



An
Bord
Pleanála

Inspector's Report

ABP-311444-21

Development	Demolition of rear extension and construction of three storey extension to side and rear and single storey extension to rear.
Location	27 Sydney Parade Avenue, Sandymount, Dublin 4
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1713/21
Applicants	Fiona and Steve Glynn
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellants	John and Anne Parsons
Observers	Philip O'Reilly Walter and Maire Connor
Date of Site Inspection	3 rd March 2022

Inspector

Margaret Commane

1.0 Site Location and Description

- 1.1. The area surrounding the subject site at No. 27 Sydney Parade Avenue is a mature residential area featuring a mix of two and three storey detached and semi-detached dwellings in a variety of architectural styles. Many of these have been previously extended and there is a great variety of different types of extensions and external finishes.
- 1.2. The subject site comprises a 989sqm wedge shaped parcel of land on the south-eastern side of Sydney Parade Avenue. Sydney Parade Avenue is a mature residential road that connects Strand Road to Merrion Road. The subject site features a 350sqm double storey over basement period dwelling which forms a pair with No. 29 Sydney Parade Avenue to the immediate north-east. The dwelling is set back from the road with a forecourt to the front which provides parking for the property and a large garden to the rear. The subject property has previously been extended to the rear by way of a lean-to conservatory.
- 1.3. The subject site's south-western boundary is flanked by No. 25 Sydney Parade Avenue, one of a pair of two storey Edwardian houses which has been extended to the side, and up to the common boundary, by way of a single storey flat roofed extension, as well as to the rear and at attic level. The subject site's south-eastern boundary is flanked by the front garden of Abingdon, 1A St Alban's Park, Dublin 4. The subject site is located c. 100 metres north-east of Sydney Parade Train Station.

2.0 Proposed Development

- 2.1. Permission is sought for demolition of an existing 25.7sqm single storey extension to the rear, construction of a new single storey extension to the rear and three storey extension to the side and rear (totalling 256sqm), alterations to the entrance gate and internal alterations, refurbishment and decoration.
- 2.2. The application for the proposed development was accompanied by the following:
 - Design Rationale.
 - Engineering Drainage Report and associated drawings.
 - Site Specific Flood Risk Assessment.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council granted planning permission subject to 12 conditions.

Condition No. 4 stated the following:

4. *All external finishes shall harmonise with the existing finishes of the house in respect of materials and colour. In this regard the front elevation of the proposed side extension shall be finished in brick to match the existing house in colour and detail.*

Reason: To protect the visual amenity of the area.

Condition No. 6 stated the following:

6. *The proposed development shall be modified as follows:*
 - a) *The stairs from the roof terrace to the rear garden shall be incorporated within the footprint of the proposed gym accommodation.*
 - b) *A 1.8m high screen shall be provided along the north eastern side of the roof terrace and permanently maintained. Prior to the commencement of development the developer shall submit, for the written agreement of the planning authority, revised drawings complying with these requirements.*

Reason: To protect the residential amenity of adjoining properties.

3.2. Planning Authority Reports

3.2.1. Planning Report

- Whilst the proposed rear extension is acceptable in terms of design and finishes, it is considered that the proposed roof terrace and associated stairs would give rise to adverse overlooking impacts on the rear gardens on either side of the property, and No. 29 Sydney Parade Avenue in particular. This matter could be remedied by incorporating the stairway into the footprint of the extension and providing a 1.8m high screen along the north eastern side of the terrace.

- It is considered that the design of the proposed side extension is both coherent and in keeping with the character of the main dwelling. Furthermore, the proposed side extension would not, by virtue of its design and location to the northeast of No. 25 Sydney Parade Avenue, give rise to adverse overshadowing or overbearing impacts. It is recommended, however, that a brick finish be provided to the front elevation of the extension in lieu of the proposed render finish to ensure a suitably high quality finish in keeping with this residential conservation area.
- The window serving the upper ground floor kitchen / dining room would be orientated towards the rear boundary of the site and set in a minimum of 5 metres from the common boundary with No. 25 Sydney Parade Avenue. Adverse overlooking impacts are not anticipated as a result of this window.
- It is also considered that oblique views from the proposed front bay window into the forecourt of No. 25 would not unduly impact the residential amenity of this property given the primary use of this area as off-street car parking.
- In relation to the proposed works to the vehicular entrance, the Transportation Planning Division has not raised any objection to the proposed works to the vehicular entrance subject to standard conditions.

3.2.2. ***Other Technical Reports***

Drainage Division (26/07/2021): No objection, subject to conditions.

Transportation Planning (09/08/2021): No objection, subject to conditions.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

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

- Public notices do not refer to proposed roof terrace and external stairs.

- Footprint of No. 25 Sydney Parade Avenue has not been accurately represented on the submitted site location map.
- Reduced spacing between buildings and introduction of bow window not in keeping with the area's architectural character and pattern of development.
- The proposed development is not compatible with achievement of the conservation zoning policy objectives outlined for residential conservation area.
- Proposed window proportions and render finish to upper floors of side extension contrary to the City Development Plan policy for extensions.
- Overlooking from proposed bow window and roof terrace on the front and rear gardens of No. 25 Sydney Parade.
- Proposed clerestory lighting would prejudice the construction of a first floor extension to the side of No. 25 Sydney Parade.
- Scale of proposed side extension would appear visually obtrusive and overbearing on No. 25 Sydney Parade.
- Potential heightened risk of flooding to adjoining properties.
- Overlooking and noise impacts from proposed roof terrace on No. 29 Sydney Parade Avenue.

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 have been 3 recent applications on sites adjacent to the subject site that are pertinent to the current proposal. These are summarised below.

PA Reg. Ref. D07B/0707

Permission granted on 6th April 2009 to widen existing vehicular entrances (to 3.3m) to the front of No. 21 and 23 Sydney Parade Avenue.

PA Reg. Ref. 2057/07

Permission granted on 3rd May 2007 for demolition of existing rear extension and construction of single storey extension and basement playroom (60sq.m), demolition of single storey side extension / garage and construction of single storey kitchen extension, minor internal alterations and dormer roof extension at No. 25 Sydney Parade Avenue.

PA Reg. Ref. 2226/06

Permission granted on 16th May 2006 for alterations to entrance gate (widened vehicular entrance) and forecourt area of No. 25 Sydney Parade Avenue.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

5.1.1. *Land Use Zoning*

The site is zoned 'Z2' - Residential Neighbourhoods (Conservation Areas) in the Dublin City Development Plan 2016-2022 with a stated objective '*to protect and/or improve the amenities of residential conservation areas.*'

5.1.2. *Other Relevant Sections/Policies*

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

**Section 11.1.5.4 Architectural Conservation Areas and Conservation Areas:
Policy CHC4**

'To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

.....

Development will not:

1. *Harm buildings, spaces, original street patterns or other features which contribute positively to the special interest of the Conservation Area*
2. *Involve the loss of traditional, historic or important building forms, features, and detailing including roof-scapes, shop-fronts, doors, windows and other decorative detail.*
3. *Introduce design details and materials, such as uPVC, aluminium and inappropriately designed or dimensioned timber windows and doors*
4. *Harm the setting of a Conservation Area*
5. *Constitute a visually obtrusive or dominant form.'*

Section 16.2.2.3 Alterations and Extensions

'Dublin City Council will seek to ensure that alterations and extensions will be sensitively designed and detailed to respect the character of the existing building, its context and the amenity of adjoining properties. In particular, alterations and extensions should:

- *Respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings.*
- *Retain a significant proportion of the garden space, yard or other enclosure.*
- *Not result in the loss of, obscure, or otherwise detract from, architectural features which contribute to the quality of the existing building.*
- *Retain characteristic townscape spaces or gaps between buildings.*
- *Not involve the infilling, enclosure or harmful alteration of front lightwells.*

Furthermore, extensions should:

- *Be confined to the rear in most cases.*
- *Be clearly subordinate to the existing buildings in scale and design.*
- *Incorporate a high standard of thermal performance and appropriate sustainable design features.*

In addition to the above, alterations and extensions at roof level, including roof terraces, are to respect the scale, elevational proportions and architectural form of the building, and will:

- *Respect the uniformity of terraces or groups of buildings with a consistent roofline and will not adversely affect the character of terraces with an attractive varied roofline.*
- *Not result in the loss of roof forms, roof coverings or roof features (such as chimney stacks) where these area of historic interest or contribute to local character and distinctiveness.'*

Section 16.10.12 Extensions and Alterations to Dwellings

'The design of residential extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy. In addition, the form of the existing building should be followed as closely as possible, and the development should integrate with the existing building through the use of similar finishes and windows. Extensions should be subordinate in terms of scale to the main unit.

Applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied that the proposal will:

- *Not have an adverse impact on the scale and character of the dwelling.*
- *Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.'*

Appendix 17 Guidelines for Residential Extensions

5.2. Dublin City Development Plan 2022-2028

5.2.1. Dublin City Council has started the preparation of a new Dublin City Development Plan for the period 2022 to 2028. It is understood that Stage 2 of public consultation on the draft Development Plan concluded on 14th February 2022.

5.3. Natural Heritage Designations

5.3.1. The proposed development is not located within or immediately adjacent to any European site. The nearest European sites are South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and South Dublin Bay SAC (Site Code 000210), both located c. 350 metres east.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- The subject proposal is contrary to the zoning objective applying to the subject site as well as policies included in the Development Plan, including Policy CHC4.
- The proposed extension will detract from the character of the set of four semi-detached Victorian dwellings (Nos. 27-33 Sydney Parade Avenue) the subject house forms part of. These houses have an especial and particular significance in the context of this section of Sydney Parade Avenue. Further to this, the 10 metre gap between No. 27 Sydney Parade Avenue and No. 25 Sydney Parade Avenue marks a clear and identifiable break between the two period house types which feature on this side of Sydney Parade Avenue. The proposed extension will significantly alter the relationship between the differing house types and have a negative impact on the rhythmic harmony of the conserved streetscape.
- The proposed extension has a discordant impact due to its height and design features, including the bow windows at upper floor level.
- The subject proposal is contrary to Development Plan policies pertaining to extensions/alterations to existing dwellings, as it unacceptably affects the amenity of neighbouring properties, including privacy, outlook, daylight and sunlight. Further to this, the bow window proposed on the front elevation will allow unreasonable levels of overlooking of No. 25 Sydney Parade Avenue's front garden.
- The owners of No. 25 Sydney Parade Avenue have serious concerns about the undue proximity of the south-western section of the proposed clerestory windows to their property as the primary pathway for daylight/sunlight to this window is via this neighbouring property. This element of the proposed development has the potential to sterilise development on No. 25 Sydney Parade Avenue.

- With regards to privacy, the owners of No. 25 Sydney Parade Avenue have concerns in relation to overlooking from the proposed upper ground floor terrace. They do not consider Condition 6 attached by the Planning Authority addresses potential overlooking. They instead argue that the external terrace and stairs should be omitted. Further to this, they have concerns regarding overlooking from the proposed window to the new kitchen/dining room.
- The elevated nature of the proposed external terrace will create noise issues.
- The proposed extension will be three storeys in height and will be visually obtrusive and overbearing. Further to this, it is not sufficiently subordinate to the main dwelling and its excessive scale/bulk will have an adverse impact on the visual amenities and character of the existing residential properties in the area and on the appeal site.
- In the context of hours of construction outlined in Condition 8, the appellants ask that the prohibition of activity on Sundays and public holidays be retained and that provision for facilitating deviations from construction hours outlined be removed.

6.2. **Applicant Response**

The applicant's response to the appeal can be summarised as follows:

- No. 27 Sydney Parade Avenue comprises a wide site with angled side (south-western) boundary. The extra wide plot and reduced scale of No. 25 Sydney Parade Avenue has resulted in the rendered side elevation of the existing house becoming a prominent but not particularly attractive feature. This side elevation provides an opportunity to an extension that will improve the townscape character along Sydney Parade Avenue and have no impact on the amenity of adjoining properties.
- Following a lengthy design process, the proposed extension adheres to the standards set out in the Development Plan As well as the general good principles of design.
- The extension adjacent to No. 29 Sydney Parade Avenue is to be single storey and replaces an existing single storey structure of a similar footprint. The proposed extension will have no impact on No. 25 Sydney Parade Avenue in

terms of sunlight/daylight reaching that house or garden given the orientation of the subject site to the north-east.

- There are no windows proposed that would overlook the private open space of either adjoining properties. In the context of No. 25 Sydney Parade Avenue, the area to the front of the site is open and visible to the public realm. The revisions to the drawings required by Condition No. 6 appropriately restrict overlooking to adjacent properties from the upper ground floor terrace. Planting/landscaping proposed will also provide screening to adjoining properties and restrict potential oblique views.
- The proposed extension is of its time architecturally and addresses the difference in height of No. 25 Sydney Parade Avenue.
- The bow window proposed to the front of the extension will be an attractive feature when viewed from Sydney Parade Avenue.
- The rear elevation respects the building line established by the extension to No. 25 Sydney Parade Avenue and will have no overbearing impact.
- The proposed design and materials proposed are considered/of a high quality. Regarding materials, the applicant is disappointed with Condition No. 4 which requires the front elevation to be changed to brick. The render finish proposed had been carefully considered.
- The proposed extension will provide a high level of amenity on an under-utilised site and will do so with no impact on the amenity of others.

As part of the applicant's response to the appeal, they have submitted revised drawings and perspective views demonstrating compliance with Conditions No. 4 and 6 of Dublin City Council's Notification of Decision to Grant Permission and responding to concerns raised in the third party appeal. More specifically, the revised drawings (Drawings No. P-A-003_Rev. 1 and P-A-004_Rev. 1, prepared by Lyons Kelly Architecture + Design) and perspective images (prepared by Lyons Kelly Architecture + Design) amend the materiality of the front façade of the proposed extension, propose to plant/relocate 3 no. semi-mature trees adjacent to the proposed bow window, external terrace and kitchen/dining room window, amend the proposed upper ground floor roof terrace to include a 1.8 metre high brick screen along its north-

eastern edge, reconfigure the stairs from the roof terrace to the rear garden so that it is incorporated within the footprint of the proposed gym accommodation and includes resultant alterations to roof lights and windows.

The applicants ask that they be read in conjunction with the original material submitted with the planning application. Accordingly, this assessment is based on the plans and information received by Dublin City Council on 1st July 2021 as amended by further plans and particulars received by the Board on 18th October 2021.

6.3. Planning Authority Response

The Planning Authority did not respond to the appeal.

6.4. Observations

Observations on the third party appeal were lodged from the following parties:

- Philip O'Reilly, 18 Grosvenor Place, Rathmines, Dublin 6; and
- Walter and Maire Connor, 29 Sydney Parade Avenue, Sandymount, Dublin 4.

The issues raised can be summarised as follows:

- Extension unsympathetic to the architecture of the original building and incompatible with the character and setting of the area. In particular, the bay window and window proportions are at odds with the original house and the side extension disrupts the integrity/uniformity of this row of 4 dwellings.
- The current proposal is unsuitable/inappropriate in terms of size, design and materials used.
- Potential negative impacts on foundations of adjacent buildings.
- Overlooking from elevated terrace to rear garden of No. 29 Sydney Parade Avenue. The screen required by condition only restricts overlooking of patio immediately north. Overlooking to rear garden still possible.
- Loss of daylight/sunlight to existing windows at No. 29 Sydney Parade.

Observations on the applicant's response to the third party appeal were lodged from the following parties:

- Philip O'Reilly, 18 Grosvenor Place, Rathmines, Dublin 6; and
- Walter and Maire Connor, 29 Sydney Parade Avenue, Sandymount, Dublin 4.

The issues raised can be summarised as follows:

- The applicant's comments about the proposal involving contemporary architecture of exceptional design quality and being in harmony with the conservation area are refuted.
- The proposed three storey extension would occupy all the space to the west of No. 27 Sydney Parade Avenue and significantly adversely impact the settings of houses on Sydney Parade.
- The proposed bow window and rendered front façade would be a disaster for the visual, residential and architectural amenities of the area.
- The proposal is contrary to the conservation zoning objective and related policies included in the Development Plan.
- The proposal will overlook adjoining properties. The amended external terrace still allows overlooking to the rear garden of No. 29 Sydney Parade Avenue due to its elevated nature. Similarly, No. 23 Sydney Parade Avenue's front garden will be overlooked due to the elevated/protruding nature of the proposed windows featuring on the front façade
- The clerestory window is at odds with features of existing houses in the area.
- The extension will be visible from the rear gardens of houses on St. Albans and Aylesbury Gardens and will dominate the entire site.
- Consideration should be given to the possibility that this area will be subject to water inundation in the next 10 years.
- The conditions do nothing to alleviate the adverse impacts of the proposal.
- Lyons Kelly Architecture + Design's statements about the intent of the original developer, among other matters, are baseless.

- In light of the removal of rear wall required to accommodate the playroom/gym configuration, in the event of an approval it is requested that the Board stipulate that all engineering proposals, as well as insurance proposals, be sanctioned by the residents of No. 29 Sydney Parade Avenue's Consultant Engineers.

6.5. Further Responses

The appellants provided a response to the applicant's response to the appeal. The response can be summarised as follows:

- The development of No. 25 Sydney Parade Avenue, along with No. 23 Sydney Parade Avenue, took place in the early twentieth century and the street now features a harmonious collection of linear clusters of Victorian, Edwardian and Arts & Crafts style houses. These clusters also have a harmonious relationship with each other characterised by generous lateral spacing. The proposed extension will largely eradicate this space and will significantly alter the relationship between Nos. 25 and 27 Sydney Parade Avenue.
- By reason of its height, mass and scale, the proposed extension will adversely affect and unbalance the symmetry of the group of houses to which No. 27 Sydney Parade Avenue belongs which will have a discordant impact on the harmony of the streetscape.
- It is suggested that the space to the side of No. 27 Sydney Parade Avenue is underutilised. As already indicated in the grounds of appeal submitted, this space has a functional role in determining the character of the streetscape and is reflective of the overall layout of houses on the street.
- The proposed bow window fails to satisfy the development plan criteria regarding the integration of extensions with their parent houses. It will be an obtrusive feature.
- In relation to overlooking of the front garden of No. 25 Sydney Parade Avenue, any overlooking currently possible is transient in nature but overlooking from the proposed bow window will be direct. Even if replaced by a rectangular piece of glass, overlooking of the open space area would still arise.

- The revised site plan submitted with the appeal response proposes the planting of a semi-mature tree adjacent to the bow window. This is considered to acknowledge that an issue of overlooking exists. As a mitigation measure it is unacceptable given a tree is an impermanent form of screening and issues can arise with a tree in terms of its maintenance, health, growth and its initial planting.
- The design of the revised external stair will allow overlooking of the rear patio and through the side window of the extended sitting room of No. 25 Sydney Parade Avenue, thus seriously injuring privacy. Instead, the patio and external staircase should be required to be omitted. Our objections pertaining to overlooking still stand despite proposed planting/revisions.
- Our objections to the scale and character of the development still stand. In the context of the materiality of the proposed extension, the revisions required by Condition No. 4 are merited.

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 matters for consideration are:

- Principle of Development.
- Residential Amenity.
- Conservation and Visual Impact.
- 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 the established residential amenities of properties in its vicinity

and its impact on the conservation status/visual amenities of the area. These matters are considered in turn below.

7.2. Residential Amenity

Appellants' House (25 Sydney Parade Avenue, Sandymount, Dublin 4)

- 7.2.1. The appellants have raised a number of concerns in relation to the potential of the proposed side and rear extension, if permitted, to give rise to serious injury of their established residential amenities by way of overlooking/loss of privacy, overbearing and noise proliferation.
- 7.2.2. The Planning Authority's Planner's Report raised some concerns in relation to overlooking from the proposed roof terrace and associated stairs towards the rear gardens on either side of the property. Through Condition No. 6 they have requested the applicant to incorporate the stairs from the roof terrace to the rear garden within the footprint of the proposed gym accommodation and provide a 1.8m high screen along the north eastern side of the roof terrace.
- 7.2.3. In their response to the appeal, the applicants have submitted revised drawings and perspective views demonstrating compliance with Condition No. 6 and responding to concerns raised in the third party appeal regarding amenity impacts. More specifically, the revised drawings (Drawings No. P-A-003_Rev. 1 and P-A-004_Rev. 1, prepared by Lyons Kelly Architecture + Design) and perspective images (prepared by Lyons Kelly Architecture + Design) propose to plant/relocate semi-mature tree adjacent to the proposed bow window, external terrace and kitchen/dining room window, amend the proposed upper ground floor roof terrace to include a 1.8 metre high brick screen along its north-eastern edge and reconfigure the stairs from the roof terrace to the rear garden so that it is incorporated within the footprint of the proposed gym accommodation.
- 7.2.4. Prior to assessing potential overlooking and overbearing impacts, I think it beneficial to discuss the subject site in the context of its interface with the neighbouring property at No. 25 Sydney Parade Avenue. As previously discussed in Section 1.0, the subject site is a 989sqm wedge shaped parcel of land. The subject site tapers from south-east to north-west, providing a large trapezoid shaped garden to the rear of the existing dwelling. The opposite can be said of No. 25 Sydney Parade Avenue, which tapers

from north-west to south-east. The common boundary between the 2 no. properties currently features a masonry wall, established hedgerow and walls associated with a recently constructed shed and extension to the side and rear of No. 25 Sydney Parade Avenue.

Overlooking/Loss of Privacy

- 7.2.5. There are three aspects to the appellants concerns regarding overlooking/loss of privacy resulting from the proposed development: - the bow window proposed on the front elevation, the upper ground floor terrace/associated stairs and the window to the new kitchen/dining room. Each of these aspects of the proposed development will be considered, in terms of potential overlooking/loss of privacy, in turn below.
- 7.2.6. It is proposed to include a bow window serving the kitchen / dining room at upper ground floor level. The appellants are concerned that this window, due to its elevated and curved nature will allow unreasonable levels of overlooking of their front garden which they contend constitutes private amenity space due to the hedgerow/planting featuring around it. Having visited the appeal site and the immediately surrounding area, I would not consider the area to the front of No. 25 Sydney Parade Avenue to constitute an area of private amenity space. The area is open and clearly visible to persons traversing Sydney Parade Avenue and serves as the existing dwelling's parking area on site. In light of this, I do not consider the proposed bow window will unreasonably overlook this area. The appropriateness of the applicable bow window in terms of design/visual impact will be considered in the subsequent section of this report.
- 7.2.7. The appellants are concerned that the upper ground floor terrace/associated stairs being provided to the rear of the proposed extension would create an unreasonable level of overlooking of their adjacent private amenity space. The Planning Authority, having deemed that the proposed roof terrace and associated stairs would give rise to adverse overlooking impacts on adjacent rear gardens, included a condition (Condition No. 6) which required that the stairs from the roof terrace to the rear garden be incorporated within the footprint of the proposed gym accommodation and a 1.8m high screen be introduced along the north eastern side of the roof terrace. The appellants argue that Condition No. 6 does not appropriately restrict potential overlooking and

instead request that the external terrace/stairs should be omitted. Having reviewed the plans submitted with the application, I would share the concerns of the Planning Authority/appellants regarding potential overlooking from the external terrace/associated stairs as originally proposed. As discussed earlier in this section of the report, the applicants in their response to the appeal have submitted revised drawings and perspective views demonstrating compliance with Condition No. 6, among other things. Upon review of these plans, I am satisfied that potential overlooking of adjacent gardens, including that of No. 25 Sydney Parade Avenue, has been addressed by way of screening/reconfiguration of the stairs. Therefore, it is recommended that if the Board sees fit to grant permission that the applicant be required to construct the proposed extension in accordance with the plans submitted with the applicant's response to the third party appeal (which encompass the screening required by Condition No. 6), to protect the residential amenity of adjacent residences.

- 7.2.8. The appellants are also concerned about overlooking of their adjacent private amenity space from the south-east facing window proposed to serve the new kitchen/dining room. This window is located c. 4.5 metres from the common boundary with No. 25 Sydney Parade Avenue. I do not consider the kitchen/dining room window would result in any significant or undue overlooking of No. 25 Sydney Parade Avenue's private amenity space as only oblique views are provided by the applicable window due to its offset from the common boundary, the window's south-easterly outlook, the tapered nature of the subject site's rear garden and the boundary wall currently featuring along the common boundary restricts views of this amenity space. As discussed earlier in this section of the report, the applicants in their response to the appeal have submitted drawing excerpts which include the relocation of a semi mature tree adjacent to the kitchen/dining room window in response to concerns raised by the appellants. Upon review of these plans and having visited the subject site, I do not deem the proposed tree relocation necessary to restrict overlooking.

Overbearing

- 7.2.9. With regards to overbearing, the appellants contend that the proposed extension, due to its three storey height and proximity to the common boundary with No. 25 Sydney Parade Avenue, will be visually obtrusive and have overbearing impacts on the

adjacent private amenity space area. Having regard to the overall scale, siting and proximity of the proposed extension relative to this neighbouring dwelling and having considered the existing site context, it is my opinion that the proposal is neither out of scale nor excessive and will not result in unreasonable overbearing impacts on No. 25 Sydney Parade Avenue's rear amenity space. The proposed extension mainly occupies the side yard area serving the existing dwelling, which is immediately adjacent to a single storey extension that has been developed to the north-east of No. 25 Sydney Parade Avenue, and its projection into the existing rear garden adopts a similar rear building line as that featuring at No. 25 Sydney Parade Avenue. Further to this, the three storey component of the rear extension is c. 5.1 metres wide and proposed centrally along the existing dwelling's rear elevation, the proposed extension stepping down to two and one stories immediately adjacent to the common boundary with No. 25 Sydney Parade Avenue.

- 7.2.10. It is worth noting, the Planning Authority's Planners Report expressed a similar view that the proposed extension would not, by virtue of its design and location to the north-east of No. 25 Sydney Parade Avenue, give rise to adverse overshadowing or overbearing impacts.

Noise

- 7.2.11. The appellants are concerned that there will be noise pollution from the proposed external terrace to their rear amenity space due to its elevated nature. Given the building is being used for residential purposes and the separation distance (9.965 metres) that exists between the external terrace and the common boundary, as well as the wall/constructs/planting featuring along the common boundary, it is not anticipated that the proposed external terrace will result in an unreasonable increase in noise pollution to the surrounding area, including No. 25 Sydney Parade Avenue's private amenity space area.

Observers House (No. 29 Sydney Parade Avenue, Sandymount, Dublin 4)

- 7.2.12. One of the observers on the appeal, Walter and Maire Connor of No. 29 Sydney Parade Avenue, have raised a number of concerns in relation to the potential of the proposed side and rear extension, if permitted, to give rise to serious injury of their

established residential amenities by way of overlooking/loss of privacy, overshadowing and overbearing.

7.2.13. The Planning Authority's Planner's Report raised some concerns in relation to overlooking from the proposed roof terrace and associated stairs towards adjacent rear gardens, in particular No. 29 Sydney Parade Avenue. Through Condition No. 6 they have requested the applicant to incorporate the stairs from the roof terrace to the rear garden within the footprint of the proposed gym accommodation and provide a 1.8m high screen along the north-eastern side of the roof terrace. As discussed in the previous section of this report, in their response to the appeal, the applicants have submitted revised drawings and perspective views demonstrating compliance with Condition No. 6 and responding to concerns raised in the third party appeal regarding amenity impacts which include a 1.8 metre high brick screen along the terrace's north-eastern edge, reconfigure the associated stairs and relocate a semi-mature tree adjacent to the proposed external terrace.

7.2.14. Prior to assessing potential overlooking, overshadowing and overbearing impacts, as well as potential impacts on daylight, I think it beneficial to discuss the subject site in the context of its interface with the neighbouring property at No. 29 Sydney Parade Avenue. Unlike the subject site, No. 29 Sydney Parade Avenue is a rectangular shaped land parcel. It's c. 30 metre long rear garden is located immediately north-east of the subject site and separated by rubble/mortar wall. At present, the sunroom featuring at lower ground floor level of the subject dwelling projects between 3.065 and 3.955 metres past No. 29 Sydney Parade Avenue's rear building line.

Overlooking/Loss of Privacy

7.2.15. The observer's concerns regarding overlooking/loss of privacy relate to the upper ground floor terrace and associated stairs and the unreasonable level of overlooking it allows to their rear garden.

7.2.16. The Planning Authority, having deemed that the proposed roof terrace and associated stairs would give rise to adverse overlooking impacts on adjacent rear gardens, included a condition (Condition No. 6) which required that the stairs from the roof terrace to the rear garden be incorporated within the footprint of the proposed gym

accommodation and a 1.8m high screen be introduced along the north-eastern side of the roof terrace. The observer, in their observation on the applicant's response to the third party appeal, having reviewed the plans submitted with the applicant's response to the third party appeal were satisfied that the required 1.8 metres addressed overlooking of their patio area to the immediate rear of their dwelling. However, they were of the view that the terrace allowed unreasonable overlooking to the rear garden more generally.

- 7.2.17. This terrace is located c. 4.945 metres from the common boundary with No. 29 Sydney Parade Avenue. I do not consider the proposed terrace would result in any significant or undue overlooking of No. 29 Sydney Parade Avenue's private amenity space as only oblique views are provided by the applicable terrace due to its offset from the common boundary, the terrace's south-easterly outlook and the boundary wall currently featuring along the common boundary restricts views of this amenity space. As discussed earlier in this section of the report, the applicants in their response to the appeal have submitted drawing excerpts which include the relocation of a semi mature tree adjacent to the proposed terrace in response to concerns raised by this observer. Upon review of these plans and having visited the subject site, I do not deem the proposed tree relocation necessary to restrict overlooking.

Overshadowing

- 7.2.18. The observer raises concerns that the proposed extension will overshadow the patio featuring to the rear of their dwelling which sits immediately north-east of the proposed extension. Having regard to the orientation of the subject site relative to No. 29 Sydney Parade Avenue, the stepping down proposed adjacent to common boundaries and the existing site context, I do not consider significant overshadowing issues to arise in the context of the neighbouring property to the north-east at No. 29 Sydney Parade Avenue. At present, the sunroom featuring at lower ground floor level of the subject dwelling is developed to the common boundary, is between 3.065 and 3.955 metres deep and extends to a maximum height of 3.445 metres. The playroom proposed immediately adjacent to the common boundary with No. 29 Sydney Parade Avenue is 5.4 metres deep and has a maximum height of 3.02 metres. Given the orientation of the subject site the majority of shadows cast by the proposed extension will be over the existing dwelling and its front yard and any increase in shadows cast on No. 29

Sydney Parade Avenue's rear patio will be de minimis given the height of the proposed playroom is lower than the existing sunroom and it projects only a small distance further into the rear yard than the existing sunroom.

Overbearing

- 7.2.19. With regards to overbearing, the observer contends that the proposed extension will have overbearing impacts on the adjacent private amenity space area. Having regard to the overall scale, siting and proximity of the proposed extension relative to the neighbouring dwelling to the north-east and having considered the existing site context, it is my opinion that the proposal is neither out of scale nor excessive and will not result in unreasonable overbearing impacts on No. 29 Sydney Parade Avenue's rear patio/amenity space. The proposed extension mainly occupies the side yard area serving the existing dwelling and its project a maximum of 2.335 metres further into the existing rear garden than the sunroom featuring at lower ground floor level of the subject dwelling. Further to this, the three-storey component of the rear extension is c. 5.1 metres wide and proposed centrally along the existing dwelling's rear elevation, the proposed extension stepping down to one storey immediately adjacent to the common boundary with No. 29 Sydney Parade Avenue.

Other Adjacent House

- 7.2.20. The site is adjoined to the south-east by the front garden associated with Abingdon, No. 1A St Alban's Park, Dublin 4. This site is occupied by a large single storey detached bungalow. I do not consider the proposed development, in particular the south-east facing windows and external terrace being introduced to the rear façade of the existing building, would result in any significant impacts on or detract from the residential amenity of this adjoining property given the orientation of the subject site relative to this property, the c. 24 metre separation distance provided between the proposed extension and this property and the boundary treatment/established planting featuring along the common boundary.

Subject Dwelling

- 7.2.21. The dwelling resulting from the proposed extension and internal modifications will have a total floor area of c. 604sqm across the 3 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.

7.2.22. Section 16.10.2 of the Development Plan requires that a minimum standard of 10 sq.m of private open space per bedspace is applied in the context of dwellings. The site layout plan indicates that a large rear garden (c. 520sqm) would be retained to serve the subject dwelling and this would be supplemented by an external terrace. I consider the retained rear garden/proposed external terrace would be adequate to serve the needs of the residents of the dwelling, should permission be granted. Further to this, there are no changes proposed to the large car parking area serving the dwelling at the front of the site, which provides ample parking for a dwelling of this size.

7.3. Conservation and Visual Impact

7.3.1. As previously outlined in Section 5.1.1, the site is zoned Z2 and the objective is '*to protect and/or improve the amenities of residential conservation areas*'. The development plan notes that residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. Policy CHC4 included in the Development Plan seeks to protect the special interest and character of all Dublin's Conservation Areas and outlines that development within or affecting a conservation area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Enhancement opportunities may include contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area. Section 16.2.2.3 of the Development Plan also seeks to ensure that alterations/extensions are sensitively designed and detailed to respect the character of the existing building and its context.

7.3.2. The proposed development would be located within a Residential Conservation Area which is characterised by detached and semi-detached Victorian red brick 2 and 3-storey houses and detached and semi-detached Edwardian red brick 2 and 3-storey houses. More specifically, the subject dwelling forms part of a set of four semi-

detached Victorian dwellings at Nos. 27-33 Sydney Parade Avenue. Several of the neighbouring and nearby houses have been extended to the side and rear, including the subject site's immediate abuttal at No. 25 Sydney Parade Avenue. Planning permission is being sought to demolish the existing single storey rear extension (c. 25.7sqm) and to construct a new single storey extension to the rear and three storey extension to the side and rear (totalling c. 256sqm).

7.3.3. The appellants and observers contend that the proposed development will have a negative visual impact on the existing dwelling/the conservation area within which it is located for a no. of reasons. Firstly, the appellants contend that the proposed extension, due to its three-storey height/design is not sufficiently subordinate to the main dwelling and its excessive scale/bulk will have an adverse impact on the visual amenities and character of the existing dwelling on site and residential properties in the surrounding area more broadly. The Planning Authority, in their Planners Report, deemed the scale/design of the proposed side extension is both coherent and in keeping with the character of the main dwelling. The proposed extension would have a maximum height of 11.72 metres, which matches the ridge height of the existing dwelling, however, the mass and scale of the proposed extension is broken down through the adoption of setbacks, of between 4.8 and 7.5 metres, from the front elevation and the stepping down to single storey height as the proposed building extends south-westwards towards the common boundary. The setbacks adopted and stepping down of the proposed extension ensure that the proposed extension is recessive and clearly a later addition to the existing dwelling/row of dwellings it forms part of. Having regard to its modulated height/massing, it is not considered that the proposed extension will overwhelm the existing dwelling or dwellings in the conservation area more broadly.

7.3.4. Secondly, the appellants have concerns about the loss of the gap between Nos. 25 and 27 Sydney Parade Avenue that will result from the introduction of extension in the side yard to No. 27 Sydney Parade Avenue. They state that the 10 metre gap currently featuring between Nos. 25 and 27 Sydney Parade Avenue was included by design and marks a clear and identifiable break between the two period house types which feature on this side of Sydney Parade Avenue. As a result, they contend that the proposed extension will significantly alter the relationship between the differing house

types and have a negative impact on the rhythmic harmony of the conserved streetscape. The objectors also share the view that the proposed extension would significantly adversely impact the settings of houses on Sydney Parade Avenue due to its occupation of the space to the south-west of the existing dwelling.

- 7.3.5. The proposed extension would extend into the site's side yard by between 5.04 metres and 9.965 metres (taking advantage of the tapered nature of the subject site) and into the site's rear garden by a maximum of 5.4 metres. In my view, the generous side yard afforded No. 27 Sydney Parade Avenue is the coincidental result of the subsequent subdivision of surrounding land and is not a considered architectural/design feature as suggested by the appellants. The regularity of shape and consistent size of rear gardens associated with the other three dwellings forming part of this row of four confirms as such. The applicant argues that the existing side yard is underutilised space capable of accommodating such an extension without eroding the character of the conservation area. I would tend to agree with this deduction and consider the stepping down/setbacks adopted in the context of the extension ensure that the potential impact of the extension is dissipated and a visual break between the two periods of dwellings is maintained.
- 7.3.6. With regards to materiality and design, the appellants are of the view that the design quality of the proposed extension and quality of materials is lacking. Further to this, the observers refute the applicant's comments about the proposal involving contemporary architecture of exceptional design quality and being in harmony with the conservation area. The Planning Authority had concerns regarding the materiality of the proposed side extension and sought, by way of Condition No. 4 of the Notification of Decision to Grant Permission, that a brick finish be provided to the front elevation of the extension in lieu of the proposed render finish to ensure a suitably high quality finish in keeping with this residential conservation area. The appellants considered the revisions required by Condition No. 4 to be merited while the applicants expressed their disappointment at the inclusion of Condition No. 4, arguing the render finish proposed had been carefully considered.
- 7.3.7. Having compared the perspective images included in the Design Rationale, prepared by Lyons Kelly Architecture + Design, which accompanied the application with the

perspective images accompanying the applicant's response to the third party appeal I would share the Planning Authorities view regarding the unsuitability of the proposed render finish. The render finish appears visually jarring when read in the context of the existing dwelling, particularly its front elevation. Therefore, it is recommended that if the Board sees fit to grant permission that the applicant be required to construct the proposed extension in accordance with the plans submitted with the applicant's response to the third party appeal (which encompass the revisions in materiality required by Condition No. 4).

7.3.8. With regards to design elements, the appellants argue that the proposed bow window will be an obtrusive design feature which fails to satisfy the development plan criteria regarding the integration of extensions with their parent houses. One of the observers also deem it to be a 'disaster' for the visual, residential and architectural amenities of the area. Given the contemporary design of the proposed bow window and its setback from the dwelling's front façade, behind the granite wall proposed to the front edge of the side yard, I do not consider the bow window will present as a visually prominent feature which detracts from the character of the parent dwelling on site.

7.3.9. In conclusion, having regard to the foregoing, the proposed development respects the scale, design/materiality and architectural form of the existing dwelling on site and respects the set of four semi-detached Victorian dwellings it forms part of as well as dwellings in the surrounding conservation area more broadly. I am satisfied that the proposed extension will accord with Development Plan Policy CHC4 as well as the policies set out in relation to extensions/alterations in Section 16.2.2.3 of the Development Plan.

7.4. Other Matters

7.4.1. *Sterilisation of development potential* - The appellants have raised concerns about the south-western clerestory window serving the proposed kitchen. More specifically, the appellants contend that due to its proximity to their property boundary and the fact their property would provide a pathway for daylight/sunlight to this window, it has the potential to sterilise future development on No. 25 Sydney Parade Avenue. In light of this, they ask that the clerestory windows be omitted by way of condition. The kitchen

the clerestory window serves is offset from the common boundary by between 0.3 and 1.8 metres and is served by an additional north-west facing and south-east facing window as well as receiving daylight from the large windows serving the adjacent open plan dining/sitting area. Given the separation provided from the common boundary, the additional daylight sources serving the kitchen and its raised nature, it is not envisaged that the clerestory window proposed will unreasonably limit the development potential of No. 25 Sydney Parade Avenue. However, any future development application at No. 25 Sydney Parade Avenue would need be assessed on its individual merits.

7.4.2. *Hours of Construction* – The appellants have raised concerns about the hours of construction as outlined in Condition No. 8 and asks that the prohibition of activity on Sundays and public holidays be retained and that provision for facilitating deviations from construction hours outlined be removed. I do not consider the flexibility afforded by Condition No. 8 for deviations from standard construction hours specified to be unreasonable, in particular given any such deviation requires the consideration by the Planning Authority, and therefore, consider deletion of this aspect of the applicable condition to be unnecessary.

7.4.3. *Flooding* – One of the third-party observers on the appeal raise concerns regarding water inundation on the subject site in the future. The application is accompanied by a Site Specific Flood Risk Assessment, prepared by OBA Consulting, which identifies the subject site as being located in a Flood Zone B area and concludes that the proposed development poses a negligible flood risk, with the SUDS, surface water attenuation and limited discharges being proposed improving the current situation in their view. Having examined the OPW website (www.floodinfo.ie), I note that the subject site is located within an area susceptible to a 10% AEP (1 in 10 year) coastal flood event on the National Coastal Flood Hazard Map 2021 and located within a within an area susceptible to a 0.1% AEP (1 in 1000 chance in any given year) fluvial flood event on the CFRAM Maps. Upon review of the Strategic Flood Risk Assessment associated with the Dublin City Development Plan 2016–2022 (DCDP SFRA), the subject site falls within a defended area in the composite flood map included at Appendix 5. Dublin City Council's Engineering Department raised no objection to the proposed development in relation to flooding. I am satisfied that, given its small scale

and location within an established residential area, the proposed extension would not give rise to an increased risk of flooding on the site or other properties in the vicinity.

7.4.4. *Development Contributions* – I refer to the Dublin City Development Contribution Scheme 2020-2023. The first 40sqm metres of the proposed extension comprises a category of exemption listed in the development contribution scheme. Further to this, where an applicant is granted permission to demolish in part or in full an existing building and replace with another, then the development contribution payable is to be charged on the net additional floorspace created. Therefore, the proposal also involves works liable for a reduced rate of development contributions. It is recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000. In relation to the Section 49 Supplementary Development Contribution Schemes (Luas Docklands Extension and Luas Cross City) it is noted that the subject site is located outside the applicable catchment areas.

7.5. **Appropriate Assessment**

7.5.1. Having regard to the nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, 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 granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below.

9.0 Reasons and Considerations

Having regard to the design, bulk, massing and scale of the proposed development and the existing site context it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenities of properties in the area, and would not detract from the character and integrity of the existing dwelling or conservation area it sits within. The proposed development would, therefore, be in accordance with the Z2 zoning objective of the Dublin City Council Development Plan 2016-22 and the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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 received by An Bord Pleanála on the 18th October 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development, details of the materials, colours and textures of all external finishes including samples, shall be submitted to and agreed in writing by the Planning Authority.</p> <p>Reason: In the interests of orderly development and the visual amenities of the area.</p>
3.	<p>The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity.</p>

4.	<p>The flat roofed areas proposed shall not be used or accessed as a roof garden/patio.</p> <p>Reason: In the interest of residential amenity.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
6.	<p>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.</p> <p>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</p>
7.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>

8.	<p>The proposed development shall comply with the following requirements:</p> <p>a) The driveway entrance shall not have outward opening gates.</p> <p>b) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.</p> <p>Reason: In the interest of road safety.</p>
9.	<p>During the construction and demolition phases, the proposed development shall comply with British Standard 5228 ' Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control.'</p> <p>Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.</p>
10.	<p>The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.</p> <p>Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.</p>

Margaret Commane
Planning Inspector

11th March 2022