



An
Bord
Pleanála

Inspector's Report ABP-310503-21.

Development

Works involving demolition of existing single-storey utility room, boiler room and kitchen extension to rear, construction of new single storey extension to rear and side at ground floor and new rear first floor extension and amendments to boundary features and formation of new gated entrance to rear garden.

Location

2 Cremore Road, Glasnevin, Dublin 11.

Planning Authority

Dublin City Council .

Planning Authority Reg. Ref.

1150/21.

Applicant

Martina McCarthy and Stephen Scott.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

Third Party

Appellant

Marie Colgan.

Observers

None.

Date of Site Inspection

16 July 2021.

Inspector

Mairead Kenny.

1.0 Site Location and Description

- 1.1. The site is at the corner of Cremore Road and Cremore Park in the Cremore estate in Glasnevin. The Cremore estate is strongly associated with its developer Alexander Strain and appears to have been constructed from the 1920s onwards. The houses are associated with quality construction and the term 'Strain built' is utilised as a marketing device and a badge of approval. The dwellinghouses in the immediate vicinity are of similar age and architectural treatment to that at the site at 2 Cremore Road. The house at the opposite side of the road has been extended significantly to the side in a contemporary design idiom.
- 1.2. The subject house being located at a site at the corner of two roads is quite prominent in view. From the exterior the existing extensions to the side are evident. There is an existing garage structure at the rear garden and as such vehicular access is currently available from the site to the public road. The extensions which have been undertaken to date are largely separated from the shared boundary at 4 Cremore Road.

2.0 Proposed Development

- 2.1. Permission is sought to provide for the following:
 - demolition of a ground floor extension and other structures of total stated floor area of 25 m²
 - construction of an additional 20 m² at ground floor level to the rear and side
 - construction of a new rear first floor extension of 14 m²
 - removal of 5 m of existing railing to the side elevation to accommodate the new side extension
 - raising of the rear east garden wall to enable formation of a new gated entrance to the rear garden.
- 2.2. The planning authority issued a request for further information relating to concerns that due to the close proximity of a proposed stove flue, there is potential for excessive air, noise emissions and impact on visual amenity of 4 Cremore Road.

2.3. In response to a request for further information the applicant submission received by the planning authority on 22 April 2021 shows a revised proposal.

3.0 **Planning Authority Decision**

3.1. **Decision**

The planning authority decided to grant permission subject to conditions including:

- To be in accordance with plans and particulars as amended by further information received 22 April 2021.
- Contribution under section 48 scheme.
- Access to the flat roof to the side and rear ground floor extension shall be for maintenance only. The first-floor roof shall not be used for amenity purposes without a separate grant of permission.
- If archaeological material is discovered the planning authority shall be immediately notified in which case the planning authority in consultation with the city archaeologist and National Monuments Service shall determine the further resolution of the site.
- Drainage details.
- Construction phase requirements.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The significant points of the planner's report include:

- The development plan policies under section 16.10.12 and Appendix 17 impress the need for careful consideration to be given to the design of residential extensions to ensure that they respect and reflect the character of existing dwellings and would not have a significant impact on the amenities of adjoining occupiers.

- Having regard to the relatively narrow depth and flat roof profile of the proposed ground floor extension along the western boundary it is considered that the development would not unduly overshadow no. 4.
- The first-floor extension is set back about 3.6 m from no. 4 and has a flat roof profile and would not cause undue overshadowing at 4 Cremore Rd.
- The external finish would not impact in any negative way on the character of the area, which is not an ACA, a Conservation Area or subject to any particular architectural designations.
- The arrangements for the gas fired apparatus submitted by way of further information has a much smaller balanced flue which would be set back c 0.635m from the boundary with 4 Cremore Rd and would comply with the relevant building regulation guidance. The response to further information requested is acceptable. Permission should be granted

3.2.2. Other Technical Reports

City Archaeologist – the development is in the zone of archaeological constraint for a recorded monument DU 014 – 078 (enclosure). A planning condition is recommended.

Drainage Division – no objection subject to standard requirements.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

The points made in the observation are reiterated in the appeal and also include an objection to the stove flue.

4.0 Planning History

Under planning reg. ref. 1680/20 permission was granted for works at this site at 2 Cremore Road to provide for removal of a velux window and construct a flat dormer roof in its place and to install a velux rooflight window to the front elevation roof to

the existing attic room and increase the opening size of another window. This development has not been undertaken to date.

5.0 Policy Context

5.1. Development Plan

The site is zoned Z1 the objective of which is 'to protect, provide and improve residential amenities'.

Policies relating to alteration and extensions to dwellinghouses are set out in section 16.2.2.6, 16.10.12 and Appendix 17.

5.2. Natural Heritage Designations

None in the immediate vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

The main points of the appeal submitted by the owner/occupant of 4 Cremore Park are:

- Excessive height of the parapet - the flat roof is too high and unduly overshadows and would have a negative impact on the solar load to the rear of the dwelling.
- The upper storey would overshadow the house and have a negative impact on the solar load to the rear of the dwelling and its rear garden. Sunlight at the rear of my house will be overshadowed as shown in the image attached.
- The extension is very close to the boundary line with my house, observing the minimum distance and may impose a security risk.
- Cladding finish for first floor is not compatible with the architecture and heritage of the area.

6.2. Applicant Response

The main points of the response on behalf of the applicant are:

- The height of the single storey element is dictated by internal floor-to-ceiling levels and Building Regulation requirements and is not excessive.
- A shadow study commissioned which was submitted to the appellant in February 2021 is enclosed. It demonstrated minimal impact and that view was shared by the planner in DCC who consider that the extension would not unduly overshadow 4 Cremore Park. The impact is minimal and where it occurs is limited to the period before 10 AM.
- The extension has been set back purposefully from the existing boundary wall so that the foundation can be accommodated without interfering with the boundary wall. There is no security risk.
- The external finishes do not detract from the character of Cremore. Its design has been viewed favourably by some neighbours.

6.3. Planning Authority Response

The planning authority refers to the planner's report which it is considered fully assesses and justifies the decision.

6.4. Observations

None received.

6.5. Further Responses

None.

7.0 Assessment

7.1. I consider that the issues arising in this case may be considered under the following headings:

- visual and residential amenities

- architectural detail
- other matters.

7.2. Visual and Residential Amenities

The most significant matter raised by the appellant relates to the scale and position of the proposed extension which it is considered would overshadow the house at 4 Cremore Road. The existing dwelling house and that of the appellant both have small extensions and in both cases those extensions are set well back from the shared boundary by a number of metres. The relationship between the properties is shown on the site layout plan and the detail of the existing extension at the applicant site is shown on the ground floor plan. The rear garden space is orientated to the north.

If constructed as proposed the proposed rear extension at the site would extend by under 5 m from the original rear elevation and for the full width of the site. The first-floor extension is well set back and comprises a 14 m² room the closest point to the shared boundary being over 3.5 m separation. The applicant's documentation includes a shadow study. I am satisfied that the proposed development would result in minimal increases in overshadowing of the rear garden and windows of the appellant's house. I draw this conclusion based on the application documentation, the reasonable scale of the proposed development, the considerable setback at first floor level, the orientation of the houses and my experience of such developments. I accept the applicant's statement that the height of the proposed ground floor is partly determined by the internal floor-to-ceiling heights and the requirement for a suitable parapet. Regardless of these factors, I disagree with the appellant and I consider that the height of the ground and first floor extensions cannot reasonably be described as excessive. In my opinion it is demonstrated that the extension would not unduly overshadow the appellant's house and that the impact is minimal and occurs only in early morning. At the time of inspection, I inspected the rear garden and some of the interior of the appellant's house and noted that there is a kitchen window in the extension

which faces towards the site where the proposed extension would be constructed. The proposed development would be positioned behind the boundary wall which is to be retained and would extend in height above that wall and be visible from the kitchen and to a lesser extent from the dining room within the original house. I do not consider that it can be concluded that the proposed development would constitute a visually obtrusive feature or be described as overbearing when viewed from the interior of the appellant's house or from anywhere within that site or from other property.

Regarding the use of contemporary materials including an aluminium or similar type cladding, I consider that this is acceptable. I note in addition that the proposed development involves removal of part of the original railing and works involving boundary brick walls at the side elevation adjacent to the public road. I consider it acceptable and indeed appropriate that the extension design utilise materials and approaches which reflect the era in which they are constructed. I consider that the external finishes and overall design acceptable in architectural terms.

I conclude that the development is acceptable in terms of visual and residential amenities.

7.3. Other matters

7.4. The appellant has raised concerns relating to the proximity of the proposed extension to her boundary wall and resulting security concerns. I consider that the evidence is that the applicant has considered the potential implications for the retention of the shared boundary wall and setback the foundation accordingly. This is largely a private matter in any case. I see no security risk arising.

7.5. I have no objection to the demolition proposed which comprises modern extensions to this dwelling house which are without architectural value.

7.6. The addition of a pedestrian entrance to the side to provide for access is acceptable.

7.7. In relation to the engineering services it is noted that a 1200 mm diameter trunk sewer crosses the property. The application submissions included details of a preliminary structural design for the foundations to ensure that the applied loading

pressure will not be greater than that applied by the existing structure located on top of the trunk sewer. There is no objection to this arrangement from the relevant section of the local authority. I consider that it is evident that the works involved have been carefully considered and that there is no likelihood of adverse effects on the public sewer.

7.8. I note the condition attached by the planning authority in relation to archaeological finds. I consider that there would be more certainty and clarity if there was a requirement in this case for archaeological monitoring. The duration of the excavation works would not result in this being an onerous requirement subject to the amendment recommended below in relation to the Board's standard condition. The condition as worded gives considerable latitude to the planning authority in the implementation of this condition.

7.9. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the likely emissions arising from the proposed development, the availability of public water and sewerage in the area, and distance to the nearest European sites, I am satisfied that 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.

8.0 Recommendation

8.1. I recommend that permission be granted for the reasons and considerations and subject to the conditions below.

8.2. Reasons and Considerations

It is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of adjoining properties or the visual amenities of the area, would not be prejudicial to public health or public safety or adversely affect the environment, including archaeological resources, would not give rise to a traffic hazard and would be in accordance with the proper planning and sustainable development of the area.

8.3. 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 submission received by the planning authority on 22 April 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. 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.

3. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

4. There shall be no use of or access to the flat roofs except for maintenance purposes.

Reason: To restrict the use of the extension in the interest of residential amenity.

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of site operations including demolition works and excavations relating to the proposed development,

(b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

6. Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water and mitigation measures against flood risk including in the basement area, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

8. 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.

Mairead Kenny
Senior Planning Inspector

18 July 2021