



An
Bord
Pleanála

Inspector's Report ABP-310002-21

Development	Second floor on existing two storey over basement house.
Location	Granite Place, Ballsbridge, Dublin 4.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2195/21.
Applicant	Loretto Raso.
Type of Application	Permission.
Planning Authority Decision	Refusal.
Type of Appeal	First Party
Appellant(s)	Loretto Raso
Observer(s)	John Billane and others Gerry & Maire Monaghan Philip O'Reilly
Date of Site Inspection	5 th June 2021.
Inspector	Philip Davis.

Contents

1.0 Introduction	3
2.0 Site Location and Description	3
3.0 Proposed Development	4
4.0 Planning Authority Decision	4
4.1. Decision	4
4.2. Planning Authority Reports	4
4.3. Prescribed Bodies	5
4.4. Third Party Observations	5
5.0 Planning History.....	5
6.0 Policy Context.....	6
6.1. Development Plan.....	6
6.2. Natural Heritage Designations	6
7.0 The Appeal	7
7.1. Grounds of Appeal	7
7.2. Planning Authority Response	8
7.3. Observations	8
8.0 Assessment	9
9.0 Recommendation.....	12
10.0 Reasons and Considerations	12

1.0 Introduction

This appeal is by the applicant against the decision of the planning authority to refuse permission for a second-floor extension to a 2-storey cottage in Ballsbridge. The reason for refusal related to the character and pattern of development in the area and to impacts on the nearby River Dodder Conservation Area (Policy CHC4). Three observations were submitted supporting the decision of the planning authority.

2.0 Site Location and Description

2.1. Granite Place, Ballsbridge

Granite Place is a small cul-de-sac laneway of mostly mid-19th Century cottages behind a line of shops on Merrion road in the old village of Ballsbridge, on the south side of the Dodder River. The only access is via an arch under a 2-storey commercial building facing Merrion Road. The lane runs north for approximately 60 metres from Merrion Road. Just past the archway there are a number of small, mostly vacant commercial units to the rear of the Pharmacy facing Merrion Road. There are three terraced single storey cottages on the eastern side, and the rears of three cottages (facing Beatty's Avenue, which runs along the River Dodder) on the western side. At the end of the cul-de-sac, facing the south, is a 2 storey 5 bay dwelling of similar style but later origin than the other cottages. Directly to the rear of this dwelling is what appears to be a commercial yard, accessed via Beatty's Avenue.

2.2. Appeal site

The appeal site is no. 7 Granite Place, a 2-storey over basement 5 bay dwelling at the back end of Granite Place facing south towards the rear of the commercial buildings on Merrion Road. It is on a plot with an area given as 185 m² on the site notice, with a total floor area of the house given as 313 m². The plot area is given as 1.69 with a site coverage of 46%. The dwelling has no rear garden, just a small yard on the western side, and a narrow front garden. The dwelling is stated to date from the early 1990's although older plans indicate that there was a dwelling on this site in the mid-19th Century.

3.0 Proposed Development

The proposed development is described on the site notice as a second floor on existing two storey over basement house, amendments to front façade and minor internal works to existing ground and first floor and all associated site works.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to refuse permission for the reason that:

Having regard to the scale, bulk, height and massing of the proposed development and taking into account the established character and pattern of development in the vicinity of the site, the proposed development would constitute a visually discordant feature on the landscape. When viewed from the nearby sensitive River Dodder which is located within the River Dodder Conservation Area, the development would constitute an incongruous feature and would detract from the visual amenities of the adjacent residential properties and of the area. The proposed development would not contribute positively to the character and distinctiveness of the River Dodder Conservation Area and would therefore be contrary to Dublin City Development Plan 2016-2022 policy CHC4 and to the proper planning and sustainable development of the area.

4.2. Planning Authority Reports

4.2.1. Planning Reports

- Notes that the site is in a Z1 zoned area 'To protect, provide and improve residential amenities'. Policies 16.10.12 and CHC4 are considered relevant. The site is also within a Conservation Area that follows the River Dodder (this is indicated as just 'Conservation Area', not 'ACA').
- Notes planning history of the site – a recent refusal for a second floor extension and roof terrace for two reasons and previous grants and refusals for alterations to the structure.

- Notes a number of observations, generally objecting.
- No objection from departmental reports.
- Notes shadow analysis submitted and concluded that there would be no overshadowing of adjoining properties.
- The scale and massing are considered inappropriate for the area.
- The site is within the River Dodder Conservation Area and is visible from the bridge at Ballsbridge and along the river walkway.
- Refusal recommended.

4.2.2. Other Technical Reports

Drainage Division: No objection subject to conditions.

4.3. Prescribed Bodies

None on file.

4.4. Third Party Observations

Several observations submitted, all objecting for a variety of reasons including residential amenity, conservation impacts, traffic and visual impact. One submission was on behalf of a resident by ODKM Architects.

5.0 Planning History

3497/20: Permission refused for the construction of a second floor and roof terrace on the existing house. Refused for two reasons, relating to design and visual impact.

0695/97: Permission granted for an extension over the existing and a 2-storey extension to the side.

2011/96: Permission refused for a first-floor extension with a mansard style roof.

6.0 Policy Context

6.1. Development Plan

The site is within a Z1 zoned area, and an area indicated as part of the **River Dodder Conservation Area** (for clarity, this is not an ACA designation). Relevant policies are 16.10.12 on extensions, and CHC4 on conservation areas.

CHC4 states as follows:

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.

Enhancement opportunities may include:

1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting
2. Re-instatement of missing architectural detail or other important features
3. Improvement of open spaces and the wider public realm, and re-instatement of historic routes and characteristic plot patterns
4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area
5. The repair and retention of shop and pub-fronts of architectural interest.

6.2. Natural Heritage Designations

The site is approximately 1.5 km due west from the coast and the **South Dublin Bay and River Tolka Estuary SPA** site code 004024 and the **South Dublin Bay SAC** site code 000210.

7.0 The Appeal

7.1. Grounds of Appeal

The applicant wishes to appeal the reason for refusal. The following key arguments are made, illustrated with a number of photographs.

- It is stated that the applicants are the owners and operators of Al Bushetto Restaurant, which is just 50 metres from the site on Merrion Road and have lived in the house since 2005.
- It is noted that the site is very restricted, with few available options for upgrading the dwelling to a more appropriate size.
- The design was intended as a specific response to the previous refusal.
- The house is modest in size and is just one room deep and the basement is not habitable.
- There is no potential to expand the house at ground level due to the very small size of the front and side gardens.
- It is noted that the planning authority accepts that the plot ratio is within allowable limits.
- It is noted that the proposed development would increase the ridge height from 7 to 9 metres.
- The widening of the ground floor windows is necessary to create acceptable levels of internal amenity.
- It is noted that the windows to be widened are not visually prominent as they are hidden behind the existing boundary wall and railing.
- It is argued that the design mirrors and matches the existing vernacular architecture of the house.
- It is noted that the planning authority agreed that there would be no loss of daylight or sunlight to the surrounding houses or area.
- It is argued that the submission by ODKM Architects (on behalf of one observer) is exaggerated and lacks balance.

- It is noted that the dwelling is relatively modern and is not a protected structure.
- It is submitted that as the dwelling is largely hidden behind the arch there are no significant visual impacts.

7.2. Planning Authority Response

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

7.3. Observations

John Billane, Angela Byrne, Patrick Byrne, Kieran Brennan, Deirdre Rowe and Les McClure (various addresses in the vicinity).

- It is argued that the scale and mass are out of proportion with the surrounding properties.
- Noted that previous applications in the area have been refused for reasons of height and scale.
- It is submitted that granting the proposed development would represent an unacceptable precedent.
- It is argued that it would be visually intrusive as viewed from Dodder View Cottages.
- It is argued that it would interfere with access via the archway.

Gerry & Marie Monaghan of 5 Granite Place

- Express concerns about the height and scale and submit that it is out of character with the area.
- Concerns also expressed at the impact of construction works.

Philip O'Reilly of 18, Grosvenor Place, Rathmines

- Submits that the decision of the Local Authority was correct and the reason for refusal are valid.

8.0 Assessment

Having inspected the site and reviewed the file documents, I consider that the appeal can be addressed under the following general headings:

- Principle of development
- Conservation area and visual impacts
- Other amenity impacts
- Other issues
- Appropriate Assessment

8.1. Principle of development

The proposed development is within a Z1 zoned residential area and the Dodder River Conservation Area (note: This is not an ACA). In such areas, it is policy (CHC4) that:

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.

The dwelling is not a protected structure, and while in the style of the surrounding 19th Century granite cottages, appears to be of more recent origin. A previous application for a similar, albeit more substantial development was recently refused permission by the planning authority.

General policy on extensions and alterations to existing dwellings is set out in Section 16.10.12 of the current Development Plan.

The applicant has emphasised in the submission that she is a long-term resident in the area but the dwelling is small and substandard for family requirements. The dwelling is in a very restricted site and is long and narrow, taking up most of the landholding, so I would consider it reasonable to facilitate any development that would allow an improvement in the dwelling's amenities. In Z1 areas there is generally a presumption in favour of permitting such improvements and enhancements to a dwelling subject to requirements set out in the development plan and the protection of neighbouring amenities and general planning considerations.

As the site is within a Conservation Area there are particular requirements to protect the character of the area. In other respects, any such proposal should be considered on its own merits.

8.2. Conservation area and visual impacts

The reason for refusal relates specifically to the design, size and bulk of the proposed development with specific regard to views from the bridge at Ballsbridge and other key locations along the Dodder. I note that the south side of the Dodder is a popular walking and cycle route and amenity and has over recent years been substantially upgraded along with flood protection works. The immediate area has many buildings and streets of distinction as reflected by the Conservation Area designation.

The only clear view of the entire dwelling is from Granite Place, which is only accessible under the archway and so not seen by many except residents. The rear of the dwelling is clearly visible from Dodder View Cottages to the north. The roofline is visible from the bridge (albeit with a major office development in the background) and a number of other points along the river. It is also visible from immediately adjoining areas along Beatty's Avenue as it rises significantly above the rooflines of the single storey cottages along this road. Although there are a wide range of building heights in the area, including some very large commercial buildings on the opposite side of the Dodder, the immediate area is characterised generally by one storey cottages (with 2-storey cottages in Dodder View Cottages), which gives the area its unique and attractive townscape.

While I accept that the dwelling is somewhat small and restrictive for a modern family, this applies to most of the dwellings in the area, and I would consider that adding an additional storey in an area characterised by predominantly single storey dwellings would not be consistent with the objectives of the Conservation Area. I would therefore concur with the reason for refusal given by the planning authority.

8.3. Other amenity impacts

The planning authority accepted that there would be no overlooking of nearby dwellings and were satisfied that the proposed extension would not result in

overshadowing – a shadow assessment was submitted with the application. I would concur with this assessment.

8.4. **Other issues**

Traffic

The proposed development would not substantially alter traffic demand in the cul-de-sac as the increase in size of the dwelling would be relatively minor. I note the concerns by the observers about the impact of construction traffic, and this would clearly be a problem due to the restricted archway, but this is an issue that can be dealt with by condition.

Archaeology

Although the site is within the historic village of Ballsbridge – the bridge in question is a recorded ancient monument, the proposed works would not involve ground excavations so there would be no archaeological implications.

Drainage and services

The site is fully served with water and sewerage.

Flooding

The general area has historically been prone to flooding, but the substantial flood protection works along the Dodder in recent years has presumably addressed the problems and there are no indications that the works would have any implications for flood control.

Development Contributions

The proposed works would be subject to a S.48 contribution in accordance with the Scheme.

8.5. **Appropriate Assessment**

The site is located within an existing urban area close to the River Dodder which flows to the Liffey at Ringsend before entering Dublin Bay. It is within 1.5 metres of the South Dublin Bay and River Tolka Estuary SPA site code 004024, and the South Dublin Bay SAC site code 0002010. These are designated for species and habitats associated with coastal areas and littoral zones. The appeal site is small,

and the proposed works would have no impact on drainage and would not interfere with any natural habitat. The site is fully connected to the city drainage system. There are therefore no pathways for pollution nor the potential for direct or indirect effects.

I therefore consider that it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 004024 or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

9.0 Recommendation

I recommend that the Board uphold the decision of the planning authority to refuse permission for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the scale, bulk, height and massing of the proposed works in this area zoned Z1 and within the River Dodder Conservation Area, it is considered that the additional storey to the dwelling would be an incongruous feature in this area of predominantly single storey dwellings and would thus be contrary to the objectives set out in Policy CHC4 of the Dublin City Development Plan 2016-2022 and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Philip Davis
Planning Inspector

8th June 2021