



An
Bord
Pleanála

Inspector's Report ABP314907-22

Development

Development for (a) removal of c.18.9 sqm. garage at the rear garden with access from laneway; (b) removal of c.6 sqm. of garden sheds; (c) construction of c.20.6 sqm free-standing single-storey garden room; (d) replacement of gate fronting onto laneway to rear; (e) associated site works.

Location

13 Brighton Road, Dublin 6 –
D06X282.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

4084/22.

Applicant(s)

Shelly Horan & Lorcan Staines.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

Third Party

Appellant(s)

Mary Roebuck & Brian Power.

Observer(s)

None.

Date of Site Inspection

21/06/23.

Inspector

Anthony Abbott King.

1.0 Site Location and Description

- 1.1. The site comprises a two-storey 2-bay semi-detached period residence built circa. 1896, located on the east side of Brighton Road, with a front and substantial back garden. Brighton Road is a nineteenth-century linear residential avenue linking Terenure Road East with Garville Avenue Upper. The site is located on the northern end of Brighton Road at the Garville Avenue end.
- 1.2. The long back garden backs onto Coulson Avenue. Coulson Avenue is a residential cul-de-sac accessed from Rathgar Avenue comprising predominantly late Victorian 2-storey houses circa. 1896. The back garden wall of no.13 Brighton Road defines the property boundary and forms part of the wall terminating the Coulson Avenue cul-de-sac vista. The houses on Coulson Avenue form an attractive intact Victorian streetscape but are not protected structures and are not within the "Brighton Road" conservation area designation (Zoning Map H, Dublin City Development Plan 2022-2028).
- 1.3. There is an mews type laneway behind the houses on the east side of Brighton Road, which discharges into Harrison Row. The back garden of no.13 Brighton Road has access onto the laneway along the south boundary; there is also access to the back garden from Brighton Road via a side passage. The laneway terminates to the rear of no.13 Brighton Road; the access to the laneway from no.13 Brighton Road is at the apex of the laneway where there is an existing vehicular gate.
- 1.4. The rear garden of no.13 Brighton Road accommodates an existing single-storey garage structure and garden sheds.
- 1.5. No.13 Brighton Road is a protected structure located within a residential conservation area.

2.0 Proposed Development

- 2.1. The development will comprise the following:
 - (a) Removal of c.18.9 sqm garage at the rear garden with access off the laneway to the rear;
 - (b) Removal of c. 6 sqm of garden sheds at the rear garden;

- (c) Construction of C.20.6 sqm free standing, single storey, pitched roof, garden room at rear garden;
- (d) Replacement of gate fronting onto laneway to rear;
- (e) And all associated site works.

All at 13 Brighton Road, Dublin 6 – D06X282 – a Protected Structure

3.0 Planning Authority Decision

3.1. Decision

Grant of planning permission subject to condition.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO of Dublin City Council reflects the recommendation of the planning case officer.

3.2.2. Other Technical Reports

Conservation officer recommended further information given the potential negative impact of the proposal in terms of height and roof profile on the setting of the protected structure(s) and the wider setting. However, the conservation officer had no objection following amendment of the proposal by way of further information request (08/07/22) submitted on the 06/10/23.

4.0 Planning History

Planning permission was granted for the refurbishment of no.13 Brighton Road was granted under Register Ref: 2640/14.

5.0 Policy and Context

5.1. Development Plan

The relevant land-use zoning objective is Z2 (Map H) *to protect, provide and improve residential amenities*. The proposed development is a permissible use.

Conservation Area Designation

In this regard development standards in conservation areas, Chapter 15 (Development Standards) of the Dublin City Development Plan 2022-2028 states:

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.*

Protected Structure

No. 13 Brighton Road is a protected structure – Volume 4 (Record of Protected Structures) records the subject house as Item 923; the description states: *house including railings*.

The development plan states that: *the purpose of protection is to manage and control future changes to these structures so that they retain their significant historic character*.

Policy Objective BHA2, Chapter 11 of the Plan states in the matter of the 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.*
- (c) 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.*
- (d) 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.*
- (e) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.*
- (f) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.*
- (g) Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.*
- (h) Have regard to ecological considerations for example, protection of species such as bats.*

Works to a protected structure should be carried out in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and the Conservation Advice Series published by the Department of Housing, Local Government and Heritage.

Residential Extensions

Appendix 18 (Ancillary Residential Accommodation), Section 1.1 (General Design Principles) *inter alia* states:

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.

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 2 (Detached Habitable Rooms) of Appendix 18 (Ancillary Residential Accommodation) of the Dublin City Development Plan 2022-2028 states:

Detached habitable rooms refer to backland development within the curtilage of an existing dwelling that does not contain a separate vehicular access point. In this respect, access to the individual room to the rear of the existing dwelling will be provided by way of side passage/ access but with shared entranceway.

The purpose of these rooms is to provide for additional space within the rear garden of an existing dwelling for study/ home office use or additional living/

children's play room. These rooms shall only be used as ancillary residential accommodation.

All planning applications for detached habitable rooms will be subject to a condition to restrict the use of the room as ancillary living space to the main dwelling. The room may not be sold or rented separately from the main dwelling unit.

Architectural Heritage Protection Guidelines

In terms of national guidance - Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht are relevant.

5.2. EIA Screening

5.3. The development is not in a class where EIA would apply.

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed pitched roof of the planned development would be inconsistent with the established roof profile of the Victorian streetscape on Coulson Avenue and would cause visual dis-amenity;
- The existing garage has a sloping roof and is not visible from Coulson Avenue;
- The proximity of the proposed development to Coulson Avenue will cause an overbearing impact to nos.16 & 17 Coulson Avenue;
- The proposed development will cause noise, loss of light and disturbance;
- The size and shape of the proposed development is incongruous with the character of the dwelling, which is a protected structure, and will adversely impact on visual amenity of Coulson Avenue;

- The proposed development will depreciate the value of property namely nos. 16 & 17 Coulson Avenue;
- There were a large number of objections to the proposal and Dublin City Council did not address the concerns expressed.

6.2. Applicant Response

- The single-storey nature of the development, the roof profile that pitches away from Coulson Avenue, the traditional material palette and natural slate roof finish, the tall garden wall abutting nos.16 & 17 Coulson Avenue, which conceals the majority of the proposed building, all combine to ensure that any visual impact on Coulson Avenue will be considered minor in nature;
- Development along the laneway abutting Coulson Avenue and Brighton Road consists of largely pitched roofed buildings ranging in height from one to two storeys;
- The proposed development seeks to provide high quality accommodation ancillary to the main house for incidental use;
- The layout of the floor space is such that the main external terrace space is located to the opposite side of the garden wall adjoining the front gardens of Nos.16 &17 Coulson Avenue so any impact on noise will be minimal;
- The single storey pavilion is designed to ensure it does not dominate or overpower the surroundings and it is harmonious with the existing garden landscape, including the boundary walls, and the adjoining period properties. The proposed development will not adversely impact on the protected structure, the conservation area of the amenities of neighbouring properties;
- The pitched roof design ensure that the eaves facing the neighbouring properties are as low as possible and are considerably lower than a flat roof design.
- There is no loss of light to the habitable rooms of neighbouring properties on Coulson Avenue due to the orientation and distance from the adjoining houses.

- Following the submission of the initial application a full redesign of the roof and its materiality was prepared to mitigate concerns in response to a further information request.

6.3. Planning Authority Response

Not detailed

6.4. Observations

N/A

7.0 Assessment

- 7.1. The appeal relates to a grant of planning permission by Dublin City Council for the construction of a garden room in the back garden of no. 13 Brighton Road. The garden room would be located at the rear of the garden proximate to houses on Coulson Avenue (the rear garden wall is abutting the front gardens of nos.16 & 17 Coulson Avenue). It is proposed to demolish an existing non-original garage and garden sheds located in the rear of the garden to facilitate the construction of the garden room pavilion. It is noted no works are proposed to the existing house, original railings or period elements of the property – a protected structure. It is also noted that there is a 3-storey return to the rear of no.13 Brighton Road and a contemporary single-storey extension.

The proposed development comprises a single-storey garden room pavilion capped by a pyramidal pitch roof with clerestory, which would be located at the apex of the rear garden as viewed from the main house at no.13 Brighton Road. The pavilion would be located approximately 40 metres from the rear facade of the main house and would be proximate to the rear garden wall that defines the property boundary with Coulson Avenue but would not be abutting the masonry wall.

The proposed garden pavilion located in the rear section of the back garden, facing the main dwelling house, and closing the garden vista, is in concept influenced by Japanese tea houses; *characterised by a small timber structure surrounded by a timber deck which sits in a landscaped garden* (Architect's Report, prepared by

Ambacht Architects, submitted as part of the planning application documentation dated May 2022).

The garden pavilion would be 4.605 metres in height at the highest point and would be 2.735 metres to eaves height (as amended by further information 06/10/22). The structure would comprise a single-storey volume capped by a pyramidal pitched roof; it is noted the roof profile as amended by further information response pitches away from the Coulson Avenue boundary. The pavilion would be characterised by the pronounced over-hang of the roof at eaves level and the presence of a clerestory at the apex of the pyramidal pitched roof. The roof footprint approximate at eaves level measures 54 sqm. (6 x 9 metres) and would taper upwards to support the raised clerestory (the clerestory would not be accessible within the interior but would down light the interior). The rainwater falling down from the roof would be collected in butts located to the rear of the pavilion.

The single-storey garden room would have an approximate built footprint of 21 sqm. measured by floor area and would be set back from the boundary walls on the north, east and south elevations (facilitating a part covered timber deck walkway that would surround the pavilion). The garden room would orientate west inwardly toward the rear garden of No.13 Brighton Road presenting a predominantly glazed west elevation. The overhang of the roof would be most pronounced on the west elevation partially covering an open west facing terrace. The location of the dedicated terrace would minimise disturbance to the neighbouring properties and extrude the internal recreational use into the garden.

The east elevation of the pavilion facing the Coulson Avenue party wall would have an approximate 1.5 metres set-back from the property boundary increased to an approximate 2 metres set-back by way of a further information response (submitted 06/10/22). It is acknowledged that there would be a reduced separation distance from the boundary to the roof structure by reason of the overhanging eaves; the pavilion is approximately 2.735 metres to eaves height (as amended by further information 06/10/22). The tall masonry property boundary wall is approximately 2.5 metres in height. It is noted that the garden pavilion as amended by further information would be 1.5 metres from the south property boundary, which gives access to a mews / service type laneway that discharges into Harrison Row, which is located behind the houses on the east side of Brighton Road.

The purpose-built free-standing pavilion would be used for the incidental enjoyment of the main house. The structure would provide for a multi-functional space to include a recreational room, bathroom, W.C. and storeroom. It is considered that the proposed development would enhance the residential amenity of the residents of no. 13 Brighton Road. The 20.6 sqm. garden room would replace an existing garage structure of approximately 18 sqm; the Architectural Heritage Impact Statement (dated May 2022) submitted with the application confirms that the garage and sheds to be demolished are not original and have no architectural merit. The materiality of the facades and pitched roof of the garden pavilion would be timber and natural slate, respectively (as clarified by further information response 06/10/22). The proposed works are contemporary in design and are reversible.

7.2. The appellant has requested that the development proposal be amended to omit the pitched roof, which it is claimed would cause visual dis-amenity and would be inconsistent with the established roof profile of Coulson Avenue – a Victorian streetscape. The grounds of appeal relate to visual and residential amenity matters principally pertaining to the negative impact of the proposed development on Coulson Avenue, in particular, the impact on the properties at nos.16 & 17 Coulson Avenue; the front gardens of nos.16 & 17 Coulson Avenue abut the rear property boundary with No.13 Brighton Road.

7.3. In the matter of visual amenity, the Dublin City Council conservation officer considered that the “*excessive height*” and roof profile of the garden room structure would have a negative impact on the nineteenth-century streetscape on Coulson Avenue; noting in particular the proximity of the proposal to nos.16 and 17 Coulson Avenue. A reduction in height and roof profile was recommended to reduce the impact on the protected structure, adjacent protected structures and the wider setting having particular regard to views from Coulson Avenue. The applicant submitted revised drawings by way of further information (submitted 06/10/22) in response to the further information request (18/07/22).

The further information response amended the proposal in compliance with the further information request, which *inter alia* required a revised garden room roof profile and height to ensure *appropriate visual amenity*. The applicant reduced the height of the garden room by approximately 0.870 metres, significantly altering the roof profile. The revision reduces the height of the roof pitch on the boundary with

Coulson Avenue by moving the apex of the pitched roof 1.165 metres toward the west. The response submission details material finishes including the use of natural slate to the pitched roof. I consider that the further information response significantly reduces the height and steepness of the pitched roof profile onto Coulson Avenue. Furthermore, the further information response steps back the footprint of the pavilion from the property boundary at a marginally increased distance of approximately 2 metres from the party wall, between the garden of no.13 Brighton Road and the front gardens of nos.16 & 17 Coulson Avenue.

The conservation officer in his report dated 19/09/22 states that the amended roof profile submitted by way of the further information response "*substantially addresses*" conservation concerns. He notes that the overall height of the structure has been reduced and that the amended roof profile diminishes the visual impact of the proposal on the wider setting, including the protected structures and the properties on Coulson Avenue. The conservation officer recommends regulation of other matters including finishes by way of condition.

It is considered that the proposal, and as amended by way of further information (submitted 06/10/22), *is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials* given its location within the setting of a protected structure(s) and given the purpose of the garden room as an ancillary use to the main house. I consider that the proposed garden room pavilion would not have a negative impact on the special character and appearance of No.13 Brighton Road, the setting of the protected structure(s) and would be in accordance with Policy BHA2 (development of protected structures). Furthermore, I consider that the proposed development would be substantially in compliance with Section 2 (Detached Habitable Rooms), Appendix 18, subject to a restriction on the use (ancillary to the main dwelling house) of the garden room pavilion. This can be dealt with by way of condition.

- 7.4. Furthermore, in the context of the residential conservation designation of the rear gardens of no.13 Brighton Road and adjoining houses, it is considered that the proposed development would accord with the required development standards in conservation areas including being cognisant and complementary to the existing scale, building height and massing of the surrounding context. The applicant notes

that traditional ancillary structures to the rear of Victorian / Edwardian terraced streetscapes, for example stables and other mews structures, would have been of pitched roof construction and cites buildings located along the access laneway to the rear of the houses on Brighton Road. It is further considered in terms of visual amenity, that the proposed garden pavilion by reason of its contemporary bespoke design, and as amended by further information, *inter alia* exhibiting a pitched pyramidal roof profile with clerestory and natural slate material finish, would make a positive contribution to the garden landscape and streetscape as viewed from the rear of houses on Brighton Road and from Coulson Avenue, respectively.

- 7.5. In the matter of the residential amenity of houses on Coulson Avenue, the garden room would orientate west inwardly toward the rear garden of No.13 Brighton Road minimising noise and disturbance. I note that the applicant in response to the subject appeal clarifies that the pitch roof design ensures that the eaves facing the neighbouring properties on Coulson Avenue are designed as low as possible and are lower than a comparable flat roof structure. I consider given the architectural design of the garden room, including the nuanced roof profile as provided by further information response, the modest scale and single-storey height of the structure and its stepped back location from the property boundary with Coulson Avenue (where the party wall is a boundary solely with the front gardens of houses on Coulson Avenue) would not have a negative impact on the residential amenities of properties on Coulson Avenue, including nos.16 & 17 Coulson Avenue.
- 7.6. The applicant proposes to replace the vehicular access gate onto the laneway behind the houses on the east side of Brighton Road. The detail design and materiality of the gate as submitted by further information response can be dealt with by way of condition.
- 7.7. In conclusion, the proposed structure is modest in scale, architectural in form, including the design of the pyramidal roof with clerestory, and comprises a predominant natural material finish. In the context of the rear garden location and use ancillary to the main dwelling house, the proposal would be appropriate within the setting of the protected structure, would enhance the visual amenity of the conservation area, would not be injurious to the residential amenity of adjoining properties and is acceptable in principle.

7.8. Appropriate Assessment Screening

The proposed development comprises ancillary accommodation to a dwelling house in an established urban area.

Having regard to the nature and scale of the proposed development it is possible to screen out the requirement for the submission of an NIS.

8.0 Recommendation

8.1. I recommend a grant of planning permission subject to conditions.

9.0 Reasons and Considerations

Having regard to the residential zoning objective, the pattern of development in the area and the Dublin City Council policy framework for detached habitable rooms (Appendix 18, Section 2 of the Dublin City Development Plan 2022-2028), the proposed development should be granted permission subject to the following conditions.

10.0 Conditions

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| 1 | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 06 day of September 2022 to the Planning Authority except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p> |
| 2 | <p>The existing dwelling and proposed extension (Garden Room) shall be jointly occupied as a single residential unit and the Garden Room pavilion</p> |

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|---|---|
| | <p>shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity.</p> |
| 3 | <p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p> |
| 4 | <p>Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p> |
| 5 | <p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p> |

"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".



Anthony Abbott King
Planning Inspector

07 July 2023