



An
Bord
Pleanála

Inspector's Report ABP315770-23

Proposed Development

Demolish a ground floor rear extension, erect a new ground floor rear extension, with all associated internal reconfigurations and external works to facilitate the development.

Location

3 Serpentine Avenue, Ballsbridge,
Dublin 4, D04 H0C9

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

WEB2066/22

Applicant(s)

Orla and John Collins

Type of Application

Permission

Planning Authority Decision

To grant permission subject to 8 conditions

Type of Appeal

Third Party

Appellant(s)

Carmel O'Connor and David Regan

Observer(s)

None

Date of Site Inspection

8 May 2023

Inspector

Diarmuid Ó Gráda

1.0 Site Location and Description

1.1. This property is located on the south side of Dublin city, close to the extensive RDS grounds at Ballsbridge, Dublin 4. It is situated a short distance (40 meters approx.) north of Merrion Road and fronts onto Serpentine Avenue. These properties at Serpentine Road have extended rear gardens. In this instance, the back garden is 23 meters long approx.

No.3 Serpentine Avenue comprises a fine brick-fronted period terraced house and it stands on a site of 277 square meters. It is occupied by two-storey-over-basement house, with an attic level bathroom to the rear. This house has a stated floor area of 238 square meters approx.

2.0 Proposed Development

There would be no change made to the house frontage on Serpentine Avenue. The works would be concentrated at the lower level of the building to the rear where there is an extended rear garden.

It is intended to demolish an existing rear ground floor extension of 8 square meters approx. and to replace it with a new ground floor extension of 21 square meters approx. That existing rear extension extends 1.5 meters approx. from the house and it is occupied by a toilet with a lean-to roof.

The proposed extension would be relatively modest in scale, height and extent, using a consistent render finish. It would be inserted over the basement level, described by the Council as the lower ground floor. The extension would span the width of the house, projecting 3.6 meters approx. beyond the rear building line.

3.0 **Planning Authority Decision**

3.1. Dublin City Council decided to grant permission subject to eight conditions, notably,

No.1 The external finishes shall harmonize with those of the existing house in regard to materials and colour,

No.3(a) A 1.8 meter high privacy screen shall be erected on either side of the roof terrace along the common boundaries with the adjoining properties and shall be permanently maintained in place,

No.3(b) No windows or glazing shall be provided in the side elevations,

No.3(c) A render finish shall be applied to the external side elevations of the proposed extension.

Prior to the commencement of development revised side elevation drawings shall be submitted to the planning authority for its written agreement.

3.2. **Planning Authority Reports**

Observations

Observations were submitted to the planning authority by the two closest neighbors on either side i.e. nos. 1 and 5 Serpentine Avenue.

3.3. In the case of no.1 that was followed by a third party appeal where the salient points were expressed again (see below).

3.4. No.5 argued that the previous extension built on the application site extended over the dividing boundary. That encroachment should not be allowed again. The

adjoining wall of the proposed extension at ground level, between nos. 3 and 5, should be a solid one and not glazed, in order to protect privacy.

Council planner's report

The Council planner's report may be summarised as follows.

- The existing extension intended for demolition is not of architectural interest and its removal is acceptable.
- The proposed ground floor extension would be modest in size and height. It would span the full width of the house, sitting over the lower ground floor extensions. It would extend 3.6 meters approx. from the rear building line.
- The roof pitch over the proposed laundry room would be reduced to avoid interference with the stairwell window overhead. The render finish would be consistent with that of the house.
- While no.1 Serpentine Avenue may experience a noticeable reduction in daylight/sunlight at basement level, a refusal of permission is not justified. That adjoining house has its main reception rooms on the ground floor, served by windows that faced north-east and south-east.
- Appendix 18 of the City Development Plan recognizes that some overshadowing is inevitable and unavoidable within the urban context. Moreover, the scale of the proposed extension is not excessive and a reduction of the roof terrace would lessen impacts on no.1 Serpentine Avenue.
- A condition should be imposed, requiring a 1.8 meters privacy screen on either side of the roof terrace. In addition, a note should be included explaining that a person shall not be entitled to carry out any development solely by reason of planning permission.

Drainage Division Report

No objection, subject to compliance with the Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0. Separate foul wastewater and surface water systems shall be used.

4.0 Planning History

There is no recent planning history associated with this site or those abutting it.

5.0 Policy and Context

5.1. Development Plan

In the Dublin City Development Plan 2022 – 2028 this property is included in the Z1 zone where the stated objective of the Council is to protect and/or improve residential amenity.

Appendix 18 of the Development Plan sets out general design principles for domestic extensions. Guidance is provided for rear extensions in regard to privacy and amenity, as well as daylight/sunlight and the external appearance regarding materials etc.

5.2. Natural Heritage Designations

Not applicable

5.3. EIA Screening

Having regard to the minor nature and scale of the development proposed, the site location outside of any protected site, the nature of the receiving environment in an existing built-up area, the intervening pattern of development, the limited ecological value of the lands in question, the availability of public services, 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.

5.4. **Appeal**

5.5. **Grounds of Appeal**

5.6. The grounds of appeal may be summarized as follows.

5.7. There is concern about the impact on no.1 Serpentine Avenue, the abutting house to the southwest.

5.8. The existing extension is built on the boundary wall which is, in fact, a shared wall. A higher extension, using that wall, cannot be allowed, traversing the boundary. Neither could it project further to the rear.

5.9. The Council planners did not visit that neighbouring house and consequently the Council's opinion is based on speculation. In reality, the basement of no.1 has been occupied by a self-contained dwelling for at least six decades.

5.10. The security screen (1.8 metres high) required by condition no.3 would extend the overshadowing of rooms within that basement level and also the rear courtyard at no.1. The mental/physical health of the basement occupants would be damaged. That would be at odds with the zoning objective which is to protect, provide and improve residential amenities. It also strikes at the provisions of the Development Plan which include the protection of adjacent buildings in terms of privacy, daylight and sunlight.

5.11. Great care has been taken to retain the heritage/architectural integrity of the house at no.1.

5.12. **Applicant Response**

None

5.13. **Planning Authority Response**

None

5.14. **Observations**

5.15. **Further Responses**

None

6.0 **Assessment**

- 6.1. No change would occur to the front where the fine brick facades of these period houses form an imposing streetscape at Serpentine Avenue.
- 6.2. There is a considerable variation between the ground level to the front and the rear of the house. The rear garden is about 1.5 meters lower and as a result the basement level appears as ground level. This has a significant bearing on the assessment of the current proposal.
- 6.3. The existing rear extension is almost 2 meters over the garden level. It has, to the front of it, a terrace with steps leading down into the rear garden.
- 6.4. There are two separate glazed doors opening onto the terrace over the basement level i.e. over 2 meters above garden level. Thus, the intended extension would have a greater impact on its immediate surroundings.
- 6.5. The Council's remarks on the existing extension not being of architectural interest is valid in my opinion. Its removal should be acceptable. In the same way, a reduced height for the roof pitch is acceptable because of the better setting that would give the stairwell window. However, I noted the existing structure does overhang the property of the appellant and that needs to be taken into consideration.
- 6.6. The appellant's home at no.1 has a substantial return. It extends almost 6 meters into the rear garden. That return appears clearly in the aerial photograph accompanying the appeal where it is shown with a pitched roof. That photo is notable too in the shadow cast by the return over the abutting garden to the north, darkening the area to the front of the basement. That return contains two large windows that directly face the applicant's property from a short distance (2.2 meters

approx.). Those windows are clear-glazed and that is a factor in assessing privacy and daylighting. However, their presence should not preclude reasonable enlargement of no.3.

- 6.7. Currently, there are two separate parts to the applicant's roof terrace. They both project south-eastward. One runs 7 meters approx., flanking no.5 Serpentine Avenue, and the other runs 3 meters flanking no.1. That exposure would be considerably reduced by the formation of a unitary terrace viz. with a surface area reduced by about half. Moreover, the lodged plans show planters installed beside those flanking perimeters.
- 6.8. Glazing within the ground floor rear elevation would be inserted further from the dividing property boundaries i.e. 1 meter on the southwest and 1 meter on the northeast. Keeping the ground level glazing further away from the dividing boundaries would reduce the sense of overbearing felt by neighbours.
- 6.9. The proposal strikes a reasonable balance by providing for enlargement that allows retention of notable features. The tall staircase window (2.3 meters), with an elegant half-round top, would be retained, and that is important because those staircase windows are a notable period feature.
- 6.10. In my opinion the current proposal would strike a reasonable balance.

7.0 Recommendation

- 7.1. To grant permission subject to conditions.

8.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2022-2028 and the nature, scale and orientation of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development would not materially contravene the current development plan for the area and would not seriously injure the residential or visual amenities of the area. The development would

therefore be in accordance with the proper planning and sustainable development of the area.

9.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: Reason: In the interest of clarity.</p>
2.	<p>(a) A 1.8 meter high privacy screen shall be erected on either side of the roof terrace along the common boundaries with the adjoining properties and shall be permanently maintained in place.</p> <p>(b) No windows or glazing shall be provided in the side elevations of the proposed extension.</p> <p>(c) A render finish shall be applied to the external side elevations of the proposed extension.</p> <p>(d) The development shall be contained within the application site and there shall be no over sailing or overbearing of adjoining property without the prior written consent of the land owner concerned. All proposed screening measures, including improvements to boundaries and the provision of any fencing, shall be completed prior to the occupation of the proposed extension.</p> <p>Prior to the commencement of development the applicant shall submit, for the written agreement of the planning authority, side elevation drawings complying with the above requirements.</p> <p>Reason: To protect the amenities of adjoining properties.</p>
3.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>

4.	<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>
5.	<p>The external finishes of the proposed extension (including roof materials) shall harmonize with those of the existing dwelling in respect of colour and texture.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900, Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

Diarmuid Ó Gráda

Diarmuid Ó Gráda,
Planning Inspector

9 May 2023