



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311964-21

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<b>Development</b>	Demolition of return to rear and construction of part two-storey part single storey extension with roof lights. Associated site works.
<b>Location</b>	18, Merrion View Avenue, Ballsbridge, Dublin 4, D04P9H9
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	3396/21
<b>Applicant(s)</b>	David & Ann Charles
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Mary Martin (& Others)
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	18 <sup>th</sup> February 2022
<b>Inspector</b>	Máire Daly

## 1.0 Site Location and Description

1.1. The subject site has an area of c. 221sq m is located on southern side of Merrion View Avenue, which is a short street located directly off Merrion Road in an established residential area in Dublin 4, c.4km south of Dublin city centre. The site forms part of a terraced block of 10 houses, constructed in the 1900s. The subject dwelling house is a two-storey mid terrace with an existing single storey rear return (c.4.1 sqm).

1.2. The residential plots along this southern side of the street have long rear gardens which stretch in a southerly direction with the Merrion Shopping Centre located beyond their rear boundaries. An established mature deciduous treeline is also located along this rear boundary. A through way (which is accessed from the northeast off Merrion Avenue) divides the rear gardens in half. This through way ends at the rear of no.20 Merrion View Avenue. Several properties in the subject terrace have extensions to the rear, mainly at ground floor level, though I note the end of terrace dwelling (No.21) has a two-storey extension. The dwelling to the immediate west has a conservatory at ground floor level extending for c. 11m into the rear garden. A two-storey dwelling house is located at the eastern end of the through-way to the rear of the existing terrace buildings, this dwelling house, no. 85 Merrion Road, fronts onto Merrion Road with its rear garden adjoining the terrace gardens to the west.

1.3. The buildings in the vicinity to the north are also residential in nature and are comprised of two storey terrace and single storey dwellings. St. Michael's College and its associated playing pitch is located at the southwestern end of the street, c. 40m from the subject site, with access off Merrion View Avenue. The main school campus is accessed off Ailesbury Road and Nutley Avenue.

## 2.0 Proposed Development

2.1. The proposed development comprises the following:

- Demolition of the existing rear return c. 4.1sq m.
- Construction of a c.45.1sqm rear extension of total length c.7.48m comprising:

- a two-storey element with proposed pitched roof ridge height c.8.24m and length c. 4.48m with 3 no. rooflights on pitch; and
- a single storey flat roof southern element of length c. 3m with flat roof parapet height c.3.8m.
- General reconfiguration of interior layout, which includes the incorporation of a lift and all associated site works.

### 3.0 Planning Authority Decision

#### 3.1. Decision

- 3.1.1. The planning authority granted permission subject to 9 conditions, most of which were standard in nature apart from the following Condition no.3 which stated:

*The proposed bay window to the rear at first floor level shall be replaced with a window which is flush to the rear wall of the property.*

**Reason:** *In the interest of proper planning and residential amenity.*

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

The report of the Planning Officer dated October 2021 reflects the decision of the planning authority.

- The Planning Officer notes the zoning objectives for the area and that the extension is acceptable in terms of design and scale.
- No adverse impact on the Z2 residential conservation zoning is expected as the majority of the development is to the rear of the property
- The Planning Officer noted the third-party objections, however stated that given the orientation of the site the proposed first floor extension is unlikely to result in an unacceptable negative impact on the adjoining property in terms of loss of access to daylight or sunlight.
- The Planning Officer noted the proposed bay window at first floor level facing onto the rear garden and given the potential for overlooking stated that same

should be redesigned as a window flush with the rear wall elevation at first floor level. This would prevent any potential overlooking of neighbouring units.

### 3.2.2. Other Technical Reports

- Drainage Division – DCC – Report dated 16<sup>th</sup> September 2021 - no objection subject to standard conditions.

### 3.3. Prescribed Bodies

- Irish Water - No response received.
- Irish Rail - No response received.

### 3.4. Third Party Observations

3.4.1. 7 no. third party submissions were made in relation to the development. A brief summary of the issues raised in the submission to the Planning Authority are set out below:

- Impact on residential amenities, daylight and sunlight as a result of the proposal.
- The proposal is out of character (scale, height and bulk) with the surrounding area and terrace of dwellings.
- Sets an undesirable precedent for future two storey rear extensions in the area.

## 4.0 Planning History

4.1. Subject site:

- No recent recorded planning history on subject site.

4.2. Sites in the vicinity:

- DCC Ref: WEB1874/20 - 11 Merrion View Avenue (across street) - Permission granted in November 2021 for demolition of existing rear extensions and construction of new rear extension to ground floor and 5sqm extension to first floor level, internal alterations and all associated site works.

- DCC ref.4254/15 – No.7B Merrion View Avenue (across street) – Permission granted in March 2016 for single storey kitchen extension with rooflight above, new double door to living area, at first floor - bathroom and bedroom extension together with all necessary ancillary works to facilitate this development.
- DCC Ref: 4645/07 - 5 Merrion View Avenue (across street) - Permission granted in November 2007 for demolition of existing kitchen, bathroom and bedroom to the rear of existing dwelling and to construct single storey fully serviced extension in replacement to include 2 no. bedrooms, new bathrooms, kitchen/living and utility with internal courtyard with pedestrian access from alley way, new boundary wall to perimeter, remodelling of roof, connection of services to existing and all ancillary site works.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The operative Development Plan is the Dublin City Development Plan 2016-2022. The following land use zoning objective applies to the site - Z2 “to protect and/or improve the amenities of residential conservation areas”.

5.1.2. In terms of Conservation Areas, Dublin City Council seek to ensure the development proposals within all Architectural Conservation Areas and conservation areas complement the character of the area and comply with development standards.

#### Conservation Areas

5.1.3. Policy CHC4: To protect the special interest and character of all Dublin’s Conservation Areas (Section 11.1.5.4). Development within or affecting all conservation areas will contribute positively to the character and distinctiveness; and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

5.1.4. Relevant sections of the Development Plan include:

**Section 16.2.2.3:** Alterations and extensions (general)

- Extensions will be sympathetic to the existing building and adjoining occupiers,
- Alterations and extensions to roof will respect the scale, elevational proportion and architectural form of the building.

**Section 16.10.12:** Extensions and Alterations to Dwellings

Relates to alterations and extensions to dwellings and states that development will only be granted where it will not have an adverse impact on the scale and character of the area and will not adversely affect amenities enjoyed by occupants of adjacent buildings.

**Appendix 17** of the Plan sets out design guidance with regard to residential extensions. The following subsections are relevant:

- 17.3: Residential amenity: extensions should not unacceptably affect the amenity of the neighbouring properties.
- 17.4 Privacy: Extensions should not result in any significant loss of privacy to the residents of adjoining properties.
- 17.6 Daylight and Sunlight: care should be given to the extensions and the impact on the adjoining properties.
- 17.11 Roof extensions: the design of the roof shall reflect the character of the area and any dormer should be visually subordinate to the roof slope, enabling a large proportion of the original to remain visible.

## 5.2. Natural Heritage Designations

5.2.1. There are three designated/proposed designated sites within 0.6km east of the site.

- South Dublin Bay Special area of Conservation (SAC) (Site code: 000210)
- South Dublin Bay & River Tolka Estuary Special Protection Area (SPA) (Site code: 004024); and
- South Dublin Bay Proposed Natural Heritage Areas (pNHA) (Site code: 000210):

### 5.3. EIA Screening

- 5.3.1. The proposed extension to the existing residential dwelling is not a class of development for which EIAR is required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. The grounds of appeal are submitted by Mary Martin of No. 15 Merrion View Avenue (property two doors east) plus 6 others - Rhona Murray, Martin Henman, Caroline Gavin, Emer Fahy, Margaret Downes and Susan Mitchell (all residents of Merrion View Avenue). The main points made can be summarised as follows:

- Appeal is in relation to the first floor element of the proposed extension – no issue with the ground floor extension.
- Proposal is not in accordance with Z2 conservation area objectives or Policy CHC4. The second storey would constitute a visually obtrusive and dominant form not in line with the architectural quality of Z2 areas.
- The previous planning permissions referred to by the planning officer related to houses on the other side of the street and these houses are completely different in character, design and aspect to No.18 Merrion View. They are much wider meaning residents will not be subject to a ‘funnel like’ effect.
- A second story extension to no. 18 would completely deprive the rear garden at no.17 of afternoon daylight and sunlight in the autumn, winter and spring months. This contradicts Section 16.10.12 and Appendix 17 of the Dublin City Development Plan 2016-2022 which requires extensions to not have an unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.
- Supporting photos have been attached to the submission, which demonstrate the level of sunlight at various points during the day of the 30th October 2021.
- The proposed development is not minor in nature as stated by the planning officer in their report and the appellants consider that the proposal would be

visually obtrusive and dominant when viewed from the rear gardens of the terrace.

## 6.2. Applicant Response

- None received.

## 6.3. Planning Authority Response

- None received.

## 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Design and Visual Amenity
- Impact on Adjacent Residential Amenity
- Appropriate Assessment – Screening

### 7.2. Design and Visual Amenity

7.2.1. The grounds of appeal contend that the proposed extension by virtue of its second storey is inappropriate and out of character with the existing extensions to the rear of the adjacent terraced houses. In addition, the second storey extension would constitute a visually obtrusive and dominant form of development, not in line with the principles of the Z2 conservation area.

7.2.2. The proposed rear extension would span the entire width of the site at c.5.7m. At ground floor level the extension is to extend c. 7.48m from the existing rear wall of the dwelling, and c. 4.485m at first floor level. The pitched roof of the proposed extension has a ridge height of c.8.24m, this will not extend above the existing terraced houses ridge heights and therefore will not be visible at street level. While I acknowledge the appellants' concerns regarding the two-storey nature of the extension (given that the majority of the extensions to the rear of the terrace are



single storey), I would highlight that each proposal needs to be considered on its own merits and also given the narrow nature of the rear gardens that an extension such as that proposed makes best use of the confined space for expansion.

- 7.2.3. Section 16.2.2.3 of the Development Plan states that alterations and extensions should be sensitively designed and detailed to respect the character of the existing building, its context and the amenity of adjoining occupiers. In my opinion the applicants have sought to achieve this by integrating the proposed extension into the existing dwelling via a pitched roof design which mirrors that of the rear of the adjoining dwelling to the east at no. 17. The proposed extension is to have the same eaves and ridge height and, in my opinion, therefore respects the uniformity of the terrace by integrating a consistent roofline which will not adversely affect the character of the terrace within this Residential Conservation Areas (land-use zoning Z2) or the scale and character of the existing dwelling house. In addition, as already stated, the rear extension will not be visible from the public domain on Merrion View Avenue.
- 7.2.4. While I consider the two-storey design appropriate, I do note the concerns regarding the pop-out bay window on the rear first floor elevation and the potential for overlooking and would agree with the planning officer that same window should be redesigned so as to be flush with the rear elevation wall. This can be addressed by way of condition.
- 7.2.5. The ground floor element of the extension will extend a further 3m beyond that of the first floor component, to the southeast. This element comprises a flat roof design with a parapet height of 3.8m which I consider acceptable. The appellants state in their submission that they have no issue with this ground floor extension element. The design approach and palette of materials in my view are acceptable. Furthermore, all works will be carried out within the site as outlined in red and no works encroach or overhang third party properties.
- 7.2.6. In conclusion, I consider that the proposed extension is acceptable in terms of scale and design and is such that it would be consistent with the general form and pattern of development in this Z2 area and would not be visually incongruous on the streetscape or be such as to have a significant negative impact on the visual amenities of the area.

### **7.3. Impact on Adjacent Residential Amenity**

- 7.3.1. The impact of the proposed development on the residential amenity of neighbouring properties is a central issue in the grounds of appeal. The concerns raised relate to the loss of daylight and sunlight during the autumn, winter and spring seasons on the rear amenity spaces/gardens of the houses to the east. The dwelling adjoining the subject site to the immediate northeast, no.17 Merrion View Avenue has a small rear return, identical to that of no.18 and two small sheds/outbuildings along its north-eastern boundary. The proposed two storey element of the extension would extend c.4.48m from the rear wall of the existing dwelling and while I acknowledge given the orientation of the site that the introduction of this structure of ridge height c. 8.24m will lead to some form of minor overshadowing in the late afternoon and evenings, I consider that given the proposal will incorporate a pitched roof, with an eaves height of c. 5.54m and also given its limited length from the rear elevation, that any impacts experienced will not adversely affect the amenities enjoyed by the occupants of adjacent buildings in terms of access to daylight and sunlight.
- 7.3.2. As discussed previously above, regarding the issue of overlooking on adjoining rear gardens, I consider the aforementioned amendments to the rear elevation first floor bedroom window will address this concern.
- 7.3.3. Overall, I do not consider the proposal would result in any significant injurious impact on the residential amenity of the adjacent dwellings and would not have an adverse impact on the character of the area and I consider the principle of the development is in line with Section 16.10.12 and Appendix 17 of the Development Plan.

### **7.4. Appropriate Assessment - Screening**

- 7.4.1. Having regard to the modest nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on any European site.

## 8.0 Recommendation

- 8.1. I recommend that planning permission should be granted based on the following reasons and considerations and subject to the attached conditions.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the residential zoning objective for the area, the design and appearance of the proposed extension, and the pattern of development in the vicinity, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the residential amenities of property in the vicinity and would not adversely impact on the character of the area. The proposed development, therefore, would be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 rear elevation pop-out bay window at first floor level shall be replaced with a window which is flush with the rear wall of the extension.

**Reason:** In the interest of residential amenity.

3. No flat roofed area shall be used or accessed as a roof garden/patio.

**Reason:** In the interest of residential amenity.

4. 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.

**Reason:** In the interest of public health.

5. Site development and building works shall be carried out only between the hours of 0800 to 1800 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.

6. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets 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 developer's expense.

**Reason:** To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

7. 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.

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Máire Daly  
Planning Inspector

19<sup>th</sup> February 2022