



An
Bord
Pleanála

Inspector's Report

ABP-311180

Development	Demolition of extensions to rear and side of detached house and replacement with two storey extension rear side and front, new porch, widening of bay alterations of windows and fenestration, new rooflights, widening of vehicular access, internal alterations, landscaping + ancillary works,
Location	28 Marlborough Road, Glenageary, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown Co. Council
Planning Authority Reg. Ref.	D21A/0503
Applicant(s)	Caroline O'Gorman
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First-Party
Appellant(s)	Caroline O'Gorman
Observer(s)	Karen Stolberg
Date of Site Inspection	23 rd December 2021
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The appeal site of 0.138ha relates to a detached 5-bedroom house on the west side of Marlborough Road in Glenageary. The Road is characterised by large, detached houses on large plots. The house styles vary from late Victorian to Arts and Crafts/Edwardian as reflected in the palette of materials and architectural detailing. Many of the houses have been extended and remodelled and these are predominantly of the Arts and Crafts style with gabled features and mock Tudor timber detail.
- 1.2. The original house is a three bay two storey house with a gabled bay on the façade and this includes a feature bow window. It has four bedrooms at first floor level and a fifth bedroom at attic level. The present configuration of the ground floor also includes an ensuite bedroom. The house has been extended to the side and rear with a wraparound flat roof extension but retains a c.865mm side passage along the boundary with no.27. The original rear wall of the house is also retained as the extension wraps around and maintains an intervening passage. There is an original garage adjoining the southern side with pitched roof and modern metal door.
- 1.3. The site slopes generally downwards from the road in a north westly direction and this is reflected in the raised terrace to the rear which steps down to the garden. The extensions are clearly evident as later additions to the house, as are all the windows. The original house, in form, cement render, and roof profile with chimneys is quite apparent as viewed from the street. The window openings appear to be original but the fitted windows have been replaced with aluminium windows in the last number of decades. There are some repaired cracks in the rendering in the bay. There is a vehicular access and driveway to the front. The gated entrance is marked by decorative red brick gate piers and wrought iron gates appear to be stored in the side passage. The gardens and its boundaries are mature and well maintained.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Demolition of the extensions. (outlined in blue)

- Construction of 2 storey extension to front, side and rear - to include enlargement of existing bay to front.
- Alterations to vehicular access- demolition of gate pier and reconstruction to provide 3.5m wide access.
- Substantial remodelling of interior with reconfiguring of layout, room size, addition of bathrooms, removal of original internal and external walls and chimney

2.2. Attachments:

- Architectural Heritage Impact Assessment: Based on the 1928 design, building typology in the area, planning history and design approach it is concluded that the design and extension, particularly relating to the altered bay, is sympathetic to its surroundings and conforms to the architectural character of the area.

2.3. Revised drawings:

- The grounds of appeal include a modification to the design by way of stepping back the first floor from the northern boundary to provide a set back of 2.7m from the boundary wall from a point where the proposed extension aligns with the adjacent rear building line.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to refuse permission for the following reasons:

- The proposed dwelling by reason of the massing, scale and proximity to the northern boundary of the subject site, would adversely impact on the residential amenity of adjacent properties by reason of overbearing appearance. The proposed development would detract from the existing visual and residential amenities of the area, would depreciate the value of property in the vicinity and if permitted would set an undesirable precedent for similar development in the area. The proposed development would be contrary to the provisions of section 8.2.3.4 (i) of the Development Plan regarding extensions.
- The proposed development would be of a design not appropriate or sympathetic to the adjacent dwelling and would absorb the original form and expression of the

original building thereby significantly changing its character and appearance. The proposed development fails to protect and/or enhance the established character and would erode the architectural character of the Marlborough Road candidate ACA within which the subject site is located . The proposed development would thus be contrary to the provisions of the development plan regarding the built heritage, including policy AR17 and development within an cACA. Furthermore the proposed development would not accord with the provision of AR8 which seeks to encourage the appropriate development of exemplar nineteenth and twentieth century buildings and estates to ensure their character is not compromised. The proposed development would significantly detract for the architectural character and significance of the Marlborough Road cACA would set a poor precedent for similar type development in the area 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: The report refers to:

- The ground floor extension is acceptable in the context of site size and set back from boundaries.
- The first floor extension is noted to extend 6.4m beyond the rear building line of the house to the north and this aspect of the extension is of serious concern in the context of impact on no.27 to the north. A daylight and sunlight analysis is needed for the scale of extension .
- The separation distance between the proposed extension and no.29 to the south is not a source of concern with regard to adverse impact on amenities .
- Side windows at first floor should be required to be permanently fitted with obscure glazing.
- Entrance widening acceptable
- No AA or EIA issues.

3.2.2. Other Technical Reports

- Conservation officer report: 21/7/21 principle of extension acceptable but the scale and form renders the original house illegible . The widening of vehicular entrance from 2.8m to 3.5m is acceptable.

- Drainage Division - Engineering Department - no objection subject to conditions
- Transportation Planning Division – No objection subject to conditions.

3.3. **Prescribed Bodies**

- No reports

3.4. **Third-Party Observations**

- Issues raised in observations on appeal.

4.0 **Planning History**

4.1. **The site**

D09B/0011 refers to permission for a 50sq.m. single storey extension .

4.2. **Adjacent sites on Marlborough Rd.**

- D21A/0325 refers to permission for 2 storey extension to no.16.
- D20/0913 refers to refusal for house at no.13.
- D30A/0857 refers to refusal for 2 storey extension to no.16

The planning authority report also sets out the planning history dating back to 2015 for the road .

5.0 **Policy & Context**

5.1. **Development Plan**

5.1.1. The objective for the site is 'To protect and/or improve residential amenities.'
(Zone A)

5.1.2. Chapter 8 sets out housing standards. Section 8.2.3.4 (i) refers to extensions.

(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.
- Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.

Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and impacts on residential amenity. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable, though in certain cases a set-back of an extension, front facade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a ‘terracing’ effect. External finishes shall normally be in harmony with existing.

Roof alterations/expansions to main roof profiles -

changing the hip-end roof of a semi-detached house to a gabled ‘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.

5.1.3. Section 8.2.3.4 (xiv) refers to demolition and replacement dwelling in the context of building strategy. ‘The Council will sometimes state a preference to retain existing houses that, while not Protected Structures, do have their own merit and/or contribute beneficially to the area in terms of visual amenity, character and/or accommodation type... The Planning Authority will assess single replacement dwellings within an urban area on a case by case basis and may only permit such developments where the existing dwelling is beyond repair due to structural defects.’

5.1.4. **Chapter 6 - Built Heritage.** The site is located in a cACA . Policy AR17 refers to Development within a cACA. 'It is Council policy that development proposals within a candidate Architectural Conservation Area will be assessed having regard to the impact on the character of the area in which it is to be placed. All proposals for new development should preserve or enhance the established character of the buildings and streetscape.'

5.1.5. **Policy AR5: Buildings of Heritage Interest** It is policy to retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of a streetscape in preference to their demolition and redevelopment and to preserve surviving shop and pub fronts of special historical or architectural interest including signage and associated features. "Many of the older buildings and structures in the County, whilst not strictly meeting the criteria for inclusion in the Record of Protected Structures, are often modest buildings which make a positive contribution to the historic built environment of Dun Laoghaire-Rathdown. The retention and reuse of these buildings adds to the streetscape and sense of place and has a role in the sustainable development of the County."

5.1.6. **Policy AR 8 Nineteenth and Twentieth Century, Buildings Estates and Features.** It is Council policy to:

- i. Encourage the appropriate development of exemplar nineteenth and twentieth century buildings and estates to ensure their character is not compromised.
- ii. Encourage the retention of features that contribute to the character of exemplar nineteenth and twentieth century buildings and estates such as roofscapes, boundary treatments and other features considered worthy of retention

5.2. **Environmental Impact Assessment - Preliminary Examination**

5.2.1. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The

need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A first-party appeal has been lodged and the grounds of objection are based on the following:

- The proposed development which has been designed to the highest standard is submitted to meet with development plan standards for extensions in terms of scaling and protection of residential amenities for adjoining properties.
- The modest extension will improve the standard of accommodation for occupants in a manner that is in keeping with the character of the surrounding area.
- There are numerous planning precedents in the area for similar developments.
- Revised drawings incorporating a first floor set back from the northern boundary are submitted as an alternative design.

6.2. Planning Authority Response

- 6.2.1. The planning authority considers that the grounds of appeal do not warrant a change of attitude and the Board is referred to the report previously submitted.

6.3. Observations

- 6.3.1. Karen Stolberg of 27 Marlborough Road (adjacent dwelling) supports the decision to refuse permission. The grounds for this are expressed by her agent and are based on the following points:

- Generous lateral spacing and details such as gables and pediments contribute to the distinctive character of the road and streetscape.
- Precedents are not necessarily relevant by reason of location and date – what is relevant is the current cACA designation and how that now informs decisions.
- The proximity and loss of trees combine to destroy the lateral spacing - an essential design feature and thereby have a serious visual impact. Reason 1 was not strong enough in this regard.

- The extension beyond the rear building line of no27 and at 8.5 min height would dominate the boundary and block light. The extent of overshadowing on the family accommodation from morning to afternoon in no.27 conflicts with development plan objective to protect such amenities.
- The extent of glazing in the north facing gable, while obscure, is contentious.
- There is concern about first floor 'French doors' opening in rear elevation.
- The unsolicited design retains an overbearing impact.
- There is a .60m ground level difference which heightens the impact of the proposal in such close proximity.
- Reasons for refusal recommended refer to
 - Location in cACA and inappropriate design, bulk, massing and composition that is not sympathetic to streetscape, - would materially disrupt the form and expression of the original building significantly changing its character and appearance.
 - Material contravention of AR17 and AR8 and would seriously injure the amenities and depreciate the value of property in the area.
 - By reason of bulk. Height, orientation would create excessive overbearing, overshadowing and overlooking of adjoining residential property north of the site and would therefore contravene residential zoning.

7.0 Assessment

7.1. Issues

7.2. This appeal relates to a proposal for remodelling and extending a 1920s two storey dwelling of 250 sq.m. to provide total accommodation of 298sq.m. From my inspection and review of the file, the key issues centre on:

- Principle/ architectural heritage
- Residential Amenity: Overlooking, overshadowing/overbearing

Appropriate Assessment is also a required consideration.

7.3. Principle

- 7.3.1. The existing house is on a large site in a mature low density housing area in Glenageary that is both, zoned to protect and improve residential development and designated as a candidate Architectural Conservation Area. The house is not a protected structure unlike others along the road and it is only the façade and front curtilage that is included in the cACA as delineated in the Development Plan maps..
- 7.3.2. The key façade elements of the proposed development include:
- altering the projecting mock Tudor clad gabled bay in the façade. This involves widening it and raising the height and also extending and reroofing the gable . It is also proposed to retain the mock Tudor timber gable detail albeit with different proportions to the original.
 - The window openings are to be enlarged – the bow window is shown as being replaced with a wider box bay. This is to light a deeper living room than what was original to the house but previously opened up and extended in a large L living space with other windows which will not light the reduced principal reception room.
 - A new front door arrangement and alteration to the front porch which is to be extended by a canopy porch . A box bay window is also proposed to the other reception room at ground floor and the mono-pitched porch canopy extends across this bay.
 - Removal of chimneys and extending to the side roof – the ridge height and hip angle are to be maintained.
 - Demolition of original gate pier and reconstruction to provide wider entrance.
- 7.3.3. With respect to the bay extension, essentially, a traditional proportioned but larger living room with repositioned fireplace is to be reinstated. I note the render cracks in this bay and it would appear likely that it is possibly proposed to reconstruct the entire gable in an enlarged scale and in what is submitted to be more proportionate to the extended house. The architectural report does not address this or any element of the structural composition or methods to retain original fabric.
- 7.3.4. On balance while I accept that the extension and alterations would absorb the original form and expression of the original building and change its character and appearance I consider the proposed alterations to the façade to be an improvement

in some respects – I refer to a cohesive remodelling with references to its 1928 design. The loss of the original gable proportions is not ideal, however I accept that the reordering of the previously reconfigured space is better balanced with the larger window and marginally repositioned window. I do however consider removal of both original chimney stacks to not be justified. I further note that the new replacement chimney is to be constructed/faced with brick but this is not reflective of the concrete construction and render used in the original building. The Architectural report is silent on this.

- 7.3.5. The principal argument against the alteration to the façade and extension to the side is that the original character would be lost. While I accept that it will be altered, I consider the retention of the entire external form and façade in this case is not entirely warranted. Firstly, it is not a protected structure and secondly, I consider, moreover the value of the house is in its scale and use as a family home and general design character. The character of the area is principally derived by the generous plot sizes and scale of houses of various building typologies and styles only a few of which are noted to be Protected Structures. The subject house is a considerably altered 1928 house of what seems to be mass concrete, unsympathetically extended and fitted with aluminium windows almost throughout. On balance I am of the opinion that the principle of altering the façade to facilitate enhanced and practical accommodation most notably at ground level is acceptable in principle. The proximity to the dwelling is a separate issue addressed below.
- 7.3.6. I do however have reservations about the widening of the gate from 2.8m to 3.6m. The road is very wide permitting safe turning. I do not consider the demolition of the decorative red brick gate piers – one of the few decorative crafted features on site – with the loss of original gates to be entirely warranted in a cACA having regard to the extent of alterations to the façade. This could be retained by conditions.
- 7.3.7. In view of the nature of alterations and retention of overall height, front building line and design idiom and the pattern of development, I consider that the proposed alterations to the façade can be visually assimilated into the environs without demonstrably altering the character and would not therefore be visually incongruous as viewed from the road. Subject to some minor revisions, I do not consider the alterations in the manner proposed would erode the architectural character of the Marlborough Road candidate ACA within which the subject site is located. The

proposed development would not therefore be contrary to the provisions of the development plan regarding the built heritage

7.4. Residential Amenity

- 7.4.1. The planning authority raises a number of concerns regarding the scale and massing and relationship with the dwelling to the north. The issues of overlooking and overshadowing are raised. There is particular concern about the depth of the extension beyond the rear building line of no 27 which is to the north. (NB the north point is erroneously shown on the proposed floor plans but correct in the survey drawings.) There is also concern raised by the lower ground level of no.27 and greater potential for impact.
- 7.4.2. The proposed extension at first floor level is directly over the existing ground floor to be retained and further extended and accordingly maintains the set back of 870mm from the boundary. The new gable would extent to a depth of 17.2m at ground level and 14.4m at first floor level at this separation distance. The extension would rise to 8.6m above the ground level towards the back of the house. This height would extend over a depth of 3.4m from the rear of no.27. Due to the roof hip it would drop to around 6.4m. I note the patio area and windows are oriented south and west and are in close proximity to the boundary and it is clear that these would be impacted by simply applying the 45 degree rule and noting the orientation. The occupants argue that the proposal breaches standards by injuring amenity and would also be compromising the generous space associated with the character of houses in this area.
- 7.4.3. I concur with the view that the bulk and massing of the extension in such close proximity would be oppressive and would seriously injure the amenities of the dwelling and its curtilage due north of the subject site. While the footprint of the existing extension to the side is to be retained and continued in the first floor extension, and this would be understandable if the ground floor was to be built over, I note that the drawings indicate that the extension, in its entirety, is to be demolished yet the 865mm passage is to be retained notwithstanding its substandard separation by current standards. I note no 27 which appears to have been extended is set back 1.5m from the boundary. In view of the scale and extent of the proposal, it

would be preferable to set back this 14.44m long two storey elevation and further ground floor extension of 2.875m from the northern boundary for its entire length.

7.4.4. In view of it being rebuilt this could and should in my opinion be set back. This would require some revisions of the interior but not to the extent that would result in material alterations and so could be addressed by condition. This would mitigate impact on the neighbouring dwelling but, while it would improve spacing it would not adequately address the massing and impact of the first extension to the rear along the north boundary.

7.4.5. The applicant in the grounds of appeal has attempted to address this by stepping back the first-floor extension so that it will be 2.87m from the north boundary but this will still be at a depth of 6.4m. I do not consider this to be sufficient, particularly in the absence of daylight and sunlight analysis. I note the area that is the source of the bulk is associated with the provision of c. 60sq.m. bedroom - dressing room - bathroom en-suite and linen store. While I accept that the site lends itself to generous accommodation by reference to residential design guidelines, it should not be at the expense of the amenities of adjacent properties. There is scope to reduce this area without compromising a fifth room in the future – or possible 6th as there appears to be no plans to remove the attic room. In such circumstances and particularly having regard to the orientation, I consider the extension at first floor level should be set back at least 3m from the northern building line/elevation. Another option would be to step the set back to allow the repositioning of the ensuite windows in the rear elevation rather than overlooking the neighbour.

Overlooking

7.4.6. I do not consider overlooking to be a significant source of nuisance having regard to the potential for opaque glazing, overall layout and absence of directly opposing windows in close proximity. The second master bedroom window in the side elevation is potentially the most likely source but this can be either omitted or obscured.

7.4.7. On balance, I do not consider the proposed development would, subject to alterations by way of condition, be unduly intrusive or injurious to residential amenity of adjacent properties.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the proposed development, nature of the receiving environment and proximity to the nearest European site, 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

- 8.1.1. I recommend that planning permission for the proposed development be granted based on the following reasons and considerations, as set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the site characteristics, the pattern of development in the area and the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate in a satisfactory manner with the existing built development in the area, would not detract from the character of Marlborough Road, a candidate Architectural Conservation Area and would not seriously injure the residential amenity of adjacent properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be modified as follows:

- (a) The northern wall proposed to be constructed to a length of 17.2m (14.44m two-storey wall and 2.875m single storey wall) shall be set back 1.5m from the northern boundary.
- (b) The first floor extension to the rear shall be set back 3m from the northern external wall as shown in the drawings over a depth of 6.4m as measured from the proposed first floor rear building line.
- (c) The ensuite window in Bedroom 4 shall be relocated to the rear elevation and fitted with opaque glazing.
- (d) The southern chimney shall be retained and the repositioned northern chimney shall match the existing chimney in materials and finish.
- (e) The vehicular entrance shall be retained.
- (f) All first floor windows in the north and south elevations shall be fitted with opaque glazing which shall be permanently maintained.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity, protection of the streetscape and architectural character of area

3. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

5. The existing structure to be retained as indicated in the drawings shall not be demolished. Details of how it is proposed to retain the structure shall be prepared and be certified by a competent structural engineering firm. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of clarity, public safety and residential amenities of adjacent properties area.

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

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

7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. Details of the materials, colours and textures of all the external finishes to the proposed dwelling, including roof slates/tile, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

9. 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.

Suzanne Kehely

Senior Planning Inspector

30th December 2021