



An
Bord
Pleanála

Inspector's Report

ABP-311010-21

Development	House Extension
Location	12A Northumberland Avenue, Dun Laoghaire, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D21B/0252
Applicant	Ruth McKenna
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	Ruth McKenna
Observers	Daniel Kelly and Eileen Counihan
Date of Site Inspection	19 th January 2022
Inspector	Margaret Commane

1.0 Site Location and Description

- 1.1. The area surrounding the subject site features mainly residential uses interspersed with commercial, liturgical and community uses. Northumberland Avenue is generally characterised by two storey terraced properties, many of which have been extended to the rear.
- 1.2. The subject site, at No. 12A Northumberland Avenue, comprises a 0.021Ha unusually shaped parcel of land on the western side of Northumberland Avenue in Dun Laoghaire, Co. Dublin. The subject site features a 63sqm pitched roof single storey cottage, setback c. 40 metres from Northumberland Avenue, which forms a pair with No. 12B Northumberland Avenue to the immediate south. The dwelling is served by a small rear courtyard and a small amenity space to the front of the dwelling which currently features a coal shed in part. The site tapers sharply from west to east. The subject dwelling shares a narrow pedestrian entry with 12B Northumberland Avenue which is heavily vegetated. The subject site is devoid of vehicular access.
- 1.3. The subject site's western boundary is flanked by a mews lane, accessible off Mulgrave Street. Immediately north of the subject dwelling is Foundation House, a two-storey commercial property, located to the rear of No. 12 Northumberland Avenue. Located further south of the subject site, south of No. 12B Northumberland Avenue, is the Christian Brethren Hall (Northumberland Hall) which is a Protected Structure (RPS. No. 947). Further west, on the opposite side of the rear mews lane, are the rear private open spaces associated with Nos. 52 and 53 Mulgrave Street.

2.0 Proposed Development

- 2.1. Permission is sought for the conversion of the existing 63 sqm 1 bedroom house into a 119 sqm 3-bedroom house via the construction of a 2-storey rear extension, 1-storey front extension and dormer attic conversion to the front, along with associated site works.

3.0 Planning Authority Decision

3.1. Decision

To Refuse Permission for the following reason:

“Having regard to the pattern of development in the area and to the design of the proposed extension to this semi-detached house, it is considered that the proposed development would be out of character and seriously injure the amenities of adjoining property by reason of its extent and design. It is considered that the extent of projection to the front at ground floor and the overall bulk, mass and scale of the proposed dormer window to the front would be excessive relative to the overall scale of the roof profile. It is also considered, by reason of its form, scale and design, that the proposed two storey rear extension incorporating a flat roof profile extending from the ridge of the house lacks harmony with the rest of the structure and adjacent structures, would constitute overdevelopment and would fail to have adequate regard to its setting, resulting in a visually unbalanced and incongruous form of development at this location. The proposed development would be contrary to Section 8.2.3.4 (i) of the Dun Laoghaire Rathdown County Council Development Plan, with respect to extensions to dwellings, would seriously injure the visual amenities of the area and depreciate the value of property in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Report

- It is considered that significant demolition works are proposed and essentially the proposal involves the construction of a new dwelling rather than an extension. Insufficient information is provided justifying the extent of demolition proposed or assessing the potential impacts on the structural integrity of adjoining properties from the proposed demolition.
- Having regard to the size, scale and setback adopted from the adjoining dwelling to the south, it is considered the single storey entrance proposed to the front of the dwelling would not give rise to overshadowing, overlooking or

overbearing of the adjoining property. The proposed gate and fence enclosing the courtyard is also considered to be acceptable.

- Having regard to its projection beyond the building line and its height, size, scale and the setback adopted from the adjoining dwelling to the south, the extension accommodating bedroom 3 would be visually obtrusive and out of character at this location. Further to this, it would seriously injure the residential amenity of property in the vicinity and would not be in accordance with the objective of the current Development Plan for the area, which seeks to protect and/or improve residential amenity and would be contrary to the proper and sustainable development of the area.
- Having regard to its height, width and overall scale, relative to the overall scale of the roof profile, in particular its close proximity to all edges to the parent roof and extension the ridge line of the roof, the proposed dormer extension would be out of keeping with the character of the existing dwelling, would be visually dominant and obtrusive when viewed from the neighbouring properties and would be contrary to the provisions of Section 8.2.3.4(i) Extensions to Dwellings of the current Development Plan regarding dormer extensions to roofs.
- The two storey rear extension proposed was considered unacceptable from a visual impact perspective as it resulted in a visually unbalanced and incongruous form of development at this location. Further to this, the first floor west-facing bedroom window proposed will result in unreasonable overlooking of 12B Northumberland Avenue's rear courtyard and the rear gardens of 52 and 53 Mulgrave Street. It is considered that the use of opaque glazing on the first floor south-facing bathroom and utility windows would be an appropriate design solution to restrict overlooking of the adjoining property to the south.
- Having regard to the pattern of development in the area, it is considered, by reason of its form, scale and design, in particular the flat roof profile, that the proposed extension would not be in harmony with the rest of the structure or adjacent structures, would constitute overdevelopment and would fail to have adequate regard to its setting, resulting in visually unbalanced and incongruous form of development at this location.

- Given the site location in an urban area and its proximity to public amenity spaces in the surrounding area, the size and location of the proposed rear courtyard to serve this dwelling is considered acceptable in this case.
- Having regard to the size and scale of the proposed development and the distance of the subject property to Northumberland Hall, it is considered that the proposed development would not adversely affect the setting or amenity of the Protected Structure.

3.2.2. **Other Technical Reports**

Drainage Planning (24/06/2021): No objection, subject to conditions.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

3 third party observations were submitted to the Planning Authority. The main issues raised therein are as follows:

- Nos. 12A and 12B Northumberland Avenue are a pair of cottages built in the late nineteenth century as part of the DeVesci Estate. The subject proposal would essentially destroy the original cottage and would result in the loss of a valuable part of Dun Laoghaire's history and heritage.
- The proposed development would dominate and destroy the symmetry that exists with the recently renovated cottage at No. 12B Northumberland Avenue. It would result in a visually incongruous and unbalanced form of development.
- The proposed development will overshadow and overlook No. 12B Northumberland Avenue.
- The proposed development constitutes overdevelopment of the subject site.
- The proposed development will impact on the structural integrity of the shared party wall/chimney with No. 12B Northumberland Avenue.
- The scale, bulk and mass would be out of character with the original cottage and would seriously damage the amenities of No. 12B Northumberland Avenue.

- The proposed west-facing first floor windows do not maintain the required 22 metre minimum separation distance from opposing first floor windows at No. 52 Mulgrave Street.
- The proposed west-facing first floor windows will overlook the rear gardens and windows of Nos. 52 and 53 Mulgrave Street.
- The proposed development will devalue surrounding properties.
- The Mews Lane to the rear of the subject site/the rear property boundary wall forms part of the property deeds of No. 53 Mulgrave Street. Therefore, the erection of scaffolding to facilitate development will require permission from the owner of No. 53 Mulgrave Street.

4.0 Planning History

4.1. Subject Site

4.1.1. There have been no previous applications pertaining to the subject site of relevance.

4.2. Adjacent Sites

4.2.1. There has been 1 recent application in the vicinity of the subject site that is pertinent to the current proposal. This is summarised below.

PA Reg. Ref. D13A/0072

Permission granted on 10th April 2013 for demolition of No. 12B Northumberland Avenue, together with demolition and rebuilding in new location of boundary wall between No. 12B Northumberland Avenue and Northumberland Hall, a protected structure. This permission has not been acted upon and has since expired.

5.0 Policy Context

5.1. Dún Laoghaire Rathdown County Development Plan, 2016-2022

5.1.1. Land Use Zoning

The site is zoned Objective 'A' in the Dun Laoghaire Rathdown County Development Plan 2016-2022 with a stated objective '*to protect and/or improve residential amenities.*'

5.1.2. Other Relevant Sections/ Policies

The Christian Brethren Hall (Northumberland Hall), to the south of the subject site is a Protected Structure (RPS. No. 947).

The following policies are considered relevant to the consideration of the subject proposal:

Section 6.1.3.1 - Policy AR1: Record of Protected Structures:

"It is Council policy to:

- i. Include those structures that are considered in the opinion of the Planning Authority to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures (RPS).*
- ii. Protect structures included on the RPS from any works that would negatively impact their special character and appearance.*
- iii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Department of the Arts, Heritage and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011).*
- iv. Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure."*

Section 8.2.3.4: Additional Accommodation in Existing Built-up Areas: (i) Extensions to Dwellings

“First floor rear extensions will be considered on their merits, noting that they can often have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

- Overshadowing, overbearing and overlooking - along with proximity, height and length along mutual boundaries.*
- Remaining rear private open space, its orientation and usability.*
- Degree of set-back from mutual side boundaries.*
- External finishes and design, which shall generally be in harmony with existing.*

Roof alterations/expansions to main roof profiles - changing the hip-end roof of a semi-detached house to a gable/‘A’ frame end or ‘half-hip’ for example - will be assessed against a number of criteria including:

- Careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.*
- Existing roof variations on the streetscape.*
- Distance/contrast/visibility of proposed roof end.*
- Harmony with the rest of the structure, adjacent structures and prominence.*

Dormer extensions to roofs will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions shall be set back from the eaves, gables and/or party boundaries.”

Section 8.2.3.5: Residential Development – General Requirements

Section 8.2.11.2: Architectural Heritage – Protected Structures: (iii) Development in the Proximity to a Protected Structure:

“Any proposed development within the curtilage, attendant grounds or in close proximity to a Protected Structure has the potential to adversely affect its setting and amenity. The overall guiding principle will be an insistence on high quality in both

materials and design which both respects and compliments the Protected Structure and its setting. Innovative design in accordance with international best practice is encouraged. Pastiche design should be avoided as it confuses the historical record of the existing building and diminishes its architectural integrity.

Any proposal for development will be assessed in terms of the following:

- The proximity and potential impact in terms of scale, height, massing and alignment on the Protected Structure, to ensure that harmony produced by particular grouping of buildings and the quality of spaces and views between them is not adversely affected.*
- The quality and palette of materials and finishes proposed.*
- Works to the Protected Structure should take place in tandem with the proposed development to ensure a holistic approach to the site.*
- Impact on existing features and important landscape elements including trees, hedgerows and boundary treatments.*
- Impact of associated works including street furniture, car parking, hard landscaping finishes, lighting and services.”*

5.2. Natural Heritage Designations

5.2.1. The proposed development is not located within or immediately adjacent to any European site. The nearest European sites are the South Dublin Bay and River Tolka Estuary SPA/South Dublin Bay SAC, located c. 1.2km north-west.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- The proposed extension will not be visible from Northumberland Avenue, thereby, not disturbing its Georgian character, whilst to the rear the proposal deliberately matches the character of the surrounding contemporary extensions and mews and is therefore of the same character.

- The bulk and mass of the proposed extension has been minimised and every architectural trick has been utilised to soften its perception. They do not agree that it is excessive relative to the overall roof profile considering the existing ridge and eave levels are respected and the dormer and extension sit below these.
- Opportunities to extend No. 12A Northumberland Avenue are confined to the front of the site due to the unusual site layout and the proposed extension to the front does not break an established building line and is not visible from Northumberland Avenue or the adjacent mews lane.
- The proposed development will not overlook No. 12B Northumberland Avenue as all windows look directly south across the subject site's own garden.
- The flat roof extension proposed to the rear is appropriate having regard to the roof profiles featuring along the applicable mews lane and will be in harmony with its context. Further to this, the parapet level of the proposed flat roof has regard to No. 12B Northumberland Avenue and does not exceed the established ridgeline level.
- A feature tree is to be planted in the rear yard to soften the appearance of the proposed development while the proposed rough-face roman bricks being utilised will discourage graffiti and the louvred gate proposed will aid passive surveillance.
- Overlooking is mitigated by the positioning of windows and use of obscure glazing to a no. of the proposed windows. In the context of No. 52 Mulgrave Street, it is argued that the windows are not directly opposite the first floor windows featuring in this dwelling, rather they are at a 16 degree angle and also feature in an extension rather than the original building footprint, and that a generous minimum setback of 20.7 metres is adopted.
- Overshadowing is mitigated by the setbacks that exist from adjacent properties and in the context of No. 12B Northumberland Avenue by the orientation of the subject site. The setbacks adopted, as well as the feature tree being planted in the rear yard, also reduce overbearing.

- Sufficient useable amenity space is maintained for residents of the subject dwelling.
- The materials and finishes have been carefully selected to compliment and harmonise with the surrounding context and will constitute an improvement on the existing situation.

6.2. **Planning Authority Response**

- The Board is referred to the previous planner's report. It is considered that the grounds of appeal do not raise any new matter which in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.3. **Observations**

One observation, from the residents of the neighbouring property to the south, has been submitted within the prescribed time (a second having been received outside the prescribed time) which can be summarised as follows:

- This pair of cottages were built in the late nineteenth century as part of the DeVesci Estate. The subject proposal would essentially destroy the original cottage and would result in the loss of a valuable part of Dun Laoghaire's history and heritage.
- The proposed development would dominate and destroy the symmetry that exists with the recently renovated cottage at 12B Northumberland Avenue. It would result in a visually incongruous and unbalanced form of development.
- The proposed development will overshadow and overlook 12B Northumberland Avenue.
- The proposed development constitutes overdevelopment of the subject site.
- The proposed development will impact on the structural integrity of the shared party wall/chimney with No. 12B Northumberland Avenue.
- The scale, bulk and mass would be out of character with the original cottage and would seriously damage the amenities of No. 12B Northumberland Avenue.

6.4. Further Responses

- None

7.0 Assessment

From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- Principle of Development
- Overall Design and Layout / Visual Impact
- Residential Amenity
- Impact on Architectural Heritage
- Other Matters
- Appropriate Assessment

7.1. Principle of Development

7.1.1. As previously discussed, the development site lies within an area of suburban residentially zoned land. Under this land use zoning objective, residential development is generally acceptable in principle subject to the proposed development being acceptable in terms of its impact on the visual amenities of the area and the established residential amenities of properties in its vicinity. These matters are considered in turn below.

7.2. Overall Design and Layout / Visual Impact

7.2.1. The Planning Authority, in deciding to refuse permission, had regard to the proposed developments' supposed inconsistency with the neighbourhood character. Further to this, concerns were raised by the observer in relation to the proposed development dominating and destroying the symmetry that currently exists with the neighbouring cottage at No. 12B Northumberland Avenue. They contended that the scale, bulk and

mass would be out of character with the original cottage, and it would result in a visually incongruous and unbalanced form of development.

- 7.2.2. As previously discussed in Section 1.0, No. 12A Northumberland Avenue forms a pair of semi-detached cottages with No. 12B Northumberland Avenue. These 2 dwellings read as a distinct pair of cottages for a number of reasons, including their siting (recessed c. 40 metres from the site's front boundary with Northumberland Avenue), similar building footprint/scale, matching roof pitch/form and matching conservatories running along the front of the dwellings.
- 7.2.3. The subject proposal looks to convert the existing 63sqm 1 bedroom house into a 119sqm 3-bedroom house through the construction of a 1-storey extension to the front of the dwelling, a 2-storey rear extension and a dormer attic conversion to the front of the dwelling. The 56sqm increase in floor area proposed would equate to an 88% increase on the existing floor area which is considered to be a substantial increase for such a confined site.
- 7.2.4. It is proposed to remove the existing conservatory featuring to the front of the subject dwelling and construct a single storey extension featuring an entrance hall and a third bedroom. The proposed single storey extension will project c. 8.4 metres forward of the subject dwelling/No. 12B Northumberland Avenue's front façade and c. 5.5 metres No. 12B Northumberland Avenue's Conservatory. Currently, the 2 cottages read as a pair and have a matching building line/front façade presentation. It is considered that the 1-storey extension proposed to the front of the dwelling, will erode the symmetry currently featuring across the 2 dwellings and the resultant dwelling will be incongruous with No. 12B Northumberland Avenue.
- 7.2.5. Removal of part of the existing roof is required to accommodate the proposed double storey rear extension to the rear and dormer attic conversion to the front. Cumulatively, the introduction of the proposed dormer attic conversion and double storey extension results in the majority of the existing roof being removed to accommodate the proposed development. As clearly illustrated in the roof plan, shown on Drawing No. 12A-RMA-ZZ-ZZ-DR-A-PLA-0004 included in the plans accompanying the planning application, only a small portion of the existing front roof profile will be retained while

the entirety of the rear roof profile will be removed. The extent of original roof removal proposed is considered to be contrary to the policy regarding extensions to dwellings, included in Section 8.2.3.4 of the development plan.

- 7.2.6. The proposed dormer extension will be 4.8 metres wide, adopts little or no setback from the party boundaries and, at 2.7 metres high, matches the existing ridge height. In light of this, it will read as a completely new roof structure in the context of the subject dwelling as opposed to a later addition to the existing roof. Similarly, due to it extending to a height of 6.1 metres, which matches the existing ridge height, the rear extension will also read as an entirely new roof structure. In fact, due to span and height of the proposed dormer and rear extensions, the resultant dwelling will read as a 2 storey dwelling as opposed to an extended single storey dwelling, thus losing its quintessential character.
- 7.2.7. In the context of No. 12B Northumberland Avenue, the roof structure resulting from the proposed rear extension and dormer extension will be at odds with the roof pitch/style featuring at No. 12B Northumberland Avenue and the pair of dwellings would appear visually unbalanced/inharmonious.
- 7.2.8. Having regard to the foregoing, I would consider the proposed development to be out of character with No. 12B Northumberland Avenue and a visually unbalanced and incongruous form of development at this location. Further to this, by reason of its scale, bulk and mass I consider the proposed development to constitute overdevelopment of the subject site.

7.3. Residential Amenity

Observers House (No. 12B Northumberland Avenue)

- 7.3.1. The Planning Authority, in deciding to refuse permission, had regard to the proposed developments impact on the residential amenity deeming it to be '*seriously injure the amenities of adjoining property by reason of its extent and design.*' Further to this, the observer has raised concerns that the proposed development, if permitted, will overshadow and overlook No. 12B Northumberland Avenue and give rise to serious

injury to their established residential amenities. More specifically, the observer is concerned that the proposed dormer window will result in overlooking of their private amenity space area featuring to the front of the site. The observer contends that the proposed development constitutes overdevelopment of the subject site.

7.3.2. Prior to assessing potential overshadowing, overlooking and overbearing impacts from the proposed development, I think it beneficial to discuss the site layout of the neighbouring site at No. 12B Northumberland Avenue/the subject site, given their unusual nature. As previously discussed in Section 1.0, the subject site is an unusually shaped parcel of land which tapers sharply from west to east. The same can be said of No. 12B Northumberland Avenue. Due to the tapered nature of these sites, the pair of cottages featuring thereon has been constructed to the rear of site (setback c. 40 metres from the site's front boundary with Northumberland Avenue). Given the cottage's proximity to the site's rear boundary and the depth/heavily vegetated state of their front gardens, private open space serving the cottages has been provided via a rear courtyard and a front garden.

7.3.3. With regards to potential overshadowing, due to the orientation of the subject site to the north of No. 12B Northumberland Avenue, no significant overshadowing issues arise in the context of the neighbouring property to the south.

7.3.4. I now turn my attention to potential overlooking from the proposed development to the property to the south. Potential overlooking from ground floor windows is restricted by existing and proposed boundary fencing between the two properties. It is proposed to introduce a dormer attic conversion to the front roof profile which will feature a large sliding window serving the proposed master bedroom. I consider this master bedroom window would result in significant and undue overlooking impacts on No. 12B Northumberland Avenue's front garden which is positioned immediately south-east. Such overlooking, and resultant loss of privacy, would be exacerbated by the size of the proposed window and its position in the south-eastern corner of the room, immediately adjacent to the common boundary.

7.3.5. To the rear of the site, it is proposed to construct a double storey extension featuring 2 south-facing windows, serving a bathroom and utility, and 1 west-facing window,

serving bedroom 2. The windows serving the bathroom and utility feature opaque glazing, which appropriately restricts potential overlooking from these windows and also provide users of the bathroom with an appropriate level of privacy. The window serving the second bedroom is located immediately adjacent to the common boundary with No. 12B Northumberland Avenue. Given this window's proximity to the common boundary, its size and the positioning of No. 12B Northumberland Avenue's rear private open space, immediately south adjacent to the common boundary, I consider the second bedroom window would result in significant and undue overlooking impacts on No. 12B Northumberland Avenue's adjacent rear private open space.

- 7.3.6. With regards to the potential overbearing impact on the dwelling to the south, it is considered that the proposed development will have an unreasonable overbearing impact on No. 12B Northumberland Avenue, in particular the front and rear private open space areas serving this dwelling. The proposed dormer structure sits 0.5 metres behind No. 12B Northumberland Avenue's front façade, extends to a height of 6.1 metres and is 4.8 metres wide, while the 2.7 metre high wall associated with proposed bedroom 3 sits immediately north of the front private open space area. In light of this, it is considered that these aspects of the proposed development will be overwhelming when viewed from the immediately adjacent private open space area. To the rear of the site, the existing rear roof profile will be replaced by an 'L'-shaped flat roof 2 storey. This extension extends to the site's rear (western) boundary in part, is setback a mere 2.5 metres from the common boundary and extends to a height of 6.1 metres. It is considered that the proposed rear extension will be visually obtrusive when viewed from the rear courtyard of No. 12B Northumberland Avenue which is located immediately south.

Having regard to the foregoing, the proposed development is considered to be contrary to the policies set out in Section 8.2.3.4 of the Dun Laoghaire Rathdown County Development Plan 2016-2022, regarding extensions to dwellings, and is also inconsistent with the zoning objective, Objective 'A', applying to the site which seeks to '*protect and/or improve residential amenities.*'

Other Adjacent Houses

- 7.3.7. Nos. 52 and 53 Mulgrave Street are located west subject site on the opposite side of the rear mews lane. Both of these sites feature a 2 storey terraced dwelling fronting Mulgrave Street with later single storey extensions to the rear. The rear private open space serving these dwellings is immediately proximate to the mews lane.
- 7.3.8. With regards to potential overlooking of opposing first floor windows, the first floor window serving the second bedroom sits immediately opposite 3 east-facing first floor windows associated with No. 52 Mulgrave Street and 3 east-facing first floor windows associated with No. 53 Mulgrave Street. Of these 6 windows, 5 are separated from the window serving the second bedroom by well in excess of 22 metres. The 6th window, which features in No. 53 Mulgrave Street's rear extension, is located a minimum of 20.7 metres from the window serving the second bedroom. This falls slightly short of the 22 metre minimum separation distance specified. Having regard to the urban context of the area and the minimal degree of non-compliance (1.3 metres), this is considered appropriate in this instance. Therefore, the proposed development is not considered to result in unreasonable overlooking in the context of opposing first floor windows.
- 7.3.9. With regards to potential overlooking of adjacent private open space, a contrary view is formed. The proposed first floor window serving bedroom 2 sits between 8.4 metres and 8.7 metres from the rear property boundaries of Nos. 52 and 53 Mulgrave Street. It is considered that this separation distance is insufficient to restrict overlooking from bedroom 2 to the rear private open space areas serving the properties to the west, which is located immediately adjacent to the rear boundary (the part of the private open space closest to the original dwellings having had later rear extensions added to it thus condensing the private open space areas adjacent to the rear property boundary).
- 7.3.10. With regards to potential overshadowing or overbearing impacts, due to the orientation of the subject site to the east of Nos. 52 and 53 Mulgrave Street, the separation provided between these properties and the subject site by the intervening mews lane and the scale/height of existing buildings featuring along the mews lane, no significant

overshadowing or overbearing issues arise in the context of the neighbouring properties to the west.

No. 12A Northumberland Avenue (subject dwelling)

- 7.3.11. The dwelling resulting from the proposed extension and internal modifications will have a total floor area of c. 119sqm across the 2 floors. Having reviewed the proposed floor plans, I am satisfied that the resulting house is suitably designed and adequately sized internally to provide an adequate level of residential amenity to future residents.
- 7.3.12. Section 8.2.8.4 of the Development Plan requires that 3 bedroom houses are provided with a minimum of 60sq.m private open space. According to the plans submitted with the application, residents of the subject site will be served by 127sqm of private amenity space, comprising of a 7.6sqm rear courtyard, a 10.2sqm front courtyard and 109sqm of the front garden shared with No. 12B Northumberland Avenue. Given the narrow width and shared nature of the front garden area, I do not consider it to constitute private open space for the purpose of this calculation. Having omitted the shared garden from the calculation, the resultant dwelling will be served by 17.8sqm.
- 7.3.13. Although the private open space provided falls short of the minimum requirements set out in Section 8.2.8.4 of the Development Plan, it is considered appropriate in this instance given the urban context of the subject site, the subject site's proximity to a no. of public amenity spaces (including Clarinda Park, Peoples Park, Moran Park and Dun Laoghaire waterfront), the orientation of the courtyards serving the dwelling and their proximity to proposed living spaces.

7.4. Impact on Architectural Heritage

- 7.4.1. The Dún Laoghaire Rathdown County Development Plan 2016-2022, at Policy AR1, seeks to protect protected structures from any works that would negatively impact their special character/appearance. Section 8.2.11.2 provides guidance regarding development in proximity to a Protected Structure. The subject site is located to the north of the Christian Brethren Hall (Northumberland Hall) which is a Protected Structure (RPS. No. 947). Due to the unusual shape of the subject site, tapering from

west to east, the subject dwelling is located adjacent to the rear property boundary and sits behind the Christian Brethren Hall (Northumberland Hall).

7.4.2. I note the comments of the Planning Authority in relation to the potential impact of the proposed works on this Protected Structure which conclude that *'having regard to the size and scale of the proposed works and the distance of the subject property to Northumberland Hall, it is considered that the proposed development would not adversely affect the setting of amenity of the protected structure.'*

7.4.3. Having regard to the proximity of the proposed works to adjoining protected structure, the recessed position of the subject dwelling relative to the protected structure and the limited views available from the Northumberland Avenue streetscape, I would concur with the conclusions reached by the Planning Authority. I, therefore, have no objections to the proposed development in terms of potential impacts on the adjacent protected structure. I consider the proposed development would be consistent with Policies AR1 and Section 8.2.11.2 of the Development Plan as the attractive and distinctive features of the Protected Structure on the neighbouring site would not be negatively affected.

7.5. Other Matters

7.5.1. The observer has raised concerns that the proposed development will impact on the structural integrity of the shared party wall/chimney with No. 12B Northumberland Avenue.

7.5.2. I note that the existing party wall with No. 12B Northumberland Avenue is proposed to be retained as part of the current application, as illustrated in Drawing No. 12A-RMA-ZZ-ZZ-DR-A-PLA-0003 included in the plans accompanying the planning application. Upon review of Drawing No. 12A-RMA-ZZ-ZZ-DR-A-PLA-0003, it would appear that the chimney breast associated with the existing lounge fireplace is to be removed as part of the subject proposal. However, save for this, the plans submitted with the application do not show the chimney shared by Nos. 12A and 12B Northumberland Avenue and provide no indication of how it is to be dealt with as part of the subject

proposal. Given the absence of such information/detailed proposals in this regard, the observers concerns are warranted in my view.

7.5.3. It is recommended that if the Board is minded to grant permission, they include conditions requiring that plans be amended to incorporate the retention of the shared chimney and that detailed structural drawings/a construction methodology statement (including the results of detailed structural surveys of the shared party wall/chimney to be retained) indicating the means proposed to ensure the protection of the structural stability and fabric of the retained party wall/chimney be submitted to and agreed in writing with the planning authority, to ensure the structural integrity of the shared chimney and wall with No. 12B Northumberland Avenue is safeguarded. Subject to the inclusion of such conditions, it is considered that the proposed development could be successfully carried out without causing an undue/unreasonable threat to the shared party wall/chimney with No. 12B Northumberland Avenue.

7.6. **Appropriate Assessment**

7.6.1. Having regard to the nature and scale of the proposed development (an extension to an existing dwelling within an established urban area), the availability of public services, the nature of the receiving environment, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 **Recommendation**

8.1. Having regard to the foregoing, it is recommended that permission be refused for the proposed development for the reasons and considerations set out below.

9.0 **Reasons and Considerations**

“Having regard to the pattern of development in the area and to the design of the proposed extension to this semi-detached house, it is considered that the proposed development would be out of character and seriously injure the amenities of adjoining property by reason of its extent and design. It is considered that the extent of projection

to the front at ground floor and the overall bulk, mass and scale of the proposed dormer window to the front would be excessive relative to the overall scale of the roof profile. It is also considered, by reason of its form, scale and design, that the proposed two storey rear extension incorporating a flat roof profile extending from the ridge of the house lacks harmony with the rest of the structure and adjacent structures, would constitute overdevelopment and would fail to have adequate regard to its setting, resulting in a visually unbalanced and incongruous form of development at this location. The proposed development would be contrary to Section 8.2.3.4 (i) of the Dun Laoghaire Rathdown County Council Development Plan, with respect to extensions to dwellings, would seriously injure the visual amenities of the area and depreciate the value of property in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.”

Margaret Commane
Planning Inspector

1st February 2022