



Development	Demolition of extension and structure. Construction of extension with all associated site works.		
Location	28 Gilford Road, Sandymount, Dublin 4		
Planning Authority Ref.	5288/22		
Applicant(s)	Jackie and Edmond Moloney		
Type of Application	Permission	PA Decision	Refuse
Type of Appeal	First party	Appellant	Jackie and Edmond Moloney
Observer(s)	Peter & Jill Wolfe Niall McElroy		
Date of Site Inspection	12/12/2023	Inspector	D. Aspell

Context

1. Site Location/ and Description

The site comprises No. 28 Gilford Road. No. 28 is a 3-storey, dormer-style, semi-detached dwelling with parking to the front and a large garden to the rear. There is a large, single storey and predominantly glass conservatory to the rear. The site boundary comprises a wall interspersed with mature trees.

Adjoining to the east is 26 Gilford Road. Nos. 26 and 28 are a pair of Victorian-era dwellings. There are dwellings to the north and an apartment block ('Windermere') to the west. The apartment block is 3- and 4-storeys with a number of units facing

onto the location of the proposed extension. There is a primary school to the south across Gilford Road.

The area is generally suburban in nature. Lands to the east are characterised by semi-detached dwellings of various designs, styles and sizes. Lands to the west are characterised by a mix of dwellings, including higher density apartment and townhouse type development.

2. Description of development

The proposal development is described as:

- Demolish single-storey rear extension, and outbuilding to side;
- Construct part single-storey, part two-storey extension to rear and side;
- Alterations to internal layout at ground, first, and second floors.

The proposal would provide primarily for living space at ground floor, and one additional bedroom, ancillary space and stairwell above ground floor.

Whilst the extension is described as part single and part two-storey it would include 3-storey elements.

3. Planning History

Subject site:

- None recorded.

Nearby sites:

- DCC Ref. 3977/20: Planning permission refused on appeal in 2021 for subdivision of 2A Durham Road and construction of a detached 2-storey house on the side garden of existing house. The proposal was refused on grounds of overdevelopment, lack of private amenity space, visual incongruity, and overlooking, as well as traffic hazard.
- DCC Ref. 2516/18: Planning permission refused on appeal in 2018 for subdivision of 2A Durham Road and construction of a detached 3-storey house on the side garden of existing house. The proposal was refused on grounds of overdevelopment, visual incongruity, overlooking and being out of character
- DCC Ref. 3667/13: Planning permission granted by the planning authority in 2014 to the rear of 24 Gilford Road for a single-storey extension.

4. Planning Policy

I note the following provisions of the Dublin City Development Plan 2022-2028:

- The land use zoning objective is 'Z1 Sustainable Residential Neighbourhoods'.
- Policy SC5 Urban Design and Architectural Principles
- Policy SC19 High Quality Architecture
- Policy QHSN6 Urban Consolidation
- Chapter 15 Development Standards
- Section 15.4.2 Architectural Design Quality
- Section 15.9.18 Overlooking and Overbearance
- Section 15.11 House Developments
- 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, and 1.7 Appearance and Materials.

In relation to Sandymount I note the following:

- Section 7.5.3 Key Urban Villages, Urban Villages and Neighbourhood Centres
- Objective CSO5 Programme for the Preparation of Local Environmental Improvement Plans
- Table 2-15 List of Proposed Local Environmental Improvement Plans identifies Sandymount.

Sandymount Village Design Statement 2011

I note the objectives of the document "Sandymount Village Design Statement" 2011 prepared by Sandymount Residents in partnership with Dublin City Council and the Heritage Council. The document is not referenced specifically in the city development plan and is a non-statutory document, however it is available on the Dublin City Council "Local Environmental Improvement Plans" webpage.

5. Natural Heritage designations

None relevant.

Decision and Grounds of Appeal

6. Planning Authority decision

The planning authority issued a notification of decision to refuse permission on 29th June 2023 for one reason summarised as follows:

- The side and rear extensions by reason of its overall size, design and siting would have a serious adverse impact on the scale and character of the dwelling, the symmetry of design and appearance with the adjoining dwelling, the residential amenities of adjoining / adjacent properties and would appear visually incongruous when viewed from Gilford Road and the adjacent Windermere apartment complex. The development would be contrary to Appendix 18 of the development plan and would set an undesirable precedent.

7. Appeal

The submitted first party appeal is summarised as follows:

- The existing dwelling is poorly planned, with numerous uncoordinated levels;
- Site / adjoining sites are not protected structures, on the NIAH, or in an ACA;
- The front of the structure and streetscape is retained as is with no alteration;
- The existing houses, No. 28 and 29 are not symmetrical;
- The 2-storey element will be set back 5.9m behind the front elevation and will only extend 3.3m to the side;
- The first floor is stepped back 4.2m from boundary with No.26 Gilford Road;
- Cognisance must be taken of the scale and massing of the adjacent Windermere four storey apartment block;
- The roof profile has been designed to reduce the mass and bulk, assimilate into its context, and ensure no impact on amenities of adjoining properties;
- The proposed finishes and fenestration will be in harmony with the existing;
- The sunlight and daylight assessment indicates the proposal complies with BRE guidelines requirements and does not impact residential amenities;
- The side and rear extension would not impact the amenities of adjoining properties in terms of privacy, outlook or access to light.

8. Planning authority response

None received.

9. Observations

Peter & Jill Wolfe of No. 26 Gilford Road, summarised as follows:

- Nos. 26 & 28 are a pair of Victorian houses. Proposal will damage the unique architectural heritage, symmetry and balance of this pair and streetscape;
- Proposal does not respect building character or amenity of adjoining property;
- Form / outline will detract from the existing architectural features;
- The extension is not subordinate in scale and will double the house width;
- The mass will unbalance and damage the architecture of both houses;
- Changes to roof do not respect proportions and form of the building;
- The mass, extent and overbearing nature will seriously injure visual amenities;
- First floor will impact rear amenity space of No 2A Durham Rd and No. 26;
- Afternoon light will be blocked to ground level of No. 26 and 2A Durham Rd;
- The rear element will be above the party boundary and oppressive to private amenity space of No. 26;
- Rear amenity area is c.1m above existing ground level which will give rise to overlooking and noise impacts of private amenity space to rear of No. 26.

Niall McElroy of No. 24 Gilford Road, summarised as follows:

- Proposal will be visually incompatible and highly visible from Gilford Road;
- Proposal will adversely impact character of the dwelling & streetscape;
- Proposal will be discordant and contrary to the amenity of local streetscape;
- Proposal substantially alters the elevational profile of the house and the symmetry of the pair of period homes creating a severe imbalance;
- Proposed scale is oppressive to residents of No. 26;
- Proposed design is mixed and unsightly from all surrounding vistas;
- The pair of houses are obvious additions to NIAH and candidates for listing;
- The Wildermere apartments have no significance in the assessment;
- Proposal fails to respect and harmonise with the unique design aesthetic in terms of bulk, scale, form, profile, proportion, perspective and elevations;
- Nos. 26 and 28 are unique and are not replicated anywhere in the area;
- Commentary regarding Sandymount & Merrion Residents Association and 2011 Sandymount Village Design Statement in relation to conservation.

Environmental screening

10. Environmental Impact Assessment screening

The proposed development is not within a class where EIA applies, and therefore is not subject to requirements for preliminary examination of EIA (Refer to pre-screening Form 1, Appendix 1 of this report).

11. Appropriate Assessment screening

Having regard to the nature and scale of the proposed extension and the location in an urban area connection to existing services, and absence of connectivity to European sites, I conclude that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on any European site.

2.0 Assessment

2.1. Having regard to the foregoing; having examined the appeal; having visited the location; and having regard to relevant policies and objectives, I consider the main issues in the appeal are those stated in the refusal reason:

- Impact on residential amenity;
- Design and visual impact.

Residential amenity

2.2. In relation to overlooking, no glazing would be orientated toward No. 26. I note the proposed finished floor level and rear terrace level, and observation commentary in this regard. The proposed rear patio is to extend generally as far into the rear garden as the existing extension to the rear of No. 26. Despite the level differences and extent of the patio, the position and size of the existing extensions within No. 26 means any overlooking or privacy impacts in this regard will not be significant. However given the position of the rear doors and terrace seating area adjacent the boundary I consider that the patio finished floor level should be stepped down in the interests of minimising noise impacts. This could be dealt with by condition.

- 2.3. In relation to sunlight, daylight and overshadowing, due to the position of No. 28 to the west of No. 26, and the siting of the extension to the rear and side, the main impacts in this regard would be in the evening. I consider that No. 26 would continue to receive adequate light throughout the morning and afternoon over the year. In addition, given the nature of the existing extensions to the rear of No. 26, and the position of its main rear private amenity space away from No. 28, I do not consider the proposal would have a significant detrimental impact on the internal or external natural lighting of No. 26 in this regard and that dwelling would continue to receive sufficient natural light.
- 2.4. In relation to overbearance, the largest part of the proposal would be located to the side and rear away from the neighbouring dwelling to the east, No. 26. The first-floor element would be set back c.4m from the party boundary. The proposed ground floor element would be c.4m in height and would sit adjacent the party boundary. There are two existing ground floor extensions to the rear of No. 26 which sit against, and are orientated away from, the party boundary which would reduce the sense of scale of the proposed extension. There is also a third extension to the rear of No. 26 positioned adjacent the other two such that the only space between the structures is a walkway / narrow patio which is almost fully enclosed on four sides, with the main private amenity space located away from the boundary with No. 28. I am satisfied this arrangement has the effect of mitigating overbearing impacts that may arise from the proposed development to the rear of No. 28.
- 2.5. In relation to the impacts on the residential amenity of the Windermere apartments which face onto the subject site, the proposal would be c.17m away at its closest. There would be no above-ground level habitable room windows facing the apartments. As such I do not consider there would be significant impacts in terms of overlooking or overbearance. In relation to sunlight, daylight and overshadowing, I consider that given the separation distances involved, the orientation of the apartments to the north-east, and the location of the proposed extension due east of the apartments, the impacts in this regard would be confined to the very early morning and would not be significant.
- 2.6. Overall having regard to the submitted information I am satisfied that the proposal would not have a serious adverse impact on the residential amenity of surrounding dwellings including No. 26 and the adjacent Windermere apartments.

Design and visual impact

2.7. In relation to design and visual impact, on balance I consider the proposed extension would be visually incongruous, particularly when viewed from Gilford Road, and would have a significant detrimental impact on the visual amenities of the area. I set out my considerations in this regard below.

- In relation to siting, the proposal is reasonably well positioned, being to the side and rear of the existing dwelling, set behind the front building line and staggered backwards in terms of alignment away from the road and between the Windermere apartments and No. 26 Gilford Road.
- In relation to the extent of the additional provision, the proposal would increase the dwelling area by approximately one-third (c.37%) with only 1 no. additional bedroom and ancillary space proposed above ground floor. The plot ratio and site coverage would remain relatively low.
- In relation to site context, the size and scale of the adjacent Windermere apartment block and the variety of building designs and sizes in the area do enable a greater variation in the form, scale and design of the development, however this must be balanced against the existing building as part of a distinctive pair.
- In relation to design, the proposal takes a similar approach to the existing in terms of materials and fenestration, and in part seeks to continue the existing roof pitch.
- In relation to height, the extension would be lower than the existing dwelling and would progressively decrease in height.

2.8. However, in relation to form and scale, on balance I consider that the extension, particularly when viewed from Gilford Road, would conflict significantly with the form and scale of the existing dwelling and adjoining dwelling. I consider that this arises primarily from the approach taken to adding the proposed floorspace and rationalising the split level layout within the constraints of the dormer-style design.

2.9. In relation to design and character, the subject and adjoining dwellings are not protected structures, are not in an architectural conservation area, are not on the National Inventory of Architectural Heritage and are not on lands zoned 'Z2

Residential Neighbourhoods (Conservation Areas)'. No. 28 and 26 are a one-of-a-kind pair along a street which varies significantly in terms of design and character. However, having regard to the foregoing, I am satisfied the proposal would conflict significantly with the character and design of the existing dwelling, the adjoining dwelling No. 26 and the wider area.

Conclusion

- 2.10. I am satisfied the proposal would not have a serious adverse impact on the residential amenity of surrounding dwellings including No. 26 and the adjacent Windermere apartments. However I consider that on balance, the scale, form and design of the extension as proposed would conflict significantly with that of the existing dwelling and would not harmonise with the existing and adjoining dwelling, particularly when viewed from Gilford Road. I consider the extension as proposed would have a significant adverse impact on the character of the existing dwelling, the adjoining dwelling No. 26 and the wider area. As such I consider the proposal would be visually incongruous and would have a significant detrimental impact on the visual amenities of the area.

3.0 Recommendation

- 3.1. I recommend that retention permission be refused for the reasons and considerations below.

4.0 Reasons & Considerations

- 4.1. Having regard to its scale, form and design, the proposed extension would conflict significantly with that of the existing dwelling and would have a significant adverse impact on the character of the existing dwelling and the adjoining dwelling No. 26 Gilford Road. As such it is considered the proposal would be visually incongruous and would have a significant detrimental impact on the visual amenities of the area, and would therefore conflict with Policy SC5 of the Dublin City Development Plan 2022-2028 and the Z1 land use zoning objective for the area.

-I confirm 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.-

Dan Aspell

Inspector

8th February 2024

APPENDIX 1

Form 1

EIA Pre-Screening [EIAR not submitted]

An Bord Pleanála Case Reference		317653-23	
Proposed Development Summary		Demolition of extension and structure. Construction of extension with all associated site works.	
Development Address		28 Gilford Road, Sandymount, Dublin 4.	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)			Yes No
			X No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes	X	Class.....	EIA Mandatory EIAR required
No			Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No		N/A	No EIAR or Preliminary Examination required
Yes	X	Class/Threshold.....	Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No	X		Preliminary Examination required
Yes			Screening Determination required

Inspector: _____

Date: __1st February 2024__