

An
Bord
Pleanála

Inspector's Report ABP319150-24

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| Development | Partial demolition and refurbishment of the existing dwelling accommodating two existing self-contained apartments. |
| Location | 21 Grattan Parade, Drumcondra, Dublin 9, D09N4X9. |
| Planning Authority | Dublin City Council. |
| Planning Authority Reg. Ref. | 4530/23. |
| Applicant(s) | Joseph O'Reilly. |
| Type of Application | Permission. |
| Planning Authority Decision | Grant permission subject to condition. |
| Type of Appeal | Third Party |
| Appellant(s) | A. Maniar. |
| Observer(s) | None. |
| Date of Site Inspection | 17/06/24. |
| Inspector | Anthony Abbott King. |

1.0 Site Location and Description

- 1.1. Grattan Parade is a cul-de-sac located off Drumcondra Road lower proximate to the city core on the northside of the canal ring. The streetscape is characterised by one-storey and two-storey period terraced houses.
- 1.2. The site comprises no. 21 Grattan Parade a nineteenth-century terraced red brick split level (single-storey at front and two-storey to rear) two bay dwelling with a third infill lower bay located to the west of the main fagade. The infill bay extends the main front elevation onto the side gable of the adjoining house at no. 20 Grattan Parade.
- 1.3. The main fagade of the house is similar to adjoining houses in the streetscape. The subject house has a double pitched roof and central valley. The split level house typology, single-storey street facade / two storey to rear, is not uncommon within the north and south inner suburbs. However the lower west bay is not a common feature and would appear a modern accretion.
- 1.4. The house was in a derelict condition on the day of my site visit.
- 1.5. There is a gated service lane to the rear of the houses on the south side of Grattan Parade.
- 1.6. The site area is given as 152 sqm.

2.0 Proposed Development

- 2.1. Partial demolition and refurbishment of the existing dwelling accommodating two existing self-contained apartments. The development will consist of the following works:
 - (i) Demolition of the non-original extension to the rear and west (adjoining the party wall of no. 20 Grattan Parade);
 - (ii) Demolition of the western chimney breast at ground and first floor level (no chimney stack existing above roof level);
 - (iii) Replacement of the existing roof currently in very poor condition with a new roof structure;
 - (iv) New internal partition walls at ground and first floor;

- (v) Partial demolition and rebuilding of the damaged southern boundary wall to laneway and formation of a new single-storey extension to the rear with a green roof;
- (vi) Reconstruction of the existing one-/part two-storey extension to the west of the dwelling;
- (vii) Amendment of window and door openings to the rear facade at ground level;
- (viii) Removal of stair case serving the first floor and the replacement of same with new stairs in the western extension;
- (ix) Replacement of timber sash window to front elevation with new one-over one timber sash;
- (x) Provision of new clear glass to fanlight and removal of front door;
- (xi) Removal of non-original vent to front facade and make good opening with brick;
- (xii) Drainage and all associated site development and ancillary works necessary to facilitate the development.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to condition. Condition 3 is relevant and states:

The development hereby approved shall incorporate the following amendments:

- (a) *The proposed balcony to the first floor apartment shall be omitted. The door to the rear (south) first floor elevation shall be replaced with a window, of the same proportions as the bathroom windows. No flat roof shall be used as a balcony or terrace without a prior grant of planning permission.*
- (b) *The proposed recessed porch shall be omitted, and the doorcase and fanlight opening shall be retained or replicated. A solid timber door, or part glazed timber door shall be provided.*

Reason: *In the interests of protecting the privacy and residential amenity of the neighbouring property at 20 Grattan Parade, and to protect the visual amenity to the street, and the character of the property.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO of Dublin City Council reflects the recommendation of the planning case officer.

3.2.2. Other Technical Reports

No objection subject to condition.

4.0 Planning History

There is no relevant recent planning history.

5.0 Policy and Context

5.1. Development Plan

The following policy objectives of the Dublin City Development Plan 2022-2028 are relevant:

- **Zoning**

The zoning objective is 'Z1'(Map E): *'to protect, provide and improve residential amenities'.*

Residential is a 12.ermisssible use.

- **Residential Extensions**

Appendix 18 (Ancillary Residential Accommodation), Section 1 (Residential Extensions) is relevant.

Section 1.1 (General Design Principles) *inter alia* states:

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, and the development should integrate with the existing building through the use of similar or contrasting materials and finishes.....

Applications for extensions to existing residential units should:

- *Not have an adverse impact on the scale and character of the existing dwelling*
- *Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight*
- *Achieve a high quality of design*
- *Make a positive contribution to the streetscape (front extensions)*

Section 1.4 is relevant and *inter alia* states:

There will be a general presumption against the development of rear balconies and roof terraces. However, in inner urban areas, where there are limited opportunities for ground floor amenity provision, innovative design solutions for private amenity space will be considered on a case-by-case basis where it can be demonstrated that provision of same would not have a significant adverse impact on the residential amenities of adjacent properties.

5.2. EIA Screening

5.3. The proposed development is not within a class where EIA applies.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant is resident in the adjoining property at no. 20 Grattan Parade. The grounds of appeal are summarised below:

- The appellant claims that men were working at no. 21 Grattan Parade on the 26th February, 2024. The appellant has submitted photographs annotated 4530/23 showing a blue skip, 'heras' type fencing and a "Glenbrier" construction van outside the subject property.
- It is claimed that the extension to the side of no. 21 Grattan Parade is not a pre-1963 construction and that it is in origin an 1980s build. There was a green open space between no. 21 Grattan Parade and no. 20 Grattan Parade before the construction of the western extension. It is claimed that no. 20 Grattan Parade was an end of terrace property before the extension was constructed.
- A letter is attached to the appeal statement from Carmel Campion-Moore (nee Foley), no. 7 Hollings Grove, Hillfields, Solihull, B913UH dated the 13th January, 2024 that confirms that the subject extension was not built during the residence of the writer between 1953 and 1968 and that no. 20 Grattan Parade was an end of terrace house at the time of residence.
- There is a central valley in the roof of no. 20 Grattan Parade and the rainwater from 7 houses runs along the appellant's roof and to the roof edge and to the gable wall facing no. 21 Grattan Parade. The existing rainwater drainage arrangement is shown in the enclosed Photograph 1 submitted with the appeal statement. The photograph illustrates the exposed gutter running from the central valley to the front of no. 20 Grattan Parade.
- The appellant expresses serious concern in the matter of the disposal of the rainwater from the central valley following the construction of the proposed development. An alternative rainwater drainage plan is not transparent to the appellant.
- The appellant approves the omission of the approved first-floor roof balcony by the planning authority. The appellant strongly objects to the first floor balcony and door to the balcony, as it would be 'a total invasion of privacy'.

6.2. Applicant Response

The applicant response summarised below is prepared by Manahan Planners, Town Planning Consultants, on behalf of the applicant.

- The property at 21 Grattan Parade is vacant and is in a derelict condition. The proposal is to refurbish the building, containing two existing self-contained one-bedroom apartments, in a manner that will result in the provision of two high quality residential units. The positive decision of the planning authority is welcomed. The applicant requests that An Bord Pleanála confirm the decision of the planning authority.
- The planning authority gave due care and attention in considering all aspects of the proposal. The planning authority concluded that the proposal would not be injurious to the residential or visual amenities of the area and is consistent with the development plan. The submission includes extracts from the planners report.
- Two of the concerns of the appellant the potential for structural damage of their property and the management of rainwater were comprehensively addressed in the response to additional information. The pre-1963 status of the existing two residential units was confirmed by clarification of additional information.
- The planning case officer had concerns regarding the impact of the proposed first floor balcony and accordingly inserted a condition for its removal. The applicant accepts this condition as such the applicant has not appealed the decision of the planning authority.
- In the matter of the issues under appeal raised by the owner of the neighbouring property.
 - It is acknowledged that a contract crew were on site on the 26th of February, 2024 for the purposes of clearing out material and debris from the premises in order to assist with the preparation of working drawings;

- o The applicant acknowledges that the extension to the rear was not part of the original build and was added during the 20th century. The property has been used as two separate units prior to 1963. A fact not disputed by the appellant;
- o The management of rainwater arising from the central valley was dealt with at additional information stage. The repair and refurbishment works proposed will be carried out to the highest construction standards. The appellant's property will be safeguarded by the refurbishment of the adjoining property including from the ingress of water.
- o The applicant has accepted the omission by condition of the first floor balcony.

6.3. **Planning Authority Response**

The planning authority request the Bord to uphold the positive decision of Dublin City Council. A condition requiring a Section 48 development contribution is requested.

6.4. **Observations**

None.

7.0 **Assessment**

- 7.1. The following assessment covers the points made in the appeal submission and encapsulates my overall consideration of the application. It is noted there are no new substantive matters for consideration.

Development proposal

- 7.2. The subject house at no. 21 Grattan Parade is in an advanced state of disrepair/decay. The applicant proposes to refurbish the existing house and curtilage in order to upgrade the two self-contained apartments on site. The development would *inter alia* require the demolition of the existing rear and side extension (west) and the construction of a new single-storey rear extension and a new part single / part two-storey side extension (west) accommodating a new stairs.

- 7.3. The applicant also proposes to replace the existing roof omitting the double hipped roof with central valley for a flat roof structure with a hipped roof profile to the front and rear elevations. Internal alterations include the removal of the existing staircase and the removal of the western chimney breast extant below roof level. External alterations notably include the removal of the main facade entrance doorway and fanlight.

Additional information response and clarification of additional information response

- 7.4. The additional information response (05/12/2023) clarified matters including potential impacts on no. 20 Grattan Parade, which is part of the subject matter of this appeal interrogated below. The clarification of additional information related *inter alia* to the pre-1963 status of the subject property. The clarification of additional information response (18/01/2024) confirmed that the property was in two units prior to 1963.

Site works

- 7.5; The appellant claims that men were working at no. 21 Grattan Parade on the 26th February, 2024. The appellant has submitted photographs annotated 4530/23 showing a blue skip, 'heras' type fencing and a "Glenbrier" construction van outside the subject property. The applicant response confirms that a contract crew were on site on the 26th of February, 2024 for the purposes of clearing out material and debris from the premises in order to assist with the preparation of working drawings in anticipation of a positive decision on appeal. I note on the day of my site visit there was no evidence of works commenced or being operational at the subject site.

Extension of no. 21 Grattan Parade

- 7.6. The applicant proposes to demolish the existing single-storey rear extension and the infill side extension abutting no. 20 Grattan Parade (west). I would concur with the planning case officer in the matter of the extension of no. 21 Grattan Parade to the rear and to the west onto the property boundary with no. 20 Grattan Parade. I do not consider that the proposed extension(s) would have undue overbearing or overshadowing impacts on neighbouring properties including no. 20 Grattan Parade.
- 7.7. The proposed extension of the property would provide for the rationalisation of the internal sub-division of the house improving the standard of accommodation on site. It is considered that the proposed extension of no. 21 Grattan Parade would be consistent with the design guidance provided by Appendix 18 (Ancillary Residential

Accommodation), Section 1.1 (General Design Principles) of the Dublin City Development Plan 2022-2028.

Legacy open space between dwellings

- 7.8. Furthermore, I do not consider that the evidenced fact (letter attached to the appeal statement from Carmel Campion-Moore (nee Foley), no. 7 Hollings Grove, Hill fields, Solihull, B913UH dated the 13th January, 2024) that the transition between no. 21 Grattan Parade and no. 20 Grattan Parade was a legacy open space is a material consideration given that the gap has accommodated an extension since the 1980's. However, I agree that rainwater management as it relates to the central valley of the streetscape to the west (south terrace nos. 20-14 Grattan Parade) of no. 21 Grattan Parade is a serious material consideration. This matter has been comprehensively addressed by additional information response.

Rainwater management

- 7.9. The additional information response submitted on the 05/12/2023 in the matter of Item 4 of the additional information request is relevant. The applicant was requested to provide details of any proposals regarding drainage of the roof valley of the neighbouring terrace (south terrace nos. 20-14 Grattan Parade). I have reviewed the response submitted by the applicant. I am satisfied that the submitted drawing(s) and narrative response addresses the matter of the proposed drainage of the central roof valley of the streetscape to the west of no. 21 Grattan Parade effectively, including the drainage of no. 20 Grattan Parade adjoining (see RFI.09 & RFI.10).

Impact on streetscape

- 7.10. The main two-bay facade of No. 21 Grattan Parade is similar to the neighbouring houses in the streetscape, which in general exhibit a dominant entrance doorway with fanlight and a single tall window opening. It is considered that the most significant alteration to the streetscape would be the removal of the entrance doorway and the replacement with an open vestibule providing a recessed porch giving access from within to the two separate residential units located at ground floor and first floor level respectively.
- 7.11. The planning authority following additional information and clarification of additional information granted planning permission subject to condition. Condition 3 of the permission amends the development requiring *inter alia* the omission of the recessed

porch. I consider that the retention or replication of the doorway and fanlight is appropriate in the interests of visual amenity. This matter can be dealt with by way of condition if a positive recommendation is recorded.

- 7.12. In the matter of the side (west) extension, I consider that the scale, massing, elevation finish and contemporary design approach proposed would represent a sensitive infill to the transition gap between the nineteenth-century facades of no. 20 Grattan Parade and no. 21 Grattan Parade.

Residential amenity..Qf_Qotential residents

- 7.13. I would concur with the planning case officer in the matter of the internal residential amenity of the proposed residential units. The development proposal is an application for the upgrade of the existing apartments on site and as such development standards for new apartments as contained in national guidance would not apply.

- 7.14. It is considered that the proposed internal reconfiguration of no. 21 Grattan Parade, to provide a two-bedroom unit (95 sqm.) at entrance level and a one-bedroom unit (38 sqm.) at first floor level and within the newly constructed roof space (studio format), and external refurbishment works including new-build extensions, fenestration and curtilage works, would represent a significant improvement in the residential amenity that would be enjoyed by potential occupiers.

First floor balcony

- 7.15. Finally, in the matter of the proposed first-floor balcony. Appendix 18 (Ancillary Residential Accommodation), Section 1.4 (Privacy & Amenity) states that there will be a general presumption against the development of rear balconies and roof terraces. The applicant has stated that he accepts the omission of the balcony as conditioned by the planning authority. The appellant strongly objects to the first floor balcony and door to the balcony. The appellant states that the balcony would be an invasion of privacy and supports the omission of same by the planning authority.

- 7.16. The planning authority omitted the first-floor balcony and door to the balcony by way of condition (Condition 3). However, the proposed first-floor balcony would be screened to the west and to the east by timber louvres. It would solely have an open south prospect with a line of vision toward the boundary with the laneway abutting to the south. The balcony would be located 1995mm and 3590mm from the west and

east boundary respectively. I consider that these are mitigating factors in the protection of privacy and amenity of neighbouring properties, including at no. 20 Grattan Parade.

- 7.17. Section 1.4 (Privacy & Amenity) states that in inner urban areas, where there are limited opportunities for ground floor amenity provision, innovative design solutions for private amenity space will be considered on a case-by-case basis where it can be demonstrated that provision of same would not have a significant adverse impact on the residential amenities of adjacent properties.
- 7.18. The potential nuisance that may result from the use of this dedicated out door area in terms of noise and other potential dis-amenity must be balanced with the residential amenity a south facing outdoor space would provide for the occupant(s) of the first floor residential unit. The development is located within an inner suburban neighbourhood proximate to the city core. The proposed balcony is modest in external floor area and would measure approximately 8 sqm. The residual flat roof above the ground floor rear extension would be an inaccessible green roof. On balance I would not concur with the planning case officer that the balcony should be omitted from the development.

Conclusion

- 7.19. In conclusion, the proposed development, comprising a two-bedroom unit at entrance level and a one-bedroom unit at first floor level (in studio format), subject to condition, would provide for the upgrade of two pre-1963 residential units at no. 21 Grattan Parade, a building in a derelict condition, would be consistent with Appendix 18 (Ancillary Residential Accommodation) of the Dublin City Development Plan 2022-2028 in the matter of residential extension, would not have an adverse impact on the residential amenities of adjoining properties, including no. 20 Grattan Parade adjoining, and as such would be consistent with the proper planning and sustainable development of the area.

7.20. **Appropriate Assessment Screening**

The proposed development comprises the refurbishment of an existing dwelling within an established urban area.

Having regard to the nature and scale of the proposed development, it is possible to screen out the requirement for the submission of an NIS.

8.0 Recommendation

- 8.1. I recommend a grant of permission subject to condition for the reasons and considerations set out below:

9.0 Reasons and Considerations

Having regard to the grounds of appeal, the applicant response and the Z1 residential zoning objective, it is considered that the proposed development, subject to condition, would provide for the upgrade of two pre-1963 residential units on site at no. 21 Grattan Parade, a building in a derelict condition, providing a two-bedroom unit at entrance level and a one-bedroom unit at first floor level, would be consistent with Appendix 18 (Ancillary Residential Accommodation) of the Dublin City Development Plan 2022-2028 in the matter of residential extension, would not have an adverse impact on the residential amenities of adjoining properties, including no. 20 Grattan Parade adjoining, and as such would be consistent with the proper planning and sustainable development of the area.


10.0 Conditions

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| 1. | <p>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 submitted on the 05 day of December 2023 and by the further plans and particulars received by the planning authority on the 18 day of January, 2024, 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: In the interest of clarity.</p> |
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| 2. | <p>Prior to the commencement of development the developer is requested to submit for the written agreement of the Planning Authority revised drawings providing for the following modifications:</p> <p>(i) The proposed recessed porch shall be omitted, and the doorcase and fanlight opening shall be retained or replicated. A solid timber door, or part glazed timber door shall be provided.</p> <p>Reason: In the interest of visual amenity and the protection of the character and integrity of the late nineteenth-century streetscape on the southside of Grattan Parade.</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>Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</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 800 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> |
| 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</p> |

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| | <p>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. The contribution shall be paid prior to the 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, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 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.</p> |
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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.



Anthony Abbott King
Planning Inspector

21 June 2024