



An
Bord
Pleanála

Inspector's Report ABP316139-23

Development: construction of two-storey side extension, raising roof ridge height, construction of single-storey structure to rear and all associated site works

Location: 6 Vergemount Park, Clonskeagh, Dublin 14

Planning Authority: Dublin City Council

Planning Authority Reg. Ref.: WEB1001/23

Applicant(s): Paul O'Grady

Type of Application: Permission

Planning Authority Decision: Grant permission subject to 9 conditions

Type of Appeal: Third Party

Appellant(s): Colgan O'Reilly Architects

Observer(s): None

Date of Site Inspection: 26th June 2023

Inspector: Diarmuid Ó Gráda

1.0 SITE LOCATION AND DESCRIPTION

1.1 This appeal concerns a property located towards the northern end of Clonskeagh, Dublin 14. It is situated a short distance west of Donnybrook and lies north of the River Dodder.

Vergemount Park comprises a mature residential cul-de-sac of two-storey semi-detached houses that is reached from Clonskeagh Road. The cul de sac is 100 meters long and the same house type is seen along both sides.

These houses were constructed about seventy years ago and they have matured well. The period features include curved window bays to the front. There is a notable staircase window (almost 3 meters high) with a strong vertical emphasis. The facades have smooth rendering, painted bright white.

The houses are laid out at a low density, with front/rear gardens. They have retained their overall design and period character.

No.6, the application site, is situated on the south-east side of the street, i.e. it faces in a north-west direction. It has a two-storey extension to the rear which has a flat roof. There is a small single-storey extension behind that.

No.6 has a 5 meter front garden (mean length) and there is a 15 meter rear garden. The existing floor area of the house is stated at 180 square meters.

To the rear of these houses there is a more modern apartment scheme that is largely concealed.

2.0 PROPOSED DEVELOPMENT

2.1 It is intended to make several additions to the house. The combined floor area proposed is stated at 58 square meters. There are three separate components described as follows:

- (a) a 2-storey extension to the side,
- (b) raising the existing (side) roof ridge,
- (c) a single-storey accommodation annex at the end of the rear garden, connected to the house by a single-storey passageway/corridor.

2.2 The intended 2-storey side extension would be set back slightly behind the front building line. It would be constructed where there is currently a vacant space adjoining the side boundary (south-west side), behind the building line. It would include a new front entrance.

2.3 The new detached accommodation wing would comprise a low-rise (flat-roof structure, 3 meters high) with a floor area of 29 square meters, situated 10 meters behind the house, at the bottom of the garden and abutting the site boundary to the rear and sides. Internally, it would contain a bedroom (12 square meters), and office (12 square meters) and a bathroom (4 square meters). The garden elevation would be extensively glazed.

2.4 The detached accommodation wing would be linked to the house by a passageway/corridor running down along the garden perimeter on the north-east side, i.e. abutting no.8. It would have a flat roof, partly 3 meters high but mostly 2.5 meters high. It would be lit by multiple large vertical windows addressing the rear garden. It would have a roughly C-shaped footprint, 10 meters long approx.

2.5 The retained rear garden would have a stated area of 72 square meters.

3.0 PLANNING AUTHORITY DECISION

Dublin City Council decided to grant permission subject to 9 conditions, notably,

No.2 Payment of a financial contribution for public infrastructure facilities,

No.3 The connecting passageway (down the garden) shall be omitted,

No.9 The proposed detached ancillary family accommodation shall be incidental to the enjoyment of the principal dwelling. It shall not be separated by means of a lease or sale.

3.1 Planning Authority Reports

3.1.1 The Planning Report

- The main issues arising include compliance with the Z1 zoning objective.
- The proposed front extension/house entrance and the additional first floor accommodation are considered reasonable, yielding an additional 20 square meters. Raising the roof over that element would also be acceptable and it would not detract from the amenities of adjoining residents.
- There are some concerns about the rear garden structure. It would abut each of the shared boundaries. The passageway serving that structure would also adjoin the shared boundary.
- The proposed passageway (down the rear garden) would be an excessive intervention and would have a negative impact on the adjoining properties. It should be omitted.

3.1.2 Drainage Division Report

No objection subject to conditions.

3.2.1 Observations

- 3.2.1.1** An observation was submitted to the Council on behalf of the occupants of no.2 Vergemount Park. The points included the following:

- There is no garden elevation for the detached accommodation. Neither are there side elevations.
- There is concern over access for emergency services.
- The structure should not contain a bedroom, so far removed from the house.
- Presuming the inclusion of large windows, there would be views of all adjoining properties to the east and west, with consequent loss of privacy.
- There would be an undesirable precedent.

3.2.1.2 An observation was submitted to the Council by Colgan O'Reilly Architects on behalf of the occupants of no.8 Vergemount Park. That submission set out many of the points later presented in the third party appeal described below.

4.0 PLANNING HISTORY

There have been several applications for Vergemount Park over the past decade. They include a permission for construction of one/two-storey extensions to no.6, using a sloped roof to match the existing. That was application ref.4242/06, granted in 2006.

Other local cases include permission for attic conversions/dormer e.g. ref. WEB1425/23 (no.2) and WEB1461/21 (no.17). Permission was granted for 2-storey extensions at nos.7 (ref.4411/08) and no.14 (ref.4480/18).

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 sets out general design principles for domestic extensions. Guidance is

provided there for rear extensions in regard to both privacy and amenity, as well as daylight/sunlight and the external appearance regarding materials. It also states that alterations to roof level shall have careful consideration of the character and size of the structure, the streetscape and the proximity to adjacent structures. They shall take account of the rest of the structure in regard to distance, visibility and harmony.

Appendix 18 also requires alterations at roof level to be visually subordinate, leaving much of the existing roof still visible. For that reason new structures shall be set back from the eaves level and kept below the roof ridge. They should not extend across the full width of the roof.

6.0 THE APPEAL

6.1 Grounds of Appeal

- The third party appeal was lodged on behalf of the occupant of no.8 Vergemount Park and the main concern is with Condition no.3 of the Council's decision. The appeal is against that condition.
- The appellant agrees with the Council's finding that the connecting garden passageway would be a significant feature.
- The height of the rear additions would be excessive, having regard to the aspect, the orientation and the garden length. There is concern regarding overbearing, overlooking and overshadowing.
- The lodged drawings are deficient in regard to site levels, contiguous elevations, distance from boundaries, etc.
- There would be significant loss of sunlight at no.8 Vergemount Park. Such extensions should not be excessively overbearing on neighbours.
- There would be a significant loss of light at different times of the day.

- There are no calculations for the surface water disposal system. It would require a soakaway and that should be kept at least three meters from the site boundary.
- The application does not give adequate details of the applicant. Mere initials are not acceptable.
- The rear additions could be relocated but that would go beyond the remit of the application. Placing the accommodation beside the southwest boundary might be an alternative option.

6.2 Applicant's Response

- The applicant has lived in the house for 15 years and now seeks to upgrade it in order to cater for changing family needs. Office space and bedrooms are needed.
- One family member works from home while another attends the university nearby.
- The proposed accommodation wing would have a green roof and it would not overshadow any neighbouring property due to the intervening trees.
- The proposed garden passageway has been stepped down by 0.6 meter. It would be lower (2.7 meters) than the garden annex.
- The third party appeal is misleading. The visual images are out of scale and they do not include dimensions. The boundary wall is about the same height as the proposed passageway.
- Local precedents include a similar proposal at no.2 Vergemount Park that was allowed by the Council a few years ago.
- The observation by the owner at no. 2 Vergemount Park was out of time and it should not have been accepted by the Council. The rear garden of that observer contains several garden rooms and extensions. There is little open space remaining there.

6.3 Planning Authority's Response

It is requested that the Board uphold its decision and also impose a Section 48 financial contribution.

6.4 Further Responses

None

6.5 Appropriate Assessment

Having regard to the nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site. A Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

7.0 ASSESSMENT

7.1 The main issue relates to the impact of that part of the proposal that would become a strident feature at the rear of the house. Taken together, the aggregate parts of the rear garden proposal would have a considerable impact on the immediate neighbours, especially the third party at no.8 Vergemount Park (immediately adjoining on the north-east), and to a lesser extent, the observer at no.2 (second next door on the south-west). However, the impact on no.4 (next door, on the south-west) would be greater than on no.2.

7.2 The front extension would be square-shaped and it would be kept behind the front building line. That arrangement would reduce its impact on third parties. It would not

be intrusive when viewed from the street. There is little difference between the existing and proposed front elevations. For those reasons that part of the proposal should be acceptable in this context.

- 7.3** The rear garden proposal is quite unusual for extending down and around much of that area. It would be 28 meters long approx., and over most of that length it would be 3 meters high. Those features would render it quite strident in its profile and overall proportions. As a result it would have an intrusive impact on the occupants of the adjoining dwellings.
- 7.4** The rear annex itself would effectively enclose the private open space, i.e. by surrounding the majority of it with new structures. That, in itself, would be unusual and out of character. The impact would be increased by the significant extent of large windows.
- 7.5** In this context, having regard to the pattern of use of these rear gardens, the proposed development would excessively transform the receiving environment. The disposition, occupancy and amenity of the rear gardens associated with the houses of third parties would be materially disrupted.
- 7.6** The Council decision (Condition no.9) would require the rear residential annex to be used for purposes ancillary to the enjoyment of the house itself. However, it would function as a dwelling i.e. containing a bedroom, bathroom etc.
- 7.6** The residential function of the annex could be expected to generate occupation during night-time hours, thereby bringing it more to the notice of third parties through lighting and domestic activities.
- 7.7** It may be that residential function that prompted the substantial linking corridor also proposed.
- 7.8** The presence of such a substantial length of built extensions would alter the character of the garden. The lodged drawings show that there would be associated paving, and that extent of hard surfaces would be likely to give rise to noise that would be noticed

by third parties.

- 7.9** In my opinion, the aggregate impact on third parties would be excessive. Such accommodation would optimally be placed/attached to the rear of the house as a functioning part of it. That approach would remove the need for the corridor feature and thereby reduce the impact on third parties.
- 7.10** The use of the proposed annex could be controlled by including a requirement that no bed spaces be included there.
- 7.11** It is considered that the appeal can be decided in regard to those issues raised in regard to condition no.3.

8.0 RECOMMENDATION

This appeal relates only to a condition of the Planning Authority decision. I recommend that the Board is satisfied, having regard to the nature of that condition, 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.

I recommend that Condition no.3 be retained and amended.

9.0 REASONS AND CONSIDERATIONS

- 9.1** Having regard to the Development Plan zoning, the site location and the scale and design of the proposed development it is considered that Condition no.3 is reasonable in order to achieve the proper planning and sustainable development of the area.

10.0 Condition no.3

3	<p>Prior to the commencement of development revised drawings shall be lodged for the written agreement of the planning authority. They shall include:</p> <p>(a) Omitting the passageway between the proposed new rear extension and the proposed ancillary family accommodation in the rear garden.</p> <p>(b) The proposed detached ancillary family accommodation shall be used for purposes incidental to the enjoyment of the principal dwelling on site. It shall not be separated from the principal dwelling by lease or sale or otherwise.</p> <p>(b) Lateral separation of 1 meter shall be provided between the proposed detached family accommodation and the site boundary on the south-west and north-east sides respectively.</p> <p>Reason: In the interest of clarity, and in the interest of visual and residential amenity.</p>
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Declaration

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.

Diarmuid Ó Gráda,
Planning Inspector

21 August 2023