



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314457-22

#### Development

Permission is sought for the construction of a 2-storey side extension for extended living, raised gable to the side together with all associated site works & services.

#### Location

No. 71, Lally Road, Kilmainham, Dublin 10.

#### Planning Authority

Dublin City Council South.

#### Planning Authority Reg. Ref.

WEB1539/22.

#### Applicant(s)

Rosemarie Schagerl.

#### Type of Application

Planning Permission.

#### Planning Authority Decision

Grant with conditions.

#### Type of Appeal

First Party.

#### Appellant(s)

Rosemarie Schagerl.

#### Observer(s)

None.

#### Date of Site Inspection

7<sup>th</sup> day of December, 2022.

#### Inspector

Patricia-Marie Young.

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## 1.0 Site Location and Description

- 1.1. No. 71 Lally Road, the appeal site, is an irregular rectangular shaped site sitting on the southern side of Lally Road, c56m to the west of Lally Roads junction with Decies Road and c313m to the east of its junction with O'Hogan Road, in the city suburb of Kilmainham, c5km to the west of Dublin's city centre, as the bird would fly.
- 1.2. The 223m<sup>2</sup> site contains an end of terrace 2-storey painted dash dwelling that is setback from Lally Road by an area of hard stand accommodating off-street car parking.
- 1.3. To the rear there is a mature green garden space with a single storey ancillary residential outbuilding extending the width of the site and situated forward of its rear boundary.
- 1.4. No. 71 is located on the western end of a formally designed coherent in design, built form and appearance terrace group, that forms part of a larger residential scheme which addresses either side of Lally Road as well as its immediate suburban context. Over time many of the properties within this setting area, which are largely composed of 2-storey terrace properties, have been altered and added to, including by way of two storey extensions to the rear and modifications to their roof structure over. The surrounding area has a mature residential character.

## 2.0 Proposed Development

- 2.1. By way of this planning application planning permission is sought for a development consisting of alterations to the existing property to accommodate the construction a two-storey side extension for extended living. The amendments include raising the gable of the subject property to the side. According to the planning application form the floor area of new buildings proposed is 20m<sup>2</sup> which would when taken together with the existing 62m<sup>2</sup> given floor area of No. 71 give rise to a cumulative floor area of 82m<sup>2</sup>. In addition, the planning application form indicates a proposed plot ratio of 1:14 and site coverage of 15%. It also indicates that the site is connected to public mains water and foul drainage.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. On the 29<sup>th</sup> day of July, 2022, Dublin City Council issued notification of decision to **grant** planning permission for the proposed development subject to seven mainly standard conditions. The first party appeal relates to Condition 3 which reads:

*“The development hereby granted planning permission shall be modified as follows:*

- a) The straight gable roof shall be omitted and replaced with a ‘hipped’ roof profile similar to existing.*

*The development shall not commence until planning and particulars reflecting the above amendments have been submitted and agreed with the Planning Authority.*

*Reason: In the interest of visual amenity.”*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The recommendation to grant permission in the Planner’s Report reflects the decision of the Planning Authority. Of relevance to the subject matter of this appeal is that the Planning Officer considered that there was a coherent character that defined the host dwelling and its setting. In this context the modification of the roof structure to a hipped roof profile in keeping with the prevalent roof structure types was sought by way of condition in the interest of visual amenities.

#### 3.2.2. Other Technical Reports

**Engineering:** No objection, subject to safeguards.

### 3.3. Prescribed Bodies

- 3.3.1. None.

### 3.4. Third Party Observations

- 3.4.1. None.

## 4.0 Planning History

### 4.1. Site and Setting

- 4.1.1. No relevant Board decisions pertaining to the site and its setting.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The Dublin City Development Plan, 2022-2028, came into effect on the 14<sup>th</sup> day of December, 2022, under which the site is zoned 'Z1 – Sustainable Residential Neighbourhoods'.
- 5.1.2. Chapter 14 sets out the Land Use Zonings.
- 5.1.3. Section 14.7.1 of the Development Plan in relation to 'Z1' zoned land states that the land use objective is: *"to protect, provide and improve residential amenities"* and that the vision is: *"for residential development in the city is one where a wide range of high quality accommodation is available within sustainable communities, where residents are within easy reach of open space and amenities as well as facilities such as shops, education, leisure and community services"*.
- 5.1.4. Section 15.5.3 of the Development Plan which deals with alterations and extensions. It sets out that works of alteration and extension should be integrated with the surrounding area, ensuring that the quality of the townscape character of buildings and areas is retained and enhanced, and environmental performance and accessibility of the existing building stock improved.
- 5.1.5. It further sets out 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 occupiers. In particular, alterations and extensions should:*
- *Respect any existing uniformity of the street, together with significant patterns, rhythms, or groupings of buildings.*
  - *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.*
- *Incorporate a high standard of thermal performance and appropriate sustainable design features.”*

5.1.6. Appendix 18 Section 1.2 of the Development Plan in relation to extensions to the rear states that: “*the following factors will be considered:*

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

## 5.2. **Natural Heritage Designations**

5.2.1. The site is not located within a designated Natura 2000 site, it does not adjoin such a site nor is it within the zone of influence of such sites. The nearest Natura 2000 site, i.e., South Dublin Bay and River Tolka Estuary SPA, is located c7.2km to the north east.

## 5.3. **EIA Screening**

5.3.1. The proposed development is not of a nature or scale which would fall within the fifth schedule of the Planning and Development Regulations, 2001, (as amended), such as would necessitate the carrying out of an EIAR.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

6.1.1. The grounds of appeal can be summarised as follows:

- This application was made on foot of the changing home office working needs of the residents, i.e., since Covid the applicant will be working on a permanent basis from home.
- Reference is made to local planning provisions.

- There are precedents and examples of hipped roofs being replaced by straight gables for minor secondary developments to existing dwellings in this area.
- Reference is made to a grant of permission for such a roof type under P.A. Ref. No. 3578/19 which relates to No. 88 Lally Road on the opposite side of the street. In this situation no concern was raised by the Planning Authority for the same roof type.
- No adverse residential and/or visual amenity arises from the roof.
- The amendment required under Condition No. 3 would result in a home office that is not fit for the applicant's purpose.
- The existing house contains a modest 60m<sup>2</sup> of home living space.
- The existing hipped roof in place makes it difficult to insulate this 1940s dwelling.
- The straight gable will significantly contribute towards providing the functional space needed by the applicant and for insulating the property.
- The Board is sought to omit Condition No. 3 from the grant of permission.

## 6.2. Planning Authority Response

6.2.1. None received.

## 7.0 Assessment

7.1. I have carried out an inspection of the site and its setting, examined all the documentation on file, the appeal submission, through to had regard to all relevant planning provisions and guidance in relation to the proposed development sought under this application. This is an appeal against Condition No. 3 of the Councils decision to grant permission, which was issued on the 29<sup>th</sup> day of July, 2022.

7.2. In this regard, I consider it is appropriate that the appeal should be confined to Condition No. 3 only and I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted and that it would be appropriate to use the provisions of Section 139 of the 2000 Act in this case.

- 7.3. As set out in Section 3.1 above Condition No. 3 requires the development to be modified by way of omitting the straight gable roof and in its place provide a hipped roof profile similar to that existing over the proposed extension. It seeks that the full details relating to this modification be subject to the written agreement of the Planning Authority prior to any commencement of development. Alongside it sets out that the reasons for this modification to the proposed development is in the interest of the visual amenity.
- 7.4. The Planning Authority in their determination of the proposed development sought under this application, a development that I note can be summarised as consisting of a two-storey side extension for extended living, including a raised gable to the side was considered to be acceptable with the exception of the roof and gable treatment proposed. This latter component of the proposed development was considered to be out of character with the prevailing pattern of development in a residential suburban setting that was highly coherent with the characteristic roof structure over being hipped shaped roofs. Therefore, the Planning Authority considered that to permit the proposed raised gable as set out in the design resolution for the proposed development would negatively impact on the scale and character of the host dwelling as well as the visual amenity of the area.
- 7.5. The appellant contends that the host dwelling which forms part of a terrace group and within a streetscape setting dating to circa 1940s that has in the intervening decades been subject to a variety of alterations and additions of varying architectural design approaches. With this including the provision of two storey side extensions with gable roof structure with side gables over.
- 7.6. An example of this is cited as the recently permitted P.A. Ref. No. 3578/19 at No. 88 Lally Road opposite the site.
- 7.7. They further contend that the modification to the roof structure would result in the proposed extension at upper floor area not meeting their needs. Alongside would result in less opportunity to improve the BER rating of this 1940s dwelling.
- 7.8. Within the streetscape scene of the appeal site, I do concur with the Planning Authority that the groups of once coherent in design, built form, appearance through to palette of materials 2-storey terraces are in part characterised with the hipped roof structures



over. Notwithstanding this, I did observe that there are a limited examples of side gabled 2-storey built forms within the wider streetscape scene.

- 7.9. Having regard to the constraints of this site, which includes that if a modest 2-storey built form extension was provided to the rear it would give rise to significant overshadowing, loss of natural light/daylight through to a greater perception of being overlooked. This in my view would arise as a result of the site's modest area, the orientation of the site, the limited width and depth of the rear garden areas through to the lateral separation distance with opposing first floor windows. Moreover, it would have resulted in a diminishment of private open space for occupants of this dwelling.
- 7.10. It is my considered opinion that the design resolution of this modest in floor area two storey side extension to No. 71 (Note: 20m<sup>2</sup>), which I consider is one that seeks to respect the character and attributes of this host property in a harmonious manner. Together with its overall built form, including relationship with the host dwelling, the terrace group it forms part of. Through to its relationship with its streetscape scene. That the roof structure component of this extension by itself would not give rise to any significant adverse visual amenity impact on a streetscape scene that I observed has been much modified since completed in the 1940s and that views of this extension would be localised through to limited in their potential to give rise to adverse amenity impact on what is a much-changed streetscape scene.
- 7.11. Further, the host dwelling and the streetscape scene whilst still retaining the essence of its original highly uniform design and layout intent, they are not afforded any specific protection.
- 7.12. This proposal in my view seeks to balance the habitable and functional needs of occupants of this modest 62m<sup>2</sup> host dwelling whilst at the same time safeguarding as well as protecting the residential amenities of properties in its vicinity. The proposed development by way of consolidating and positioning the extension to the side of No. 71 Lally Road, as well as maintaining its front and rear building line, effectively reduces the potential for adverse impacts to arise from the proposed development on neighbouring properties by way of overshadowing, overbearing, undue loss of daylight through to diminishment of privacy.
- 7.13. I consider this approach consistent with the land use zoning objectives for the site setting through to the development management standards set out in the Development

Plan for extensions to host dwellings which seeks to balance improved residential amenities against those of established residential amenities in the setting of proposed developments like this on 'Z1' zoned lands.

7.14. Having regard to all of the above, I am of the opinion that the proposed development would not unduly impinge upon the visual amenity of the area in a manner that would be contrary to the proper planning and sustainable development of the area to such an extent that would warrant the attaching of Condition No. 3 to the grant of permission.

#### 7.15. **Appropriate Assessment**

7.15.1. The subject site is located in an established residential area and is not located adjacent to nor in close proximity to any European sites, as defined in Section 177R of the Habitats Directive. Having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or 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.

### 8.0 **Recommendation**

8.1. Having regard to the pattern of development in the vicinity, to the design and built form of the proposed development, it is considered that the extension as originally proposed, in particular the roof structure over, would not seriously injure the visual or residential amenities of the area and would not conflict, in a material way, with the provisions of the Dublin City Development Plan, 2022-2028. I therefore recommend that the said Council be directed under subsection (1) of Section 139 of the Planning and Development Act, 2000 to REMOVE Condition No. 3.

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Patricia-Marie Young

Planning Inspector – 21<sup>st</sup> December, 2022.