



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311445-21

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<b>Development</b>	Construction of a 10.5sqm first floor roof terrace with opaque screening, access door from rear return, over existing flat roofed extension to rear of house.
<b>Location</b>	51, St. Mary's Road, East Wall, Dublin 3
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	3064/21
<b>Applicant(s)</b>	Michael Byrne
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Michael Byrne
<b>Date of Site Inspection</b>	06 <sup>th</sup> November 2021

**Inspector**

Colin McBride

## **1.0 Site Location and Description**

1.1. The appeal site, which has a stated area of 0.0081 hectares is located on south side of St. Marys Road to the east of Dublin City centre. The appeal site is occupied by no. 51, which is a terraced two-storey dwelling. The existing dwelling on site has been extended at ground floor level to the rear and at first floor level as well as the provision of accommodation in the roof at second floor level with a rear facing dormer window. The adjoining dwellings are similar (53 to the northwest and 49 to the southeast). Both the adjoining dwelling have two-storey returns to the rear. The site backs onto the rear garden of no. 50 Russell Avenue, which is two-storey dwelling with single-storey extension to the rear and has a single-storey shed located tight to the boundary with the appeal site.

## **2.0 Proposed Development**

2.1. Permission is sought for a new 10.5sqm first floor roof terrace with opaque screening (1.8m) and new access door from rear return, over existing flat roofed extension to rear of house.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission refused based on one reason...

1. Having regard to the requirements of the Dublin City Development Plan 2016-2022, it is considered that the proposed development, by reason of the overall height and scale would be unduly obtrusive and out of character at this location.

Furthermore, it is considered that the development would result in a significant and unacceptable level of overbearing impact on neighbouring properties, and therefore, seriously injure the amenities of the area and the residential amenity of the adjoining properties. The proposed development would therefore be contrary to the proper planning and sustainable development of this location.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

Planning report (25/08/21): The proposal would result in a two-storey element adjoining existing properties with a significant impact on 50 Russell Avenue, The proposal was considered obtrusive and out of character with adjoining properties. Refusal was recommended based on the reason outlined above.

#### **3.2.2. Other Technical Reports**

Drainage Division (09/08/21): No objection.

### **3.3. Prescribed Bodies**

TII (23/07/21): The development falls within an area subject to a Section 49 Supplementary Contribution scheme.

### **3.4. Third Party Observations**

None.

## **4.0 Planning History**

4.1 3400/10: Permission granted for a first floor extension to the rear return.

## **5.0 Policy Context**

### **5.1. Development Plan**

The relevant Development Plan is the Dublin City Development Plan 2016-2022. The appeal site is zoned Z2 with a stated objective 'to protect and/or improve the amenities of residential conservation areas'.

#### **16.2.2.3 Extension and Alterations to Dwellings**

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 building 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 are of historic interest or contribute to local character and distinctiveness.

#### 16.10.12 Extensions

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.

#### 11.1.5.6 Conservation Area-Policy Application

All new development must have regard to the local context and distinctiveness and the contribution to the local scene of buildings, landmarks, views, open spaces and other features of architectural, historic or topographical interest. The general design principles are set out in a separate policy but it is particularly important within Conservation Areas that design is appropriate to the context and based on an understanding of Dublin's distinctive character areas.

## 5.2. Natural Heritage Designations

None in the vicinity.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by Delahunty & Harley Architects on behalf of Michael Byrne, 51 St. Mary's Road, East Wall, Dublin 3. The grounds of appeal are as follows...

- The applicant/appellant is seeing to add additional outdoor amenity space with it noted that no third party submission objecting to the proposal were received.
- There are precedents for first floor roof terraces in the Dublin City area with five examples outlined that provide a precedence for the proposed

development. This includes no. 56 St. Mary's Road granted under ref no. PL29N.217519.

- The applicant/appellant would consider a reduction in the size of the terrace if considered necessary and alternative boundary treatment including natural planting.
- It is considered that the proposal meets Development Plan policy. The design is considered to acceptable in the context of scale and design with it noted that the development has much less impact than the two-storeys extension permitted on sites in the vicinity (list of properties provided), the design also protects the privacy of adjoining properties.

## 6.2. **Planning Authority Response**

No response.

## 7.0 **Assessment**

7.1. Having inspected the site inspected the site and associated documents, the main issues can be assessed under the following heading.

7.2. Design, scale, visual and residential amenity

7.2.1 The proposal was refused on the basis of the being visually obtrusive/out of character and have an overbearing impact on adjoining properties (in particular 50 Russell Avenue is referred to in the planning report). The existing dwelling has been extended at ground floor level and extended tight to the rear boundary with an internal courtyard area provided adjacent the boundary with no. 49. The dwelling has been extended partially at first floor level and the roof terrace is be provided on the flat roof section where it backs on to no. 50 Russell Avenue. The portion of roof has a low parapet level with a 1.8m high glazed balustrades to be provided inside it featuring obscured glazing.

7.2.2 In relation to visual impact and obtrusiveness, the proposal is not visible in the surrounding area due to its location to the rear of the existing terrace of dwellings. The structure will be visible from the rear gardens of existing dwellings to the northwest and southeast as well as the dwellings along Russell Avenue East, however the structure is not significant in bulk and scale due the fact it is an open roof terrace and uses a lightweight materials that are translucent. I would be of the view that the structure is unlikely to be obtrusive given the built up nature of the area and structures at this location. The existing dwellings have mostly been extended to the rear and at first floor level and feature limited open space at ground level to maximise internal space. The planning report mentions particular impact on no. 50 Russell Avenue East. This dwelling backs onto the site has a reasonable level of rear garden that provides a decent separation from the appeal site. In addition this property features a shed immediately adjacent the boundary with the appeal site and a physical buffer from the proposed roof terrace.

7.2.3 The provision of external space to serve residential development is acceptable in an established residential area. I am satisfied that the provision of such space in the form of a roof terrace is acceptable subject to no adverse impact in terms of overlooking, overshadowing or an overbearing impact, however I would consider that the overall scale and design of the proposal is acceptable in a dense built up area such as this. The new structure proposed is not of significant bulk or scale and is translucent in nature with no overbearing impact on adjoining properties or significant additional overshadowing. The use of obscure glazing and the height of the balustrades will eliminate the threat of overlooking of adjoining properties. I am satisfied that the proposal represents an appropriate use and scale of development and will enhance the amenity of the existing dwelling as well as being a realistic approach to adding outdoor amenity space to existing dwellings that are lacking in such at this location.

## 8.0 **Appropriate Assessment**

8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, 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.

## 9.0 Recommendation

9.1. I recommend a grant of permission subject to the following conditions.

## 10.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the overall design and scale, the proposed development would be satisfactory in the context of the visual amenities of the area and the amenities of adjoining property. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 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. This permission does not include the shed proposed in the development description with no plans submitted for such.

Reason: In the interest of clarity.

2. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.

3. 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 traffic management, noise, vibration and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and the amenities of the area.

4. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

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Colin McBride  
Senior Planning Inspector

08<sup>th</sup> November 2021