



An
Bord
Pleanála

Inspector's Report ABP 310608-21.

Development	Demolition of single storey extension at side, chimney to rear and partial demolition of shed at rear. Construction of single storey extension at side and rear to include two rooflights, attic conversion and dormer window and rooflight in rear roof slope, and associated site works
Location	11 Holyrood Park, Dublin 4.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	WEB 1362/21
Applicant	Rob Marshall
Type of Application	Permission
Decision	Grant Permission.
Type of Appeals	Third Party
Appellants	1. Gerard Curtis, 2. Achim Gottstein and Cathriona Duggan, Paul Benson and Angela Collins and John and Nuala McGlade.
Date of Inspection	22 nd November, 2021
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1. The site has a stated area of 356.5 square metres and is that of a two-storey house with a side extension located at the northern end of Holyrood Park, a cul de sac off Sandymount along one side of which there is residential development whereas the Dart Line (between Sandymount and Serpentine Avenue stops) is located along the other side.
- 1.2. To the front of the dwelling there is a gravelled curtilage and frontage with a gate onto the end of the cul de sac. At the rear of the house there is a rear garden with access from Oaklands Park which terminates at the garden's side boundary. The rear private open space of the property at No 10 Holyrood to the south side of the application site extends around the end of the rear garden and along the side of No 50 Oaklands Park, the property at the end of the cul de sac on the opposite side.
- 1.3. The north side boundary adjoins the rear garden boundaries of two storey semidetached houses located along Oaklands Park. There is an entrance in the boundary walling at the end of Oaklands Park to the rear garden in which there is a shed. Semi-detached houses and their rear gardens on Holyrood Park are located to the south side.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for:

Demolition of the single storey extension at the side of the house and a chimney to rear and partial demolition of the shed in the rear garden.

Construction of a single storey extension at side and rear to include two rooflights, an attic conversion and dormer window a rooflight in rear roof slope, and associated drainage landscaping and ancillary works. The plans show a landscaped patio in the space of the existing shed (to be removed) at the end of the garden.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 28th May, 2021, the planning authority decided to grant permission subject to conditions of a standard nature,

3.2. Planning Authority Reports

- 3.2.1. The planning officer indicated satisfaction with the proposed development noting that the property would benefit from the provision of additional accommodation and enhancements. The change in outlook from the rear elevation windows of the adjoining properties that would occur is deemed acceptable in terms of standards of residential amenities. The planning officer also indicated that he is satisfied that the residential amenities of the adjoining property at No 10 Holyrood Park would not be adversely affected.

3.3. Third Party Observations

In the observations lodged with the planning authority which include the appellant parties the issues of concern raised relate to the party boundaries, and support for the design and incorporation of a sedum roof. The concerns of the appellant parties are outlined in detail in section 6 below.

4.0 Planning History

There is no record of planning history for the application site.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site comes within an area subject to the zoning objective Z2: *to protect and/or improve the amenities of residential conservation areas.*

- 5.1.2. According to section 14.8.2 the overall quality of the area in design and layout requires special care with regard to applications affecting structures, protected, and not protected.
- 5.1.3. Development Management standards are provided in chapter 16 supplemented by design standards for domestic extensions and alterations in Appendix 17. Policies, objectives and standards for architectural heritage are within Chapter 11.

6.0 The Appeals

6.1. Two third party appeals have been lodged with the board and their contents are outlined below:

6.2. Gerard Curtis.

6.2.1. An appeal was lodged by Mr Curtis on 22nd June, 2021. The appellant party has provided an address in, Cakestown, Kells, Co Meath and it includes drawings and several photographs. According to the appeal:

- The proposed development represents overdevelopment which is excessive in site coverage, layout and massing having regard to Appendix 17 (particularly section 17.2) of the CDP. Several extracts from Appendix 17 are included and referred to in the submission in the support of the objections in the appeal.
- The location, scale and massing of the extension which is flat roofed with a parapet height of four metres would seriously affect privacy and amenity of the adjoining property. Reference in this regard is made to the angle of the living room in the proposed extension which it is submitted has a large window orientated towards the dining room and kitchen windows in Mr. Curtis's property.
- The proposed 3.4 metres ceiling height in the proposed dining and living room is unwarranted and it contributes to overbearing impact. The level for the patio on the ground floor plan is shown at 99.90 m but on the site layout/roof plan it is shown as 100.08 m, an increase of 180mm not shown on the other plans.

- The proposed modern flat roof extension would not respect the historic context of the area and it would be dominant relative to the single pitch roof of the adjoining property. The extension would not be in a supporting role to the original dwelling. The seventy-five square metres footprint would be almost doubled by the addition of a footprint of fifty-nine square metres.
- The materials proposed for the proposed extension are not to be found in the original building or the surrounding building.

6.3. Achim Gottstein and Cathriona Duggan of No 56 Oaklands Park and, Paul Benson and Angela Collins of No 54 Oaklands Park and John and Nuala McGlade of No 52 Oaklands Park.

6.3.1. An appeal was lodged by Achim Gottstein and Cathriona Duggan, Paul Benson and Angela Collins and John and Nuala McGlade on their own behalf on 24th June, 2021. It includes images and photographs and, it is submitted that the proposed development would seriously injure the residential amenities of their properties on the following grounds: -

- The appellant party properties are perpendicular to No 11 Holyrood Park and are located on Oaklands Park and their rear garden boundaries adjoin the northern side boundary along the front, side, and rear of the application site.
- Overbearing impact due to height and position of the proposed extension the materiality of which is also unacceptable.
- Unacceptable external finishes with adverse visual impact. Painted render would necessitate access from the gardens of the appellant party properties for which consent has not been given. A brick finish would be acceptable in visual impact on the appellant party properties.
- In addition, it is stated that the boundary wall at the end of the rear gardens of the appellant party properties was included in the red line boundary whereas it is claimed that the wall is the party boundary. It is also submitted that existing extensions at the appellant party properties should have been included on the application drawings owing to their proximity to the site.

6.4. Applicant Response

6.4.1. A submission was lodged by Bright Design on 21st July, 2021 on behalf of the applicant in response to the two appeals and it includes photographs revised drawings for the proposed development.

6.4.2. In response to the appeal by Gerard Curtis it is stated that: -

- It is agreed that there is an error on the further information site layout drawing on which it is indicated that the level for the patio 100.08 whereas the correct level is 99.90, as indicated on the ground floor plan and section drawing A-A. drawings.
- With regard to the ground floor windows reference is made to the planning officer who indicated that overlooking from the south facing windows would not arise due to the high boundary fencing and setback from it by of a minimum of two metres. The setback is measured at a minimum of 2.7 metres.
- The applicant is willing to accept a condition for construction of a new two metres high boundary wall between the two properties to address perceptions of overlooking. It could be provided as a replacement for the existing fence on the party boundary or constructed on the inner side of the fence, within the applicant's property.
- At the appellant party's property there is an extension and return with four windows at ground level and one at first floor level facing the boundary at a distance of circa two metres from it. An extension could be constructed, as exempt development in the appellant party's property to the rear without limitation on glazing provided that there is a separation distance of one metre from the party boundary.
- The area of the proposed extension, at forty-nine square metres is modestly greater than the maximum of forty square metres allowable as exempt development for extensions to the rear and the residual remaining space to the rear far exceeds the minimum requirement (25 square metres) to the rear. for exempt development.

- The dens and finishes are complimentary to the redbrick finish at Holyrood Park and high-quality detailing and materials were selected.
- Extracts from the planning officer report are reproduced in which the aspect of the rear of No 10 Holyrood Park to the northeast is noted, that there is likely likelihood of significant impact on daylight and sunlight having regard to BRE's Site Layout Planning for Daylight and Sunlight and that the existing extension at Holyrood Park is dual aspect with extensive south facing glazing. Although the rear private open space is reduced there is extensive private amenity space with a southerly aspect to the front providing for an acceptable standard of private amenity space for the dwelling. The planning officer was satisfied that the proposed development is acceptable.

6.4.3. In response to the appeal by Achim Gottstein and Cathriona Duggan, Paul Benson and Angela Collins and John and Nuala McGlade it is stated that: -

- With regard to the external finishes the applicant would welcome a condition similar to a condition No 3 attached to the planning authority decision in which a light-coloured brick finish is required for the northeast elevation of the side and a rear extension and for all finishes to harmonise with existing finishes of the house.
- In response to the concerns as to the height, as a gesture of goodwill, a revision is proposed with the appeal whereby the single storey extension is reduced to provide for a height for the parapet at circa 3.43 metres along the northeast elevation. It would replace the previously proposed higher stepped parapet of circa 4.16 metres by a lowering by 500 mm to align with the lower parapet level. Drawings are attached. It is pointed out that the planning officer was satisfied that the original proposal would not be overbearing on the appellant party properties.
- It is requested that the decision of the planning authority be upheld subject to the incorporation of the revised roof design and northeast boundary finish as indicated in the response to the appeal.

6.5. Planning Authority Response

There is no submission from the planning authority on file.

6.6. Further Responses

6.6.1. Gerard Curtis.

A further submission was received by the Board from Mr. Curtis, third party appellant on 11th August, 2021 in which It is requested that permission be refused. Mr. Curtis states that the amended ground levels in the drawings in the applicant's response are noted. He also states that the rear yard at No 10 Holyrood is 1.9 metres in width and that the kitchen and dining room window face towards No 11 including the space in which the proposed extension is to be constructed. According to the submission: -

- The proposed development is not in compliance with the general principles and guidelines in section 16.10.12 of the CDP and the accompanying Appendix 17 regarding the relationship with the existing dwelling and surrounding developments. It is not demonstrated that there has been an adequate assessment against the criteria in section 17.4 and section 17.9.
- In this regard Mr Curtis is particularly concerned about overbearing impact from the proposed extension with the extension possibly subtending the line of 60 degrees measured from the mid-point of adjacent. The height and width of the proposed windows are larger than those of the existing house and will create dominant overbearing impact.
- The level at No 11 Holyrood Park is different to that at No10 Holyrood Park which impacts on the overbearing and overlooking impact of the proposed extension towards the appellant's property. This should be reflected in the boundary treatment. A two metres high wall measured from the site of No 11 would be 1.647 metres when measured from the floor level of the dining room at No 10. It is requested that brick finish be used.
- Condition No 9, attached to the planning authority decision should be extended so that finishes of the extension in entirety are covered by it, in the interest of visual amenity.

- The applicant has agreed to lowering the height by 0.5 metres along the length – to accommodate the appellant parties on Oaklands Park, to overcome issues of dominance. A similar concession should be applied with regard to No 10 Holyrood the rear yard of which is much closer to the proposed development.
- While the amended roof design is welcomed it does not address concerns as to visual amenity from the kitchen and dining room windows at No 10 Holyrood Park and the height remains excessive.

6.6.2. Achim Gottstein and Cathriona Duggan, Paul Benson and Angela Collins and John and Nuala McGlade

A further submission was received from the Appellant party on 12th August, 2021 according to which:

- The proposal in the applicant’s submission for the reduction in height for the proposed extension is welcomed and reasonable.
- A Victorian redbrick would be more successful than light coloured brick in harmonising with the existing gable end brickwork of the house and could be required by condition.
- A condition in which it is a requirement that no vents, flues or similar be erected on the elevation facing towards the appellant party properties.

7.0 Assessment

7.1. Two third party appeals were lodged with the Board. One of the appeals is by Mr. Curtis who provided an address at Cakestown, Kells in County Meath with his Appeal. In his supplementary submission Mr Curtis confirms that he is the owner the property at No 10 Holyrood Park the adjoining property to the south side of the application site. The other appeal has been lodged by the owners and or occupiers of three properties on Oaklands Park the footprints of which are perpendicular to No 11 Holyrood Park with the rear boundaries adjacent to the north side boundary of the application site. The issues central to the determination of a decision having regard to the appeals are considered below under the following subheadings:

- Overdevelopment /overbearing impact.
- Overlooking /Overshadowing
- Visual Impact
- Environmental Impact Assessment Screening.
- Appropriate Assessment.

7.2. **Overdevelopment /overbearing impact.**

- 7.2.1. There is no potential for overbearing impact on the property at No 10 Holyrood Park to the south side of the application site. The flat roofed extension is not excessive in height, is stepped but reduced in the supplementary submission a lower single height, is offset and is at a considerable distance from the party boundary between the two properties at the western end reducing to its closest point at the southern eastern end. It is of note that there is an extension at the rear of the property at No 10 circa two metres from the party boundary and beyond the footprint of the proposed extension at the application site.
- 7.2.2. There is no potential for overbearing impact and consequent adverse impact on the amenities of the Appellant Party properties on Oaklands Park having regard to the form and the reduced height, which was reduced, notwithstanding the footprint adjacent to the party boundaries which have sufficient distance from the rear facades and rear returns of the original houses irrespective of additions and extensions.
- 7.2.3. With regard to the properties on Oaklands Park, the rear boundaries of which adjoin the side boundaries to the north side of the application site although the proposed extension's footprint is adjacent to the boundaries, it is considered, owing to the reduced height proposed in the appeal response and the separation distances from the building lines of the rear façades and rear returns, overbearing impact is not at issue. Although not all details of additional developments within these properties were included on the application drawings the footprints of additional stand-alone developments at these properties are shown on the OS map, on which the site location map is formed. Sufficient information for assessment purposes in this regard has been made available
- 7.2.4. While it is agreed that the additional space to be provided in the proposal is significant, there is no concern as to overdevelopment, contrary to the assertion in

the appeal of Mr. Curtis. The remaining private open space provision to the rear of the original building and side of the extension where is patio is shown on the lodged plans is adequate in quantum and quality. The case made as to the amenity value of the space to the front of the dwelling is reasonable. This front curtilage is spacious, relates well to the dwelling and has a configuration which serves as an onsite parking area and private open space with good potential for sunlight.

7.3. Overlooking/Overshadowing

- 7.3.1. Notwithstanding the raised finished floor levels at the property at No 10 Holyrood, it is considered that any potential for passive and direct overlooking is marginal. Furthermore, there would be some reciprocity in terms of ground floor side elevation windows in the existing property at No 10 the extension to which has windows facing directly towards the party boundary at No 11. However, it would be desirable, in the interest of privacy and amenity that, for reciprocal screening purposes, from a longer-term perspective that a more robust and permanent structure, to a height of two metres be erected either as a replacement to the fence on the party boundary or immediately adjacent to it on the inner side of the application site. The applicant has indicated a willingness to accept a condition to this end. If permission is granted a condition to this effect can be attached to include a requirement for a compliance submission.
- 7.3.2. Given the site configuration, footprint, form and height of the proposed extension and its location to the north side of the property at No 10, it is not accepted that it would give rise to overshadowing of the windows and internal accommodation at the extension to No 10 or to its rear private open space.
- 7.3.3. There is no potential for overlooking from the proposed dormer window to the properties to either side, on Oaklands Park or, at No 10 Holyrood Park.

7.4. Visual Impact.

- 7.4.1. With regard to concerns as to requirements as provided for in standardised conditions and in design guidance within the CDP and Appendix 17 it should be borne in mind that such a requirement should not be understood to a restriction to a finishes and materiality matching that of an existing dwelling, with alternatives being appropriate and acceptable in some instances depending on individual circumstances. The subject proposal is at the rear of the existing dwelling and to the

rear of adjacent properties on Oaklands Park. Condition No 3 attached to the planning authority decision is considered acceptable in this regard.

- 7.4.2. The external finishes as required under Condition No 3 are considered sufficient to address any potential incompatibility with the existing brick finish to the dwellings. A light-coloured brick finish, to be agreed by compliance submission with the planning authority ensures clarity in this regard. In addition, a brick finish should ensure no necessity for access to third party properties for maintenance purposes. A similar condition can be attached if permission is granted. From the public realm the proposed extension would have limited visibility, other than to the extent that it comes into the view that terminates the view at the southern end of Oaklands Park.

7.5. Environmental Impact Assessment Screening

Having regard to the minor nature and scale of the development proposed for retention and its location in an area removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.6. Appropriate Assessment.

Having regard to the, the location of the site, which is a brownfield site on serviced land, and to the nature and scale of the proposed development, no appropriate assessment issues arise, the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

Given the foregoing, it is recommended that the planning authority decision to grant permission be upheld subject to the incorporation of the additions and modifications provided for in the applicant's response to the appeal and subject to the reasons and considerations and conditions which follow.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the Dublin City Development Plan, 2016-2022 according to which the site is located within an area subject to the zoning objective, Z2: *to protect and/or improve the amenities of residential conservation areas*. 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 by reason of overdevelopment, overbearing impact or overlooking or, the visual amenities and architectural character the area, and would 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 lodged with the An Bord Pleanála on 21st July, 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. A two metres high block wall shall be erected either, (a) on the inner side of the existing fencing on the rear garden party boundary with the adjoining property at No 10 Holyrood Park or (2) in replacement of the existing fence on the party boundary subject to the agreement of the adjoining property owner. Prior to the commencement of the development the applicant shall submit and agree in writing with the planning authority, revised plan, and elevation drawings.

Reason: In the interest of visual and residential amenity and orderly development.

3. Water supply and drainage arrangements, including the attenuation and 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 and clarity.

6. The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

7. 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. A light-coloured brick finish shall be used for the elevation to the northeast facing Oaklands Park.

Reason: In the interest of visual amenity and clarity.

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.

Jane Dennehy
Senior Planning Inspector
1st December, 2021.