



An  
Bord  
Pleanála

## Inspector's Report ABP-317552-23

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<b>Development</b>	Demolish rear extension and shed to front/side, and construction of single storey extension to rear and front/side.
<b>Location</b>	'Craig Moore', 57 Anglesea Road, Ballsbridge, Dublin 4.
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	Web1336/23
<b>Applicant(s)</b>	Rachel Tobin & Ronan Cosgrove
<b>Type of Application</b>	Planning Permission
<b>Planning Authority Decision</b>	Grant permission w. Conditions
<b>Type of Appeal</b>	First Party v. Conditions 3 & 4 Third Party v. Decision
<b>Appellant(s)</b>	Rachel Tobin and Ronan Cosgrove Patrick & Joan Nolan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	13 <sup>th</sup> October 2023
<b>Inspector</b>	Dan Aspell

## 1.0 Site Location and Description

- 1.1. The site is No. 57 Anglesea Road. It is a semi-detached dwelling, with parking to the front and garden to the rear. There are two existing single storey extensions to the rear, and a single storey shed to the side behind the side access gate/front wall. Due to the slope through the site, the side access is at lower ground level at the front. There is a mature hedge along the front boundary.
- 1.2. No. 55, which adjoins to the north, is largely a mirror design of the subject dwelling. It differs primarily in having a larger single storey extension to the rear, and a garage to the side/front.
- 1.3. No. 59, to the south, is connected to the subject dwelling by the respective side access gates/front walls. Anglesea Road is to the east. Merrion Cricket Club is to the west.
- 1.4. No's. 55 to 73 Anglesea Road comprise five pairs of semi-detached dwellings designed and built together in the early 1900's in the Arts & Crafts style. The original design of each pair varied mainly in terms of the front elevation design and detailing.
- 1.5. The extent of changes to the original buildings is most significant to the rear, where the elevations now vary in terms of finish and in terms of the size, form, roof profile and materials of the various rear extensions. The front elevations are largely as-built, with some changes to colour and fenestration. The front boundary treatments of the dwellings also vary, comprising a mix of hedges and railings.

## 2.0 Proposed Development

- 2.1. The proposed development can be summarised as follows:
  - Demolish rear single-storey extensions, and shed to side;
  - New rear single-storey extension of varying heights;
  - Single-storey extension to side/front, and a porch/canopy structure to front;
  - Replace all existing windows and doors, including to front elevation;
  - Widen vehicle entrance, enlarge side window, and add solar PV panels.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Dublin City Council issued a notification of decision to grant permission (14<sup>th</sup> June 2023) subject to 10 no. conditions. I note the following:

Condition 3 requires the external finish of the works to match the existing house in respect of materials and colour.

Condition 4 amends the development by omitting (a) the front porch and side extension and (b) the removal of windows on the front elevation.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Report

The planning authority report stated that:

- The rear extension is proportionate to the existing dwelling. Dwellings in the vicinity have rear extensions so there is a strong precedent;
- Due to its scale, design and distance to boundaries, the rear extension would not significantly overshadow, overbear or overlook adjoining dwellings;
- The five pairs of dwellings are largely identical from the front. The porch and side extension would detract from the character and distinctiveness of the area, and would contravene Policy BHA9;
- Replacement of the windows could have a significant negative impact on character and distinctiveness, and would contravene the development plan;
- The vehicular gate should be limited in width to 3m;
- Site is in Flood Zones A & B but is unlikely to increase flood risk significantly.

#### 3.2.2. Other Technical Reports

Drainage Division – No objection subject to conditions.

Transportation Planning – No objection subject to conditions, including relating to the width of vehicular access and dishing of footpath.

### 3.3. Prescribed Bodies

None received.

### 3.4. Observations

3.4.1. The planning authority recorded one observation, from Patrick and Joan Nolan of No. 55 Anglesea Road, as follows:

- Loss of light / sunlight: Negative impacts of overshadowing of their dwelling and rear garden. Shadow analysis should be submitted;
- Loss of privacy/overlooking: Significant overlooking of rear garden from the proposed rear extension;
- Appearance: Lack of details in respect of colour and finish;
- Road Frontage: Front porch would have a significant negative impact on the unique character and distinctiveness of the dwelling and adjoining dwellings.
- Structural Integrity: Potential for negative impacts on shared boundary wall;

## 4.0 Planning History

Subject site, No. 57 Anglesea Road:

4.1.1. No applications recorded.

No. 55 Anglesea Road

4.1.2. Ref. 0307/23: Section 5 referral to the city council relating to No. 55 Anglesea Road as to whether existing single storey extension to the rear of the property constructed in 2005 required planning permission. The city council decision stated that the existing extension would require planning permission.

Sites in the vicinity (No. 59 to 76 Anglesea Road):

4.1.3. Ref. Web1760/20: Permission granted by the city council in February 2021 at No. 59 Anglesea Road for demolition of the existing rear single storey extensions and construction of a new rear single storey extension, alterations to the existing side elevation at ground floor level, and landscaping. No appeal.

- 4.1.4. Ref. 4194/18: Permission granted by the city council in 2018 at No. 65 Anglesea Road for a part single storey and part two storey pitched roof extension to rear; minor alterations to rear and side elevations. No appeal.
- 4.1.5. Ref. 6228/07: Permission granted by the city council in 2007 at 67 Anglesea Road for single storey rear extension, new side elevation window. No appeal.
- 4.1.6. Ref. 5117/07: Permission granted by the city council in 2007 at 69 Anglesea Road for new single storey extension to rear. No appeal.
- 4.1.7. A number of permissions also granted by the city council for changes to front boundary treatments, parking and vehicular access along this row of houses (ie. Refs. 2039/06, 1642/01, 2013/99 and 0108/99). No appeals.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The site is zoned 'Z2 Residential Neighbourhoods (Conservation Areas)': *"To protect and/or improve the amenities of residential conservation areas"*.

Policy CA7 Energy Efficiency in Existing Buildings and Policy CA12 Micro-Renewable Energy Production

Section 11.5.3 Built Heritage Assets of the City and 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..."*

BHA21 Retrofitting Sustainability Measures and BHA22 Upgrading Environmental Performance

Chapter 15 Development Management Standards and Section 15.15.2.2 Conservation Areas:

- *“Conservation Areas include Z8 (Georgian Conservation Area) and Z2 (Residential Conservation Area) zones, as well as areas identified in a red hatching on the zoning maps which form part of the development plan. These red-hatch areas do not have a specific statutory protection but contain areas of extensive groupings of buildings, streetscapes, features such as rivers and canals and associated open spaces of historic merit which all add to the special historic character of the city.*

*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.*

*Further guidance on Conservation Areas is set out in Chapter 11 Section 11.5.2”*

Appendix 16 ‘Sunlight and Daylight’.

Appendix 18 Ancillary Residential Accommodation, Sections 1.2 Extensions to Rear, 1.3 Extensions to Side, 1.4 Privacy and Amenity, 1.6 Daylight and Sunlight, 1.7 Appearance and Materials, and Section 3.0 Porches.

## **5.2. Natural Heritage Designations**

### **5.2.1. None relevant.**

## 6.0 The Appeal

### 6.1. Grounds of first-party appeal against Conditions 3 & 4

6.1.1. First party appeal from Rachel Tobin and Ronan Cosgrove, of 57 Anglesea Road. The appellant appeals the above conditions and submits alternative proposals for consideration as part of the appeal:

- Condition 3 is unclear. The rear extension will be finished in painted render;
- Condition 4(a): The site is part of a set of houses designed together in the Arts & Crafts style, but each pair was designed to be different. The site and No. 55 are the only pair which without a covered/recessed porch;
- The porch and side extension will balance the front/side garage addition of No. 55 and create a more symmetrical / harmonious look;
- If the Board consider the site extension inappropriate, the alternative submitted omits the canopy and reduces the size of the extension;
- The porch/canopy is in line with the Arts & Crafts tradition. It can be removed in the future if required;
- Condition 4(b) is overly burdensome and was not applied to adjacent houses. Timber windows will match existing and original stained-glass will be reinstalled. Adjacent houses have replaced windows with modern materials.

### 6.2. Grounds of third-party appeal against decision

6.2.1. Third party appeal from Patrick & Joan Nolan, of No. 55 Anglesea Road as follows:

- The extension will significantly block light and enshadow our roof windows and rear window at certain times. This will significantly reduce light throughout the year and impair the use and value of our home. If the proposal is granted a condition should be attached to reduce the extension height and length;
- The location and raised level of the terrace will cause significant overlooking into our garden and rear window;
- The terrace will reduce the amenity of our property, decrease its value, increase noise, and reduce air quality;

- The terrace should be removed or the level restricted to the existing level and the barbeque located at end of garden. Any raised barrier would block light;
- The extension is adjacent the garden wall, with no passageway for inspection / maintenance. If granted a passageway should be provided;
- Concerns regarding construction works. No information on foundations. If granted a condition should be attached requiring structural details;
- Insufficient detail on the extension colour, finish, appearance and materials. If granted a condition should be attached in this regard;
- Agrees with Condition 4 not to allow changes to the front/side of the property.

### **6.3. Planning Authority Response**

6.3.1. The planning authority requests the Board upholds its decision.

### **6.4. First party response to 3<sup>rd</sup> party appeal**

6.4.1. First-party response to third-party appeal, from Rachel Tobin and Ronan Cosgrove:

- Proposal has been reviewed against BRE Guidance. Overshadowing will not be excessive. Neighbouring roof windows will not be overshadowed on the equinox. Impact on the neighbouring extension rear window is small;
- It is proposed to erect a 1.8m fence to provide privacy without overbearance or significant overshadowing. The terrace is exempted development;
- There is significant level change from front to rear. The area is at risk of flooding. No. 59 has a terrace at a similar level flush with internal floor;
- Construction against boundary walls is common practice. Part of the extension of No. 59 has been built on the boundary with no side access;
- A structural engineer will be involved in detailed design and construction. A dilapidation survey will be proposed to protect both parties;
- The finish has been clarified in the first party appeal;
- There is no record of planning permission for the existing extension in No. 55.



## 6.5. **Third-party response to 1st-party appeal**

6.5.1. Third-party response to first-party appeal, from Patrick & Joan Nolan as follows:

- The scale and height of the extension is excessive. The extension would be equal in height the ridge of the extension at our property;
- Condition 3 should be retained. Materials should match the existing and neighbouring brick finish;
- Condition 4(a) & (b) should be retained. No's. 57 and 55 are in a row of houses which are uniform in scale, layout, character and appearance. This harmonious appearance should be retained as designed;
- Canopies feature in Edwardian properties elsewhere, but would be detrimental to the integrity of these houses and contrary to the original design;
- No's. 55-73 Anglesea Road are designated as a residential conservation area and is a highly visible location at a busy intersection;
- Removal of front elevation windows should only be permitted if they are replaced with timber windows retaining the original stained glass;
- Requests the Board to refuse permission or modify the design;

## 6.6. **Observations**

6.6.1. None received.

## 7.0 **Assessment**

7.1. Having regard to the foregoing; having examined the application and appeals; having inspected the site; and having regard the policies and objectives for the area including flood risk, I consider the main issues in the appeals are:

- Condition 4 and the impact of the front porch, the side/front extension, and replacement of the front door and windows on the character of the area;
- Impact of the rear extension and terrace on character and residential amenity;
- Condition No. 3 and the external finish, materials and colour;

- Related matters raised in the appeals.

#### Condition 4:

##### Front porch / canopy

- 7.2. Whilst the other dwellings in this row retain their original recessed porches, and whilst similar projecting porches/canopies form part of dwellings of the same period and style elsewhere in the city, this is not the case for this dwelling or the neighbouring dwellings in this row. I consider this element as proposed at application stage would introduce an incongruous addition which would disrupt the harmony in the character and design of the dwelling and neighbouring dwellings, with little benefit to residential amenity (For clarity I note drawing no. PA03 submitted with the first party appeal omits the proposed canopy). I consider that having regard to the provisions of Policy BHA9 Conservation Areas and the Z2 Residential Neighbourhoods (Conservation Areas) land use zoning objective for the area, omitting this element as per Condition 4(a) of the planning authority decision is warranted.

##### Front/side extension

- 7.3. The front/side extension proposed as part of the application would extend in height to window level at first floor, would be flush with the front elevation, and would include a front window. Alongside the proposed canopy/porch, I concur with the planning authority planning report that that design would not form an appropriate addition to the existing dwelling or wider row.
- 7.4. The first party appeal includes an alternative proposal for consideration in this regard. It (drawing no. PA03) omits the previously proposed front window and sets the extension behind the building line. It would be finished in brick. The proposed height is also lowered, from c.4.2m to c.3m and as such would only extend to the height of the front door and would not read from the front as a full storey.
- 7.5. The alternative front/side element (c.4.3sqm) would 'square off' the ground floor. It would be modest in scale and would provide a downstairs toilet. Whilst this would improve residential amenity, the rationale is undermined somewhat by the inclusion of a cloak room behind the toilet which pushes the extension forward, and also by the size of the proposed ground floor overall.

- 7.6. However I note that whilst the site is part of a set of semi-detached period dwellings, none of the dwellings are protected structures or in an Architectural Conservation Area. The dwellings are not identical but vary in elevation design and detailing, as well as in footprint/layout, alignment and front boundary treatment. Whilst no other dwellings in this row have ground level side/front extensions, the garage of No. 55 is set forward of the building line and does to a degree disrupt the symmetry between No. 57 and 55, albeit located at the end of the row and at lower ground level.
- 7.7. In terms of streetscape, although located on a busy road, the extension would be set back from the boundary, would be well screened by the existing hedgerows, would be modest in height and scale relative to the house and adjacent houses, and the proposed materials would harmonise well with the existing dwelling.
- 7.8. I consider that on balance, in the absence of the proposed porch/canopy, the reduced side/front extension strikes an appropriate balance between the conservation and residential amenity objectives of the area and overall meets the requirements of the development plan. I consider that it respects the setting and character of the area; is complementary to the existing scale, height and massing of its context; protects the amenities of surrounding properties; and ensures the finishes are in keeping with the existing environment. As such I consider that omitting this element as per Condition 4(a) of the planning authority decision is not warranted.

#### Replacement windows and door

- 7.9. The replacement windows and door would be timber, double glazed, and the design would match the existing. The first party appeal clarifies that the existing stained-glass panels would be re-inserted. I consider this strikes an appropriate balance between respecting the character of the area and improving thermal performance and residential amenity. I note that a number of dwellings in this row do not retain the original windows or stained-glass panels. I consider the omission of this element as per Condition 4(b) of the planning authority decision is not warranted.

#### Rear extension

- 7.10. In relation to its impact on the character and amenities of the area, having regard to the size of the subject and adjoining dwellings; the variety of neighbouring rear extensions; the high-quality design proposed; and the limited visibility of the extension, I consider that the proposal is acceptable in these regards.

- 7.11. In relation to overlooking and privacy, I do not consider there would be significant impacts on neighbouring dwellings from the proposed rear extension.
- 7.12. In relation to sunlight, daylight and overshadowing, the main impacts arising would be to the rear extension of No. 55. I note the details submitted from both parties in this regard. I consider that the proposal would somewhat decrease the sunlight received by the extension roof windows and would significantly decrease the sunlight received by the western/rear window of the extension, however the extension overall would continue to receive acceptable levels of both sunlight and daylight. This is primarily on account of the 3 no. roof windows, however I also note the following:
- In relation to the proposed extension, whilst the eaves would be c.1.8m taller than the existing extension on the site and the extension would extend c.2m further into the garden, it would also be stepped down in height (from 5.3m to 4.1m) with the taller element located away from No. 55.
  - In relation to No. 55, whilst the extension roof windows and the rear window are orientated towards subject development, the extension is partly set back from the boundary, the rear window is larger and taller than a typical window, and the 3 no. windows and internal rooms on the northern side of the extension would be unaffected.
- 7.13. Having regard to the foregoing, I consider that No. 55, including its rear extension, would continue to receive an acceptable level of sunlight and daylight. For completeness I note the planning authority's recent determination on the abovementioned Section 5 referral relating to the status of the rear extension of No. 55. In this context I consider that aspects of the existing extension increase its sensitivity to development to the rear of the subject site, but that in any event the proposed rear extension is reasonable and would not give rise to unacceptable impacts on No. 55 in relation to sunlight, daylight and overshadowing.

#### Proposed terrace

- 7.14. In relation to overlooking and privacy, the majority of the proposed terrace is orientated away from No. 55, which would largely be shielded from the terrace by the proposed extension. However, whilst the terrace would be stepped down, it would be c.0.5m higher than the rear garden of No. 55 and the party boundary would be only

c.1.1m high when measured from the terrace floor level. The proposed barbeque area is also located at this point adjacent No. 55.

- 7.15. Due to the levels differential, I consider there is potential for overlooking the rear garden of No. 55, however this would be intermittent and seasonal, with the main seating and standing areas located away from No. 55. In the interests of residential amenity, I consider that screen walls should be included along the party boundary to a height of 1.8m from the floor level of the terrace where it adjoins the boundary with No. 55.
- 7.16. In relation to No. 59 to the south, the proposed terrace is comparable in level and extent to the terrace to the rear of No. 59, however similar overlooking issues arise and as such I consider that screen walls should also be provided along that boundary.
- 7.17. In relation to noise, air quality and odour arising from the proposed terrace. I consider the proposed terrace is reasonable in its design, scale, function and location, and overall is acceptable in this regard.

#### Condition 3 - Materials, colours and finishes

- 7.18. The first party appeal clarifies that the rear extension will be finished in painted render, metal trim, and aluminium windows. All other finishes will be as per existing. The rear finishes on No. 55 to 73 vary, as do the finishes of the rear extensions of these dwellings. I consider the materials proposed are acceptable and that the attachment of Condition 3 of the planning authority decision is not warranted.

#### Related matters

##### Relationship to party boundary with No. 55

- 7.19. I consider that construction of the rear extension adjacent the boundary as proposed would be typically unproblematic and would not require regular inspection and maintenance. The proposed rainwater pipes are inset within the structure. No windows, vents, or other elements are proposed to the side of the extension. No elements would overhang the boundary. I do not consider an increased set-back is warranted. I also consider sufficient detail of the proposed foundations (eg. Drawings No. PL04) has been provided for the purposes of granting planning permission.

#### Other works proposed

7.20. I consider the proposed enlarged side window, openings to the side/front extension, and photovoltaic panels have precedent along this row and are acceptable. In relation to the proposed changes to vehicular access, I consider these are acceptable subject to condition.

### Conclusion

7.21. In relation to the development proposed at application stage I concur with the planning authority decision, with the exception of Condition 3 and part (b) of Condition 4. In relation to the alternative proposal submitted for consideration as part of the first party appeal, I consider that, subject to conditions, the development, with the exception of the proposed porch/canopy, is acceptable, including in terms of the proposed front/side extension, rear extension and terrace, replacement windows and door, finishes, and related works. In this regard I consider these revised elements strike an appropriate balance in protecting and contributing to the character of the area whilst also protecting and improving residential amenities in line with Policy BHA9 of the development plan and the land use zoning objective for the area.

## **8.0 Environmental Impact Assessment screening**

8.1.1. The proposed development does not fall within a class of development as set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended), and therefore is not subject to requirements for preliminary examination of EIA (Refer to pre-screening Form 1, Appendix 1 of this report)

## **9.0 Appropriate Assessment screening**

Having regard to the development proposed being demolition of existing extensions and a shed, the construction of residential extensions, and related residential work to an existing dwelling, with the site being in serviced urban areas, I consider that no Appropriate Assessment issues arise given that no significant works are proposed that would disturb ground levels and that the site is served by public mains drainage which could absorb surface water run-off from the site. I do not consider 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.

## 10.0 Recommendation

- 10.1. I recommend planning permission be **GRANTED** subject to Conditions for the reasons and considerations below.

## 11.0 Reasons and Considerations

Having regard to the revised designs submitted, it is considered that the proposed development, subject to condition, would protect the special interest, character and amenities of the area, and would be consistent with the Z2 Residential Neighbourhoods (Conservation Areas) land use zoning objective for the area and the provisions of Policy BHA9 of the development plan, and would, therefore be consistent with the Dublin City Development Plan 2022-2028 and the proper planning and sustainable development of the area.

## 12.0 Conditions

1.	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 received by An Bord Pleanála on the 11 <sup>th</sup> day of July, 2023, 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. Reason: In the interest of clarity.
2.	The front porch canopy shall be omitted from the development (as per Drawing PA03 'Proposed Alternative Side Addition' submitted as part of the first party appeal). Reason: In the interests of visual amenities and the architectural conservation of the area.
3.	Capped and rendered screen walls, to a height of 1.8m from the rear terrace finished floor level, shall be provided for the length of the proposed rear terrace along the party boundaries of No. 55 and No. 59 Anglesea Road.

	Reason: In the interests of residential amenity and privacy.
4.	<p>The requirements of the planning authority Transportation Planning Division shall be complied with. The driveway entrance shall be at most 3 metres in width and shall not have outward-opening gates. The kerb shall be ramped, and the new entrance provided, to the requirements of the Area Engineer Roads Maintenance Division of Dublin City Council. All related costs incurred by the City Council as a result of the development shall be at the expense of the developer.</p> <p>Reason: In the interests of traffic and pedestrian safety.</p>
5.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, air quality, and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
6.	<p>Drainage arrangements for the site, including the attenuation and disposal of surface and soiled water, shall comply with the requirements of the planning authority.</p> <p>Reason: In the interest of public health.</p>
7.	<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, as amended. The contribution shall be paid prior to 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,</p>



in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

*-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.-*

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Dan Aspell  
Inspector  
31<sup>ST</sup> October 2023

## **APPENDIX 1**