



An
Bord
Pleanála

Inspector's Report

ABP-314471-22

Development

Demolition of a section of the rear return walls at garden level and ground floor level; construction of a part single storey, part two storey extension to the rear; internal alterations; reconfiguration of two bathrooms; the installation of a utility room in the existing house; and associated site works.

Location

20 Oakley Road, Ranelagh, Dublin 6 –
a Protected Structure

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

4012/21

Applicant

Ian Craigie

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

First Party v. Conditions

Appellant

Ian Craigie

Observers

None

Date of Site Inspection

8th June 2023

Inspector

Margaret Commene

1.0 Site Location and Description

- 1.1. The area surrounding the subject site, at No. 20 Oakley Road, Ranelagh, Dublin 6, is a mature residential area featuring a mix of two and three storey terraced, detached and semi-detached dwellings (the majority of which are Protected Structures) and three-story infill apartment developments.
- 1.2. The subject site comprises a 458sqm slightly irregular shaped parcel of land on the western side of Oakley Road. The subject site features a 131sqm early 19th century terraced two-storey 5-bay terraced house. To the rear of the existing dwelling is a three storey return which has a flat roof. The subject dwelling is a Protected Structure (RPS No. 5960) and the subject site also falls within a Conservation Area.
- 1.3. To the immediate north is No. 19 Oakley Road, a terraced two-storey 5-bay terraced house, which is a Protected Structure (RPS No. 5959). To the immediate south is No. 21 Oakley Road, a two-storey end-of-terrace dwelling, which is a Protected Structure (RPS No. 5961). To the immediate west, is the rear parking area associated with a three-storey apartment block featuring at No. 20A Charleston Avenue.

2.0 Proposed Development

- 2.1. Permission is sought for demolition of a section of the rear return walls at garden level and ground floor level; construction of a part single storey, part two storey extension to the rear; internal alterations; reconfiguration of two bathrooms; the installation of a utility room in the existing house; and associated site works.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council granted planning permission on 3rd August 2022, subject to 13 conditions.

Condition No. 3 stated the following:

3. *In advance of work commencing on site, the applicant shall submit the following information for the written approval of the Planning Authority:*

- a) *Revised drawings (plans, sections & elevations) omitting the first floor extension.*
- b) *Revised roof plan clearly detailing and confirming the proposed finishes for all elements including the weathering membrane, flashings, pressed metal trims, glazed roof lights and rainwater goods.*
- c) *Details of all junctions between the new materials and the existing original fabric.*

Reason: To protect the fabric, character and integrity of this protected structure.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planners Report (9th February 2022)

- The application is to create a single storey extension to the rear of the property to create a new open plan kitchen, living and dining area. The proposal will allow for a courtyard to be created between the new extension and the existing property so as to allow the living room identified as room 02 to retain its rear window which will overlook the courtyard. A third party has raised concern regarding the side window at first floor in the adjoining property at No. 21 which will overlook into the courtyard. Double doors to the side allow entrance to the 14sq.m courtyard and the new dining area will also overlook it.
- At first floor level it is proposed to construct a new bedroom with ensuite and dressing room. The proposal builds up to the boundary shared with No. 21 Oakley Road, but is set back from the boundary with No.19, to allow for bedroom 3 to retain its rear window, but also to provide for a large rooflight over the new kitchen extension. The set back does impact on this first floor window and its aspect of the garden which is further compounded by the fact that the extension is angled in line with the site plan. The rear garden is west facing and as such there is some concern regarding the impact the proposal will have on the neighbouring property at No. 19. Additionally, the first floor extension will given its location to bedroom 3 cause some loss of daylight and sunlight to the bedroom all which is a concern.

- The Conservation Section raises a number of concerns. They have concerns regarding the demolition of the south wall that encloses the staircase and ground floor landing, and request that it remain intact. They also suggest that if the existing wall to create a new internalised utility is demolished at the nibs should be provided at either side to accommodate structural supports to the walls above and note it would be preferable to avoid the demolition of the stair wall. They request the enlargement of the opening between the RM0.04 and RM0.03 should be reconsidered, if it gives rise to loss of historic fabric.
- The loss of the central window on the stair landing at first floor level and the creation of a new opening would they state irreversibly change the character of the staircase and remove the view of the garden and is not supported. They note serious concerns regarding the first floor extension and the impact on the architectural character and setting of the Protected Structure, and request its omission. They additionally request an east/west section through the existing and proposed arrangement at ground floor looking south that clearly indicates the adjoining boundary wall and north elevation of No. 21 Oakley Road. They also request an east/west section through the existing and proposed new kitchen/dining arrangement looking north that indicates the boundary wall with No.19 Oakley Road.

The report recommends a request for further information in respect of the following:

- Item 1(i): The applicant was requested to submit revised drawings which showed the southern wall to the stair hall remaining intact in its existing position, and any opening to the proposed new courtyard located within the glazed screen to the proposed new dining area.
- Item 1(ii): The applicant was requested to submit revised drawings which reconsidered the proposed enlargement of the understair wc to form a utility room and avoid the demolition of the north stairwall and extension into the adjoining rear room.
- Item 1(iii): The applicant was requested to submit revised drawings omitted the first floor extension.

- Item 1(iv): The applicant was requested to submit an east/west section through the existing and proposed (single storey) arrangement looking south that clearly indicates the adjoining boundary wall and north elevation of No. 21 Oakley Road.
- Item 1(v): The applicant was requested to submit an east/west section through the existing and proposed (single-storey) kitchen/dining arrangement looking north that clearly indicates the boundary wall with No. 19 Oakley Road, and extending beyond to the end of the proposed lowered terrace area c.5m x 4.4m.
- Item 1(vi): The applicant was requested to submit a north/south section 1:50 through the proposed new (single-storey) kitchen/dining area RM0.06 looking east (to include the rear elevation of the Protected Structure).
- Item 1(vii): The applicant was requested to submit a 3D sketch-up views/visualisations that clearly illustrates the proposed development and its immediate context/neighbouring houses.
- Item 1(viii): The applicant was requested to submit clear drawn details of key junctions between the proposed extension, lowered terrace and adjoining boundary walls and/or buildings.
- Item 1(ix): The applicant was requested to submit further details to illustrate and demonstrate an appropriate finesse in detailing and materiality that will complement and enhance the architectural character and setting of the Protected Structure
- Item 1(x): The applicant was requested to submit revised elevations to reflect the omission of the first floor extension.

Planners Report (8th August 2022)

It was considered that the revisions made had appropriately responded to the concerns raised by the Conservation Officer, save for in relation to the proposed first floor extension. The Planners Report, dated 8th August 2022, recommended a grant of permission subject to conditions. One of the conditions outlined (Condition 3(a)) sought the omission of the first floor extension.

3.2.2. **Other Technical Reports**

Drainage Division (20/12/22): No objection, subject to condition.

Conservation Section (initial report received on 02/02/2022): Supports the provision of additional accommodation that supports the continued sustainable use of the building/the contemporary design approach adopted and deems the shed demolition and proposed alterations to existing bathrooms at first floor acceptable. Raised concerns regarding the extent of demolition of the walls enclosing the staircase/landing proposed, the enlargement of the opening between RM0.04 and RM0.03, the loss of the central window opening on the stair landing at first floor level, the limiting of views from/daylight to west facing windows as a result of the proposed two storey element, the first floor extension's impact on the protected structure and the finesse in detailing/materiality. In light of this, they recommended that revised drawing be requested to reflect the following:

- South wall to the stair hall shall remain intact in its existing position, and any opening to the proposed new courtyard shall be located within the glazed screen to the proposed new dining area.
- Reconsider the proposed enlargement of the understair wc to form a utility room and avoid the demolition of the north stairwall and extension into the adjoining rear room.
- Revised drawings to reflect the omission of the first floor extension.
- East/west section 1:50 through the existing and proposed (single storey) arrangement looking south that clearly indicates the adjoining boundary wall and north elevation of No. 21 Oakley Road.
- East/west section through the existing and proposed (single-storey) kitchen/dining arrangement looking north that clearly indicates the boundary wall with No. 19 Oakley Road, and extending beyond to the end of the proposed lowered terrace area c.5m x 4.4m.
- North/south section 1:50 through the proposed new (single-storey) kitchen/dining area RM0.06 looking east (to include the rear elevation of the Protected Structure).

- 3D sketch-up views/visualisations that clearly illustrate the proposed development and its immediate context/neighbouring houses Nos. 19 and 21 Oakley Road to facilitate an understanding of the form of the building.
- Clear drawn details shall be submitted of key junctions between the proposed extension, lowered terrace and adjoining boundary walls and/or buildings.
- Further details shall be provided to illustrate demonstrate an appropriate finesse in detailing and materiality that will complement and enhance the architectural character and setting of the Protected Structure.
- Revised elevations shall be submitted to reflect the omission of the first floor extension.

Conservation Section (subsequent report received on 22/07/2022): The revisions included in the further information response addressed the majority of the concerns initially raised, save for in relation to the proposed first floor extension. In this regard, despite revisions to the first floor extension it was still considered to be excessive and the original concerns were not considered to have been addressed. In light of this, they advised that they had no objection to the proposed development being granted subject to conditions, including a condition requiring the omission of the first floor extension.

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:

- Potential impact on brick boundary wall arising from excavation.
- Potential impact on character of the building/wider area.
- Impacts on daylight and sunlight on adjoining properties.
- Existing house of architectural and historical interest.

- Drawings don't show the whole of rear extension in particular the section adjacent to No. 21 Oakley Road. Drawings unclear in relation to existing windows.

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 has been 1 recent application in the vicinity of the subject site that is pertinent to the current proposal. This is summarised overleaf.

21 Oakley Road, Ranelagh, Dublin 6 (south of the subject site)

PA Reg. Ref. 2602/15

This application related to a proposal for demolition of existing wall and pitched roof at first floor level to the rear of the existing house, the construction of a first-floor extension (including two roof lights), also to the rear of the existing house, some associated internal remodelling works at first floor level, the removal of 4 no. rooflights from, and the installation of 1 no. new roof light to the existing lean-to roof to the rear, ground floor extension, as well as all associated site works.

Permission was refused by Dublin City Council in June 2015, for the following reason:

1. *The proposed development, by reason of the loss of original roof profile, features and original historic fabric along with negative impacts on the natural lighting and ventilating of the resultant overly deep floor plan, would adversely alter the character of the protected structure and that of the wider terrace, and as such would seriously injure the residential amenity of the area, and would therefore be contrary to the proper planning and sustainable development of the area.*

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

The subject application was originally assessed having regard to the Dublin City Development Plan 2016-2022. This has subsequently expired.

5.2. Dublin City Development Plan 2022-2028

In the intervening period since the subject application was determined, the Dublin City Development Plan 2022-2028 has been adopted by the elected members on 2nd November 2022 and came into effect on 14th December 2022. The relevant provisions are discussed in turn below.

5.2.1. Land Use Zoning

The site is zoned 'Z2' – Residential Neighbourhoods (Conservation Areas) in the Dublin City Development Plan 2022-2028 with a stated objective to '*protect and/or improve the amenities of residential conservation areas*'. The general objective outlined in the Development Plan for areas subject to this zoning 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*'.

5.2.2. Other Relevant Sections/Policies

The building featuring on site is a Protected Structure (RPS. No. 5960).

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

Section 11.5.1 - Policy BHA1: Record of Protected Structures

- (a) *To include those structures that are considered to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures, and to remove those structures where protection is no longer warranted.*
- (b) *To maintain and review the RPS whilst having regard to recommendations for additions to the RPS made by the Minister under Section 53 of the Planning and Development Act, 2000 (as amended).*

Section 11.5.1 - Policy BHA2: Development of Protected Structures

'That development will conserve and enhance protected structures and their curtilage and will:

- (a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.*
- (b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.*
- (c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.*
- (d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.*
- (e) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure.*
- (f) Respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.*
- (g) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.*
- (h) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.*
- (i) Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.*
- (j) Have regard to ecological considerations for example, protection of species such as bats.*

Section 11.5.3 - Policy BHA9: Conservation Areas

To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. 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:

- 1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.*
- 2. Re-instatement of missing architectural detail or important features.*
- 3. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.*
- 4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.*
- 5. The repair and retention of shop and pub fronts of architectural interest.*
- 6. Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.*
- 7. The return of buildings to residential use.*

Changes of use will be acceptable where in compliance with the zoning objectives and where they make a positive contribution to the character, function and appearance of the Conservation Area and its setting. The Council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications, and will promote compatible uses which ensure future long-term viability.

Section 11.5.3 - Policy BHA10: Demolition in a Conservation Area

There is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of a Conservation Area, except in exceptional circumstances where such loss would also contribute to a significant public benefit.

Section 15.15.2.2 – Conservation Areas

All planning applications for development in Conservation Areas shall:

- Respect the existing setting and character of the surrounding area.*

- *Be cognisant and/or complementary to the existing scale, building height and massing of the surrounding context.*
- *Protect the amenities of the surrounding properties and spaces.*
- *Provide for an assessment of the visual impact of the development in the surrounding context.*
- *Ensure materials and finishes are in keeping with the existing built environment.*
- *Positively contribute to the existing streetscape Retain historic trees also as these all add to the special character of an ACA, where they exist.*

Appendix 18 - Ancillary Residential Accommodation

Section 1.1: General Design Principles

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 respected, and the development should integrate with the existing building through the use of similar or contrasting materials and finishes.

Innovative, contemporary design will be encouraged. A contemporary or modern approach, providing unique designs, can offer a more imaginative solution. However, such proposals are still required to take account of the design issues outlined in this document.

Applications for extensions to existing residential units should:

- *Not have an adverse impact on the scale and character of the existing dwelling.*
- *Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight.*
- *Achieve a high quality of design.*
- *Make a positive contribution to the streetscape (front extensions).*

Section 1.2: Extension to Rear

Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house.

First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be

permitted where the planning authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

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

Section 1.4: Privacy and Amenity

Privacy and Amenity Extensions should not result in any significant loss of privacy to the residents of adjoining properties. Generally, windows overlooking adjoining properties (such as in a side wall) should be avoided. Where essential, the size of such windows should be kept as small as possible and consideration should be given to the use of high-level windows and/ or the use of obscure glazing where the window serves a bathroom or landing. Bedrooms in general should not be lit by obscure glazed windows as a means to prevent undue overlooking of adjacent properties.

Section 1.7: Appearance and Materials

The extension should not dominate the existing building and should normally be of an overall scale and size to harmonise with the existing house and adjoining buildings; the appearance of the existing structure should be the reference point for any consideration of change that may be proposed. The materials used should complement those used on the existing building; features such as windows and doors on the new extension should relate to those on the original building in terms of proportion and use of materials.

5.3. Architectural Heritage Protection Guidelines for Planning Authorities (2011)

5.3.1. The subject site features a Protected Structure (RPS. No. 5960). Therefore, the 'Architectural Heritage Protection, Guidelines for Planning Authorities' are considered relevant. These guidelines are issued under Section 28 and Section 52 of the Planning and Development Act 2000. Under Section 52 (1), the Minister is obliged to issue guidelines to planning authorities concerning development objectives: a) for protecting

structures, or parts of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest, and b) for preserving the character of architectural conservation areas.

5.3.2. The guidelines provide guidance in respect of the criteria and other considerations to be taken into account in the assessment of proposals affecting protected structures or within an Architectural Conservation Area. The guidelines seek to encourage the sympathetic maintenance, adaption and reuse of buildings of architectural heritage.

5.3.3. Section 6.8 of the Guidelines includes guidance in relation to extensions. In the context of extensions, new work should involve the smallest possible loss of historic fabric and ensure that important features are not obscured, damaged or destroyed. In general, principal elevations of a protected structure (not necessarily just the façade) should not be adversely affected by new extensions. The design of symmetrical buildings or elevations should not be compromised by additions that would disrupt the symmetry or be detrimental to the design of the protected structure. Generally, attempts should not be made to disguise new additions or extensions and make them appear to belong to the historic fabric. Careful consideration of the palette of materials with which the works are to be executed can mediate between a modern design idiom and the historic fabric of the structure. Extensions should complement the original structure in terms of scale, materials and detailed design while reflecting the values of the present time.

5.4. Natural Heritage Designations

5.4.1. The proposed development is not located within or immediately adjacent to any European site. The nearest European site is the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) located c. 3 kilometres east.

6.0 The Appeal

6.1. Grounds of Appeal

An appeal against Condition No. 3(a) of the decision to grant permission was received from the applicant on 29th August 2022. The following is a summary of the main issues raised:

- The appellant contends that the revisions made at further information stage adequately address the concerns raised whilst maintaining an additional bedroom and ensuite to ensure the longevity of the Protected Structure as a single family home.
- The revised proposal is setback from the boundary with No. 21 Oakley Road which will improve the enjoyment of the courtyard and will preserve the light and view of the garden from the existing rooms. The legibility of the central window ope to the stair landing is maintained and glazed internal doors will facilitate a view of the garden. As demonstrated by the sections included on Drawing No. 2017-PL-043-FI, this proposal will have no more impact on views of the garden from the existing house than a single storey extension.
- Due to the skewed nature of the boundary, the view from existing RM1.04 Bedroom 3 of the garden is naturally limited and therefore a two storey extension to the south of the ope will not significantly impact this.
- Condition 3(a) should be reconsidered having regard to the existing modifications to the character of the original rear elevation of No. 20, including the 2nd floor flat roofed extension and sand cement render finish
- The resultant house would be appropriate in the context of the large garden featuring on the subject site.

As can be seen from the 1882 OS Map excerpt, the rear elevations of Nos. 18 to No. 21 Oakley Road have all been modified with 2-3 storey extensions across the back of the terrace. The appellant contends that modest 2 storey extension proposed would have no material impact on the setting of the Protected Structure, as the legibility of the historic form of these houses is predominantly found in the front facades which form the attractive streetscape along Oakley Road.

6.2. Planning Authority Response

- None.

6.3. Observations

- None.

7.0 Assessment

This is a first-party appeal against Condition No. 3(a) attached to the Planning Authority's decision to grant permission. Having regard to the nature and scale of the proposed development and the nature of Condition No. 3(a), it is considered that the determination by the Board of the application, as if it had been made to it in the first instance would not be warranted. Therefore, the Board should determine the matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act 2000, as amended. This assessment will therefore be confined to the specific appeal of Condition No. 3(a) of the planning authority decision.

I consider the key issues in determining this appeal as follows:

- Impact on Built Heritage.
- Residential Amenity.
- Appropriate Assessment.

7.1. Impact on Built Heritage

- 7.1.1. The proposed development includes the construction of a part-single part-two storey extension to the rear of an existing dwelling and associated internal alterations. As previously outlined, the house featuring on site is a Protected Structure (RPS. No. 5960) and the subject site falls within a Conservation Area.
- 7.1.2. The proposed development involves the construction of a contemporary, c. 77sqm part-single part-two storey extension to the rear of the existing dwelling/return and internal alterations/reconfiguration of the existing dwelling/return. More specifically, the proposed development includes the demolition of the southern wall that encloses the staircase/ground floor landing, removal of the external window/door to the existing kitchen and the creation of a courtyard to the rear of the existing living room. The

maximum height of the proposed extension is 5.9 metres, the first floor extension adopts setbacks of between 1.335 and 3.1 metres from the northern boundary/1.7 and 2.9 metres from the southern boundary and proposed Bedroom 4 at first floor level will be accessible via glazed door off the first floor landing.

7.1.3. Condition No. 3(a) of the grant of permission requests the omission of the first floor extension. The Planner's Report, having regard to the commentary of the Conservation Officer, sets out a rationale for the inclusion of this condition on grounds of adverse and injurious impact on the architectural character and setting of the Protected Structure. More specifically, they considered that the proposed first floor extension would have a significantly adverse and injurious impact on the architectural character and setting of the Protected Structure due to its overall height, scale, massing and form. In particular, the Conservation Officer, despite revisions made in response to the further information request, continues to have concerns regarding the proposed extent of flat roof and overlooking aspect from the rear windows of this protected structure.

7.1.4. In its consideration of the subject application, the Planning Authority has referenced Policy CHC2 regarding Protected Structures and Policy CHC4 regarding Conservation Areas of the Dublin City Council Development Plan 2016-2022. Although the Dublin City Development Plan 2016-2022 has expired in the intervening period since this application was determined, I note the similar policies pertaining to works to a Protected Structure and development within Conservation Areas feature in the recently adopted Dublin City Development Plan 2022-2028, at Policies BHA2 and BHA9. More specifically, Policy BHA2 seeks to protect protected structures from any works that would negatively impact their special character/appearance and Policy BHA9 seeks to ensure that all development proposals within conservation areas are appropriate to the character/special interest of the area. Therefore, the appropriateness of the proposed first floor extension to the existing dwelling in the context of the Protected Structure and Conservation Area still requires consideration in relation to the subject application.

7.1.5. The appellant has made the case that the revisions made to the first floor extension at further information stage adequately address the concerns raised by the Conservation

Officer. They contend that the setback adopted from the boundary with No. 21 Oakley Road improves the enjoyment of the courtyard and will preserve the light and view of the garden from the existing rooms, while the legibility of the central window opening to the stair landing is maintained and glazed internal doors will facilitate a view of the garden.

7.1.6. Having considered the proposal, I am inclined to accept the assertions made on behalf of the first party that the proposed first floor extension will not have a negative impact on the special character and integrity of the Protected Structure. The first floor extension involves minimal removal of original fabric, consistent with Section 6.8.1 of the Architectural Heritage Protection: Guidelines for Planning Authorities, 2011, and conserves aspects of the form and layout of the Protected Structure, including the use of the original three-storey return and views of the rear garden from the stairs/landing as integral design features. I consider that the benefits arising in terms of the improvement to residential amenity is appropriately balanced against the extent of loss of an original wall and the implications in terms of the integrity of the Protected Structure. Further to this, due to its contemporary design, height, central positioning on the rear façade/setbacks provided from the northern/southern boundaries and incorporation of a flat roof, the proposed first floor extension will clearly read as a later addition, sit subservient to the existing Protected Structure and maintain the garden outlook currently enjoyed by the Living Room and Bedrooms 1 and 3. Accordingly, I do not consider that the upper level element of the extension would represent an inappropriate or unsympathetic design response in extending this Protected Structure.

7.1.7. Thus, I consider that the proposed first floor extension would not have any adverse impact on the architectural character and setting of the Protected Structure. I am satisfied that the imposition of Condition No. 3(a) is unwarranted in this instance and would serve to undermine the ability to deliver an improved standard of residential accommodation on the subject site. In my opinion, the Planning Authority should be directed to omit Condition No. 3(a) of this permission.

7.2. Residential Amenity

7.2.1. Apart from the potential impact on built heritage, the other major consideration in the current appeal is the potential impact that the first floor extension has on the

neighbouring properties. The Dublin City Development Plan 2022-2028 outlines that first floor rear extensions will be considered on their merits and will only be permitted where the planning authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. Factors including overshadowing, overbearing and overlooking, along with proximity, height and length along mutual boundaries, remaining open space and external finish and design will be considered in this regard.

7.2.2. The subject site is currently occupied by a 131sqm early 19th century terraced two-storey 5-bay terraced house. To the rear of the existing dwelling is a three storey return which has a flat roof. The subject dwelling is a Protected Structure (RPS No. 5960) and the subject site also falls within a Conservation Area. The existing three storey return extends to a maximum height of 8.19 metres, is developed flush with the northern boundary and adopts setbacks of between 3.2 and 3.96 metres from the southern site boundary.

7.2.3. The proposed development involves the construction of a contemporary c. 77sqm part-single part-two storey extension to the rear of the existing dwelling/return and internal alterations/reconfiguration of the existing dwelling/return. The maximum height of the proposed extension is 5.9 metres. In the context of the northern boundary, the ground floor extension is developed flush with the northern boundary for a distance of 10.48 metres and the first floor extension adopts setbacks of between 1.335 and 3.1 metres from the northern boundary. In the context of the southern boundary, the ground floor extension is partly developed (the central part comprising the dining area) flush with the southern boundary for a distance of 4.59 metres. To the east of the dining area, the ground floor extension is setback between 2.75 and 3.96 metres from the southern boundary to create a courtyard and to the west of the dining area, the ground floor extension is setback 3 metres from the southern boundary. The first floor extension adopts setbacks of between 1.7 and 2.9 metres from the southern boundary.

Property to the North (No. 19 Oakley Road)

7.2.4. The site is adjoined to the north by No. 19 Oakley Road, a terraced two-storey 5-bay terraced house, which is a Protected Structure (RPS No. 5959).

- 7.2.5. Before considering the proposed development's potential impacts in terms of overlooking, overbearing and overshadowing, I think it beneficial to discuss the subject site in the context of its interface with the neighbouring property at No. 19 Oakley Road. As illustrated in the side elevations/site sections, submitted with the planning application, a 1.42-3.815 metre high wall currently features along the common boundary of these 2 no. properties (the tallest section located proximate to the rear returns of both properties). The shed currently featuring on the subject site is developed flush with the common boundary for a length of 2.7 metres and extends to a height of 2.4 metres. To the north of this boundary wall and shed lies No. 19 Oakley Road's private amenity space.
- 7.2.6. In terms of potential overlooking of No. 19 Oakley Road's adjacent amenity space, I do not consider the proposed first floor extension will result in any significant or undue overlooking of the rear amenity space as the section of the northern façade sitting directly opposite this space is devoid of habitable room windows and only oblique views are provided from the window serving Bedroom 4 due to its orientation (west-facing), setback/positioning relative to applicable open space area and the wall/planting featuring along the common boundary which restricts views of this amenity space.
- 7.2.7. I now turn my attention to the matter of potential overbearing/overshadowing impacts. No. 19 Oakley Road's rear garden has a minimum depth of c. 38.5 metres. The proposed ground floor extension flanks this rear garden for a length of 10.48 metres and first floor extension's northern façade is 5.45 metres long, extends to a maximum height of 5.9 metres (adopting a flat roof) and adopts setbacks of between 1.335 and 3.1 metres from the northern boundary. Having regard to the overall scale, siting, design and proximity of the proposed first floor extension relative to this neighbouring site's private amenity space and having considered the existing site context, it is my opinion that the proposed first floor extension is neither out of scale nor excessive and will not result in unreasonable overbearing/overshadowing impacts on No. 19 Oakley Road's amenity space.

Property to the South (No. 21 Oakley Road)

- 7.2.8. The site is adjoined to the south by No. 21 Oakley Road, a two-storey end-of-terrace dwelling, which is a Protected Structure (RPS No. 5961).
- 7.2.9. Before considering the proposed development's potential impacts in terms of overlooking, overbearing and overshadowing, again I think it beneficial to discuss the subject site in the context of its interface with the neighbouring property, at No. 21 Oakley Road. As illustrated in the floor plans, sections and photographic survey, submitted with the planning application, a series of later extensions (single, double and three storeys) have been introduced to the rear of No. 21 Oakley Road. The northern boundary walls of all these extensions have been developed flush with the common boundary. Oddly, the double storey component of these later extensions, which sits immediately behind the original dwelling, features a north facing window which has an outlook across the subject site's rear terrace/garden. To the west of these later extensions lies No. 21 Oakley Road's private amenity space.
- 7.2.10. I firstly turn my attention to the matter of overlooking. There are two aspects in relation to potential overlooking from the proposed first floor extension that need to be considered in the context of this neighbouring property: - overlooking of No. 21 Oakley Road's north facing first floor window and its private amenity space. Each of these aspects will be considered, in terms of potential overlooking/loss of privacy, in turn.
- 7.2.11. In terms of potential overlooking of No. 21 Oakley Road's north facing first floor window, the proposed first floor extension features only one window proximate to the window in question. This is the window to the ensuite serving bedroom 4. It is anticipated that, given the nature of the room this window is serving, it will be either obscure glazed or a highlight window. However, upon review of the plans submitted with the further information request response (which do not include a section or elevation of this particular interface) it is not entirely clear that this is the case. Therefore, it is recommended that, if the Board is so minded to delete Condition 3(a), that they include a condition requiring that this window have obscure glass applied to it or be highlight in nature in the interest of clarity/to restrict potential overlooking to No. 21 Oakley Road.

- 7.2.12. In terms of potential overlooking of No. 21 Oakley Road's adjacent amenity space, I do not consider the proposed first floor extension will result in any significant or undue overlooking of the private amenity space as the southern façade of the first floor extension is devoid of habitable room windows and only oblique views are provided from the window serving Bedroom 4 due to its orientation (west-facing), setback/positioning relative to applicable open space area and the wall/planting featuring along the common boundary, as well as the later rear extensions featuring on this neighbouring site, which restrict views of this amenity space.
- 7.2.13. With regards to the potential overbearing impact, it is not considered that the proposed first floor extension will have an unreasonable overbearing impact on the dwelling to the south due to the design/layout/positioning of the development. In the context of the neighbouring amenity space, the proposed first floor extension sits behind the rear building line associated with No. 21 Oakley Road's westernmost rear extension and is setback a minimum of 1.7 metres from the common boundary which limits its potential overbearing impact on the neighbouring amenity space. Further to this, views of the proposed first floor extension from this neighbouring amenity space are restricted due to wall/planting featuring along the common boundary.
- 7.2.14. In terms of No. 21 Oakley Road's north facing first floor window, the proposed development incorporates a 14sqm courtyard between the existing living room and proposed dining room which is immediately adjacent to this window. The proposed first floor extension projects southwards from the existing rear return for a short distance of 1.105 metres, incorporates a flat roof, provides a setback of 1.7 metres from the common boundary proximate to this window and is positioned 3.35 metres away from this window at its closest point. I am satisfied that the proposed first floor extension is of a suitable size and positioning/adopts a sufficient degree of separation from this window so as not to have an unreasonable overbearing impact on the same. The setbacks adopted/courtyard featuring adjacent also ensure that this window continues to receive an appropriate level of daylight.
- 7.2.15. With regards to the potential overshadowing, due to the orientation of the subject site to the north of No. 21 Oakley Road, the first floor extensions positioning relative to the amenity space and the separation distance (a minimum of 3.2 metres) adopted from

the common boundary at upper floor level, it is not considered that significant overshadowing issues arise from the proposed first floor extension in the context of this neighbouring property.

Property to the West (No. 20A Charleston Avenue.)

7.2.16. The site is adjoined to the west by No. 20A Charleston Avenue which comprises a three-storey apartment block. More specifically, the rear parking area associated with this apartment block features adjacent to the common boundary with the subject site. I do not consider the proposed first floor extension will result in significant or undue overlooking, overshadowing or overbearing impacts on No. 20A Charleston Avenue given the separation distance that exists between this site's eastern boundary and the proposed extension (c. 31 metres), the existing boundary treatment/ planting featuring along the subject site's western boundary and the fact that the easternmost part of this site is occupied by a car parking area.

7.2.17. In summary, subject to the inclusion of the aforementioned condition, I do not consider the first floor extension as proposed to be excessive or to cause an injurious impact on residential amenities of the neighbouring properties, and I consider that the first floor extension as proposed is in accordance with the proper planning of the area.

7.3. Appropriate Assessment

7.3.1. Having regard to the nature and small scale of the proposed development (an extension to a dwelling within an established urban area), the availability of public services, the nature of the receiving environment, and the distance from 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 nature of the condition the subject of the appeal and based on the reasons and considerations set out below, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 as amended, to:

REMOVE Condition No. 3(a) and **ATTACH** an additional condition as follows for the following reasons and considerations:

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| 14. | Bedroom 4's ensuite shall be fitted with an obscure glazed window or highlight window, the details of which are to be agreed in writing with, the planning authority prior to commencement of development. Reason: In the interest of clarity and to prevent overlooking of adjoining residential property. |
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REASONS AND CONSIDERATIONS

Having regard to the nature and scale of the proposed development, the Z2 - Residential Neighbourhoods (Conservation Areas) zoning, the pattern of development in the area and the provisions of the Dublin City Development Plan 2022-2028/the Architectural Heritage Protection Guidelines for Planning Authorities (2011), it is considered that Condition No. 3(a) requiring the omission of the first floor extension is not warranted, as the special fabric, character and integrity of the Protected Structure and the residential amenities of properties in the vicinity would not be adversely affected by the first floor extension. The attachment of a new Condition No. 14, requiring that Bedroom 4's ensuite be fitted with an obscure glazed window or highlight window, is warranted in the interest of clarity and to prevent overlooking of the adjoining residential property to the south.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Margaret Commane
Planning Inspector

15th June 2023