



An
Bord
Pleanála

Inspector's Report

ABP-315146-22

Development

Permission is sought for amendments to planning permission P.A. Ref. No. 3609/22, porch extension and bay window to front of house. New proposals having separate roofs and all associated site works.

Location

No. 48 Philipsburgh Terrace, Marino, Dublin 3.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

4796/22

Applicant(s)

Seosaimhin Ni Chadhain & David Harding.

Type of Application

Planning Permission.

Planning Authority Decision

Split decision.

Type of Appeal

First Party.

Appellant(s)

Seosaimhin Ni Chadhain & David Harding.

Observer(s)

None.

Date of Site Inspection

2nd day of February, 2023.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. No. 48 Philipsburgh Terrace, the appeal site, has a stated 172m² area. It is located on the eastern side of Philipsburgh Terrace, c110m to the south of its junction with Croydon Gardens and c175m to the north of its junction with Shelmartin Terrace, in the city suburb of Marino, Dublin 3. The site contains a two-storey mid terrace dwelling that contains a later single storey rear extension that is setback from the public domain of Philipsburgh Terrace by a mainly paved front garden area that accommodates off-street car parking. It forms part of the larger planned Marino residential area that is designated a residential conservation area. The tree lined street of Philipsburgh Terrace has a mature character with a small number of its properties containing single storey porch extensions of varying design and quality.

2.0 Proposed Development

- 2.1. Permission is sought for what is described as amendments to planning permission P.A. Ref. No. 3609/22, porch extension and bay window to front of house. New proposals having separate roofs and all associated site work.
- 2.2. According to the planning application form the existing dwelling has a floor area of 97.1m² and the total floor area of the proposed development sought is 2.55m².

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 1st day of November, 2022, the Planning Authority issued a **split decision** which permitted the front porch element of the proposed development subject to 7 no. conditions and that refused permission for the front bay window for the following stated reasons:

“The subject property is located in an important residential conservation area where the size, position and depth of windows is an integral part of the character of the streetscape. The projection of the window, roof form and with glazing substantially larger than the original window would render the dwelling inconsistent and severely out of character with the streetscape. The proposed development would, therefore,

cause serious injury to the residential and visual amenities of this residential conservation area and would be contrary to both the current Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Authority's decision is the basis of their decision. It includes the following comments:

- Permission was previously refused to the host dwelling for a bay window (Note: P.A. Ref. No. 3609/22) and the current proposal is materially identical with the only amendment being that roof would be a hipped lean-to structure. Therefore, the issues with the previously refused bay window still stand.
- Bay windows are not deemed to be acceptable given their adverse visual amenity impact on this residential conservation area.
- The bay window does not accord with the provisions of the Development Plan.

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

- **P.A. Ref. No. 3609/22:** Permission granted for a single storey porch extension to front of house to the front together with associated site works. Of relevance to the grounds of this appeal are the requirements of Condition No. 2. It required the

omission of the bay window and its associated canopy in its entirety and required the front window to be retained in its existing proportions. The stated reason reads: *“the proposed bay window is not in keeping with the architectural character and visual amenity of this important Z2 Residential Conservation Area”*.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Dublin City Development Plan, 2022-2028, is applicable, under which the site is zoned ‘Z2’ (Note: Residential Neighbourhoods (Conservation Areas)) which has a stated objective: *“to protect and/or improve the amenities of residential conservation areas”*.
- 5.1.2. Section 14.7.2 of the Development Plan in relation to conservation areas states that: *“the general objective for such areas 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.”*
- 5.1.3. Chapters 11 of the Development Plan deals with Built Heritage.
- 5.1.4. Chapter 15 of the Development Plan sets out Development Standards.
- 5.1.5. Section 1.1 Volume 2, Appendix 18 of the Development Plan, in relation to residential extensions states that 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.”* It also sets out the following design principles for residential extensions:
- Not have an adverse impact on the scale and character of the existing dwelling.
 - Achieve a high quality of design.
 - Make a positive contribution to the streetscape (front extensions).
- 5.1.6. Section 1.7 of the Development Plan state that: *“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.”*

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is not located in or immediately adjacent to a designated European Site. I note the nearest such site is located c1.3km to the south east and is the South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024).

5.3. EIA Screening

- 5.3.1. Having regard to the modest nature of the development proposed, the site location within an established built-up urban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of residential development in the vicinity, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of this First Party Appeal can be summarised as follows:
- This appeal submission relates to the refusal of the bay window only.
 - The bay window is vital to increase the floor area.
 - There are many examples of bay windows.
 - This proposal does not upset the character of the area.

6.2. Planning Authority Response

- 6.2.1. None.

6.3. Observations

- 6.3.1. None.

7.0 Assessment

- 7.1. I have carried out an inspection of the site, read all the documentation attached to this file including inter alia, the appeal submissions, the report of the Planning Authority and response received, in addition to having regard to relevant planning provisions. I consider that the key planning issues relate to the Planning Authority's split decision notification for planning application P.A. Ref. No. 4796/22 which refused under Schedule 2 permission for the bay window on the basis that it would be an inconsistent and out of character insertion in its residential conservation area streetscape setting. With this in turn causing serious injury to the residential and visual amenities in a manner that would be contrary to both the provisions of the Development Plan and the proper planning and sustainable development of the area.
- 7.2. Further to this the First Schedule of the Planning Authority's notification permitted the remainder of the development sought, i.e., a single storey porch on the front elevation together with its associated works, subject to conditions including Condition No. 2 which stated: "*the proposed front bay window shall be omitted in its entirety*". The stated reason for this condition reads: "*for the reason set out in Schedule 1*".
- 7.3. The Planning Authority's decision referred to the Dublin City Development Plan, 2016-2022. For clarity I note that it has been superseded by the Dublin City Development Plan, 2022-2028, since the decision was issued by the Planning Authority for P.A. Ref. No. 4796/22 on the 1st day of November, 2022. As such my assessment, in terms of local planning provisions, is based on this recently adopted Development Plan.
- 7.4. No. 48 Philipsburgh Terrace, the host dwelling forms part of a larger urban area that is zoned 'Z2' (Note: Residential Neighbourhoods (Conservation Areas)). The Development Plan sets out that the Council has an object: "*to protect and/or improve the amenities of residential conservation areas*" and under Section 14.7.2 it states that the Council shall seek: "*to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.*"
- 7.5. Of note Philipsburgh Terrace forms part of the overall Marino suburban housing development which can be dated back to the 1920s/1930s. It is notable as it is one of the first examples of an affordable housing project in the State with its overall design and layout influenced by the Garden City Movement. Alongside this it is highly intact despite the alterations and additions that have occurred to it since its completion. I

consider protection of this planned residential area's amenity and intrinsic architectural quality by way of its zoning as a residential conservation area is reasonable and warranted. With the recently adopted Development Plan containing more robust protection for such areas that are sensitive to change and where the visual amenity is contributed to by preserving its visual unity and intactness as observed from the public domain. In addition, this Development Plan also provides more evolved considerations as well as guiding principles for developments such as alterations and additions to existing dwellings as well as principles for consideration.

- 7.6. Within the streetscape scene of Philipsburgh Terrace, there are a small number of single storey porch extensions forward of the principal building line of the terrace groups that align either side of it, there are no recent and relevant examples of bay window insertions. Nor are there examples of porch and bay window insertions across the modest width of these terrace properties obscuring a large area of their front elevation. An elevation that has a width of just below 6m with its ground level characterised by a asymmetrically place front door and one window. With the maximum width of the porch and the bay window together at eaves level measuring just over 4.6m.
- 7.7. In addition, the bay window would have a height of 3m just below the height of the proposed porch element that was permitted under this application.
- 7.8. This porch element is the same as that previously was permitted under P.A. Ref. No. 3609/22 with the exception of the previously proposed canopy that under the design for the porch and bay window linked these two structures by a canopy extending over, across and slightly beyond their width and the space in between.
- 7.9. It is also of note that the existing front façade like those characterising the subject terrace group and the originally matching terrace groups addressing either side of Philipsburgh Terrace are simple and modest in their appearance. Over the ground elevation there are two simple window openings with a smooth painted render band below the cill. The main exterior finish is painted dash with the eaves as measured from the submitted drawings commencing at c4.9m over which is gable shaped roof.
- 7.10. The insertion of the bay window would when taken together with the permitted porch would in my view visually overpower and erode the integrity as well as intrinsic character of the host dwelling. It would in turn diminish the host dwellings contribution

to the surviving intactness of the terrace group it forms part of and the streetscape scene of Philipsburgh Terrace. A scene which is characterised by highly intact groups of originally highly coherent in appearance, built form, design and layout terrace groups where there is no established positive precedent or otherwise for significant extensions beyond the front building line outside of the provision of a small number of modest single storey porch structures.

7.11. In tandem with the above concerns, I note the following Development Plan provisions which the bay window insertion would fail to accord with.

- *Section 11.5.3 encourages development which enhances the setting and character of Conservation Areas.*

The bay window in itself and in combination with the porch permitted under the grant of permission P.A. Ref. No. 4796/22. A porch structure which is essentially the same as that permitted by the Planning Authority under 3609/22 would obscure a large portion of the front elevation of the host dwelling and would dilute the front building line that characterises the host dwelling. The bay window extension is an overly dominant feature when considered against the host dwelling and would be a visually incongruous feature when considered against the subject terrace group as well as its residential conservation area streetscape setting where such features were not part of the original design concept.

In addition, the use of brick is out of character with the palette of materials that characterise this residential conservation area streetscape scene and when taken together with other inappropriate developments that have occurred to buildings within the streetscape scene since their completion would result in further erosion of the character and integrity of this residential conservation streetscape scene.

Thus, the bay window insertion fails to accord with Section 11.5.3 of the Development Plan.

- *Policy BHA9 requires development within or affecting a conservation area must contribute positively to its character and distinctiveness as well as take opportunities to protect and enhance the character and appearance of the area and it's setting wherever possible.*

For the reasons set out above the bay window would not positively contribute to the character and distinctiveness of the residential conservation area it forms part of. It is also a built insertion that does not protect and enhance the character and appearance of the area but rather would result in as well as add to inappropriate developments that have occurred to it that cumulatively have negatively impacted upon their appreciation from the public domain. The latter is not in the interest of the public good. Thus, the bay window is a type of development that fails to accord with Development Plan Policy BHA9.

- *BHA10 sets out a presumption against the substantial loss of a structure that positively contributes to the character of a conservation area except in exceptional circumstances where such a loss would contribute to a significant public benefit.*

Given the modest front elevation associated with the host dwelling the bay window and its associated works would give rise to loss of the built fabric from the main elevation of the host dwelling that contributes to this residential conservation area streetscape scene. In addition, the design is not one that seeks minimum intervention through to reversible change. Thus, the bay window is a type of development that is inconsistent with the Development Plan Policy BHA10.

- Section 1.1 of Volume 2 of Appendix 18 states that: “*there is a general presumptions against front extensions that significantly break the building line, unless it can be justified in design terms and demonstrated that such a proposal would have no adverse impact on the character of the area or the visual/ residential amenities of directly adjoining dwellings*”.

Given the concerns raised above and the bay window built insertion when taken with the porch permitted under this application, the footprint of both would cumulative be 4.465m. When this is compared to the width of the host dwelling which measures just below 6m and the proximity of the bay window to the porch with less than 200mm between at its nearest point this proposal excessively breaks the building line of this property. With the bay window and the porch also having a staggered projection with the main built form extending between 800mm and 1.75m.

This is at odds with the highly uniform front building line and the pattern of development in this area which has only permitted modest breaks in the building line for a limited number of modest porches in this streetscape scene.

Also as said the bay window would adversely impact on the character of the host dwelling, the subject terrace group it forms part of and its larger streetscape scene that is comprised of matching terrace groups.

As such the visual amenity impacts that arise from the proposed bay window can not be set aside on the basis that no significant residential amenity impacts arise such as overlooking, overshadowing and the like.

Thus, the bay window is not a type of development that accords with Section 1.1 of Volume 2 of Appendix 18.

- *Section 1.7 of Volume 2 of Appendix 18 sets out that extension in terms of their appearance and materials should not dominate the existing building through to that their materials used should complement those used on the existing building. Including 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.*

The design and the use of materials proposed for the bay window do not seek to harmonise with the host dwelling and its setting. Further, as said the use of brick is out of character with the external palette of materials, treatments and finishes that predominate this residential conservation area streetscape scene. Moreover, they are a type of material that would add to the visual incongruity and visual overbearance of this insertion against the more simply expressed in design and materials front façade. A simplicity that is carried through in this planned residential 1920s/1930s streetscape scene. Thus, the design of the bay window as expressed by its overall built form, appearance and materials is not one that compliments the host dwelling or the visual amenities of this residential conservation area.

- 7.12. In conclusion, I consider that that the bay window insertion is a type of development that, if permitted, would fail to accord with the provisions set out in the Development Plan for residential conservation areas and extensions to existing dwellings. This is on the basis that the applicant has failed to demonstrate that no serious injury would arise to the visual amenities of this sensitive to change residential conservation area. In this case, the bay window insertion would give rise to diminishment of the intrinsic character and qualities of the residential conservation area the host dwelling forms part of. This is by way of its visual incongruity and overbearance. The bay window is also a type of development that would be out of character with the pattern of

development that has occurred since the completion of Philipsburgh Terrace in circa 1920s/1930s. Particularly in terms of interventions to the front façade of its terrace dwelling units and forward of the front building line of its terrace groups that characterise it. As a result, the bay window, if permitted, would give rise to an undesirable precedent that cumulatively has the potential to give rise to further erosion of the special character and visual qualities of this planned residential streetscape scene that forms part of the larger Marino residential conservation area. Moreover, the bay window would be a type of development that would be contrary to Section 11.5.3; Policy BHA9; Policy BHA10; and Section 1.1 and 1.7 of Volume 2 Appendix 18 of the Dublin City Development Plan, 2022-2028. The proposed development would, therefore be, contrary to the proper planning and sustainable development of the area.

7.13. Appropriate Assessment Screening

- 7.13.1. Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

7.14. Other Matters Arising

7.14.1. Residential Amenity – Other

The Appellant argues that the bay window is pivotal for accommodating furniture in its interior space and as part of improving their residential amenities. This in itself is not sufficient justification in planning terms to overcome the visual amenity concerns raised in the main assessment above. With the protection of residential conservation areas being in the public good. In this case I concur with the Planning Authority that the permission of the porch structure to the front façade and projecting beyond the front building line and omitting the bay window achieves a reasonable balance between the protection of this sensitive to change residential conservation area whilst allowing improvements to residential amenities.

8.0 Recommendation

- 8.1. Having regard to the nature of the conditions subject of this First Party Appeal, 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, based on the reasons and considerations set out below, directs the said Council under subsection (1) of Section 139 of the Planning and Development Act 2000 that the omission of Schedule 2 of P.A Ref. No. 4796/22 is not warranted, as the proposed development subject to its requirements would not seriously injure the visual amenities of the area, it would not materially and significantly erode or diminish its residential conservation area setting, it would not give rise to a development that would be contrary to the provisions of the Dublin City Development Plan, 2022-2028, and would accord with the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector

7th day of March, 2023.