accordance with the requirements for the Sandymount Village and Environs ACA.

7.2. Structural stability and boundary issues

- 7.2.1.** The appellant has raised concerns regarding the structural stability of the shared gable wall following the partial demolition of this wall and part of the side wall of the return at GF level. These concerns are understandable given the extent of demolition of the gable wall involved and the presence of the chimney at the apex. The removal of a substantial part of this gable wall appears to be required primarily to facilitate the ground floor extension with an enlarged kitchen area. This is considered to be reasonable as the existing kitchen area is very small and confined. Given that the ground floor section of this wall is to be removed as part of the exempted development extension, it is difficult to object to the substantial removal of the wall at first floor level. It is noted that the Area Planner considered that

“any such structural matters can be dealt with post planning and any revisions to the plans arising out of requirements from a structural engineer can be dealt with by way of amendment application if required.”

I would agree that this is a matter to be resolved between the parties and that the applicant will have a duty of care to ensure that the works involved will not destabilise the adjoining property or give rise to any structural defects. However, it is considered that as the wall is an original part of a historic property within the ACA, it would be appropriate to attach a condition to any permission requiring the submission of a construction methodology statement and associated structural drawings indicating the means intended to ensure the protection of the structural stability of the retained wall and chimney.

- 7.2.2.** The appellant has also made reference to some discrepancies in the submitted drawings and to issues regarding potential encroachment of the common boundary. The drawings should be corrected where any discrepancies or errors exist, and the planning authority has sought the submission of revised plans to address this issue as a condition of its decision to grant permission. Should the Board be minded to grant permission, a similar condition should be attached to any such permission. Any encroachment of the boundary is also considered to be a matter for resolution between the parties.

7.3. Environmental Impact Assessment

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.4. Appropriate Assessment

South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024) lie approx. 300m to the east. Given the scale and nature of the development, the distances involved, that the site is located in an established urban area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

8.0 Recommendation

- 8.1 It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the policies and objectives as set out in the Dublin City Council Development Plan 2016-2022, to the scale and nature of the proposed development and to the nature and character of the surrounding environment, it is considered that subject to compliance with the conditions set out below, the proposed development would be an acceptable form of development at this location and would not seriously injure the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 to the Planning Authority on the 25th day of January 2021, 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 proposed first floor extension shall be accurately reflected in terms of its location relative to the shared boundary wall.

The 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 interest of residential amenity.

3. Prior to commencement of development, detailed structural drawings and a construction methodology statement indicating the means proposed to ensure the protection of the structural stability of the retained gable wall of the return shall be submitted to and agreed in writing with the planning authority. These details shall include demonstrating the methods proposed to part dismantle and retain the existing façade as proposed, demolition and excavation arrangements, the proposed foundation system and underpinning, structural bracing and support and method of construction.

Reason: In the interest of preserving the heritage value and stability of the retained structure.

4. No access shall be permitted to any of the flat roofs or green roofs at first floor or second floor level, save for maintenance. The roof areas shall not be used as a roof terrace or garden area.

Reason: In the interest of residential amenity.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to a single dwelling house (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of protection of residential amenity.

6. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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 construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

8. 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.

Mary Kennelly
Senior Planning Inspector

16th May 2021