

An
Bord
Pleanála

Inspector's Report ABP319227-24

Development

The development will consist of a single storey extension to rear and first floor extension to side of existing two-storey semi-detached dwelling.

Location

25 Merton Drive, Ranelagh, Dublin 6.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

4943/23.

Applicant(s)

Rachel Murray and Ronan Nulty.

Type of Application

Permission.

Planning Authority Decision

Grant of permission with conditions.

Type of Appeal

First Party

Appellant(s)

Rachel Murray and Ronan Nulty.

Observer(s)

One observation.

(1) Philip O'Rielly

Date of Site Inspection

20/06/24.

Inspector

Anthony Abbott King.

1.0 Site Location and Description

- 1.1. Merton Drive is a suburban residential street of semi-detached houses, which can be accessed from Albany Road, Cullenswood Gardens and the Sandford Road.
- 1.2. No. 25 Merton Drive is a two-storey semi-detached house with a side garage constructed circa.1930.
- 1.3. The site area is given as 319 sqm.

2.0 Proposed Development

- 2.1. The development will consist of a single storey extension to rear and first floor extension to side of an existing two-storey semi-detached dwelling.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to conditions. Condition 3 states:

Prior to the commencement of development the applicant shall submit for the written agreement of the Planning Authority revised plans with the following amendments:

- (i) *The flat roof amended to a pitched roof to match the existing roof.*
- (ii) *The external finish of the side extension to the front to be amended so as to match in material i.e. pebble dash first floor, and also in window size and position with the existing external façade of the dwelling. The existing quoining in the corner of the dwelling shall. E removed and replicated on the corner of the proposed extension.*

Reason: *In the interests of the visual amenity of the Z2 residential conservation area.*

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

The following planning history is relevant:

Under Register Reference 3849/23 planning permission was granted *inter alia* for a first floor extension to the front and side of no. 34 Merton Road. Condition 2 states:

Amendments be agreed in writing:

The side extension shall be revised as follows:

- i) The first floor side extension should be set back to align with the adjoining recessed portion of the front façade at first floor level.*
- ii) The roof of the proposed first floor extension should comprise a hipped roof profile to match the profile and eaves height of the main roof structure.*
- iii) The existing quoining on the corner of the dwelling shall be removed and replicated on the corner of the proposed extension.*

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings:-

Reason: In the interests of orderly development and visual amenity.

5.0 Policy and Context

5.1. Development Plan

The relevant local planning policy document is the Dublin City Development Plan 2022-2028.

Zoning

The relevant land-use zoning objective of the Dublin City Development Plan 2022-2028 (Map H) is Z2 (Residential Conservation): *To protect and/or improve the amenities of residential conservation areas.*

The proposed development is a permissible use.

The rationale for residential conservation area designation is that the overall quality of an area in design and layout terms is such that it requires special care in dealing with development proposals, which would affect structures both protected and non-protected in such areas. The objective is to protect conservation areas from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. In this regard development standards in conservation areas, Chapter 15 (Development Standards) of the Dublin City Development Plan 2022-2028 is relevant and states:

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.*

Furthermore, Policy BHA9, Chapter 11 (Archaeology & Built Heritage), Dublin City Development Plan 2022-2028 *inter alia* states:

To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives..... 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. Enhancement opportunities may include:

- *Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.*
- *Re-instatement of missing architectural detail or important features.*
- *Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns*
- *Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.*
- *The repair and retention of shop and pub fronts of architectural interest.*
- *Retention of buildings and features that contribute to the overall character and integrity.....*

Residential Extension

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

5.2. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

The substantive grounds of appeal are summarised as follows:

- The appeal relates to Condition 3 of the grant of permission, which requires *inter alia*, in the interests of the visual amenity of the Z2 conservation area, the submission of revised plans providing for two number amendments to the permitted first-floor extension including (i) the omission of a flat roof and the substitution of a pitched roof to match the roof of the existing dwelling and (ii) the requirement for the elevation finish to match in material, window size and position of the external façade of the building.
- The design approach to the client brief was to design a contemporary extension over the existing garage to provide an additional on-suite bedroom.
- No. 25 Merton Drive is the end house in a development of houses comprising nos. 25-51 constructed circ. 1930 – effectively no. 25 ‘bookends’ the subject

row of houses. Merton Drive in the location of the proposal curves slightly created a skewed shaped site. It is the change in axis of the streetscape that is thus created that influenced the design strategy of the extension of the dwelling house.

- The distance from gable to gable to no. 27 Merton Drive is approximately 8.6m. This gap in the streetscape and the shift in axis of the road way is we believe contextually appropriate to accommodate a contemporary solution that will not detract from the visual amenity and context of the house type.
- The first floor extension is brick faced and returns to partially clad the side elevation giving visual volume. The first floor addition is cantilevered (approximately 1.3m) over the garage wall below to provide a reasonable size en-suite bedroom above. The incorporation of a feature frameless glass corner window avails of optimum orientation.
- The continuation of the roof line and end gable will be visually top heavy and disproportionate to the existing elevation width / front gable width thus creating unnecessary bulk and mass to achieve the conditioned design solution. The appellant claims that the amendment of the extension as required by condition is not an appropriate design solution in this particular context.
- The amended first-floor extension structure would represent excessive loading to support on a cantilevered frame. It would also increase the construction cost considerably.
- Dublin city residential areas have numerous examples of contemporary additions that do not 'mimic' the existing house design to all manner of house types including protected structures. In support of the appeal a number of examples of design solutions where extensions visually compliment the streetscape, add visual interest and context as opposed to detracting from the receiving environment, are enclosed.

6.2. Applicant Response

N/A

6.3. Planning Authority Response

Dublin City Council acknowledges the submission of the appeal and requests the Bord to uphold the decision of the planning authority.

6.4. Observations

The observation from Philip O'Rielly, No. 68 Gandon Close, Harolds Cross , Dublin 6W is summarised below:

- Merton Drive is a 1930's development of unique houses located within a conservation area. The originality of the Merton Drive streetscape design is very much intact. The proposal would be a serious affront to the harmony, character and setting of the area and should not be permitted.
- The character and setting of Merton Drive is very much as it would have been when developed almost 100 years ago with brick at ground level and render style finish (pebble dash) at first floor level with uniform windows, doors and pitched roofs.
- All of the houses in the area present in combination a single entity of similar design, which are in harmony and unified coordination. It is of importance that the design, setting, character, ambiance and harmony of these houses be maintained and that deviation be avoided in order not to upset the uniformity of the historical development of the area.
- Extensions where proposed must adhere to the principles of proper planning and development respecting the setting, the character and the established architectural characteristics of the area. Good sensitive development is a basic requirement. This proposal does not meet the requirement by reason of its flat roof, brick first-floor façade and large off set window.
- The extension would be an eyesore, as it would be visually and architecturally incongruous with the receiving environment and would set an undesirable precedent for 'hotch potch' design solutions to extension of the building stock in the area. This would result in a total destruction of the historical homogeneity of the area.

- The appellant has provided a justification for the extension design. The observer claims these permitted 'seriously destructive developments' to existing buildings and streetscapes should never have seen the light of day. The observer claims If this is the design standard for extension / new build that is considered acceptable then the architectural law of the jungle clearly prevails. The observer encloses with the appeal statement annotated photographs, which he claims are examples of 'ugly modern structures'.
- Extensions should co-ordinate, be respectful of and have regard to the existing traditional setting and environment, and not declare its own independent statement with absolutely no regards to the surroundings, amenities, or environment both visual and architectural.
- The observer has submitted photographs enclosed with the observation providing claimed example of appropriate sensitive extension *inter alia* to houses on Merton Drive, which represent principally two-storey recessed side extensions with fenestration and material finish matching the main dwelling house.
- No. 34 Merton Drive is cited as an example of a permitted development where identical conditioning (Condition 2) was applied to the permission to regulate the external appearance of a side extension as has been applied to the subject permission (Condition 3).
- The observer is of the opinion to let the proposer have their extension subject to the conditions as laid down by the local authority.

7.0 Assessment

- 7.1. Having reviewed the application, the appeal and conducted a site visit, I consider that the only planning matter at issue in this case is Condition number 3 and that no other planning matters need to be considered by the Board. The condition the subject of this appeal is assessed below.
- 7.2. The applicant proposes *inter alia* to construct a first floor extension above the existing garage. The first floor would be cantilevered over the side wall of the garage by approximately 1.3m. The extension would have a flat roof. The first floor

extension would exhibit a brick finish to Merton Drive: the front elevation would have a brick finish and would return to partially clad the side elevation. The fenestration comprises a large corner window opening positioned at the junction of the first floor front and side elevations.

- 7.3. The planning authority required by way of condition (Condition 3) the redesign of the first floor extension to incorporate a pitched roof, the omission of the brick material finish in favour of a pebble dash finish at first floor level to match the existing finish of the main dwelling house and the standardisation of the fenestration to match the existing fenestration of the dwelling house.
- 7.4. The appellant's architects claim that the proposed extension is a contemporary response to the client's design brief. The appeal statement notes that no. 25 Merton Drive is the end house in a development of houses comprising nos. 25-51 Merton Drive constructed circ. 1930 – effectively no. 25 Merton Drive 'bookends' the subject row of houses.
- 7.5. The appellant explains that Merton Drive in the location of the proposal curves slightly creating a skewed shaped site. It is claimed that it is the change in axis of the streetscape thus created that influenced the design strategy of the extension of the dwelling house including the brick material finish to the first floor extension that returns onto the side elevation to create a contrasting visual volume. The incorporation of a feature frameless glass corner window avails of optimum orientation.
- 7.6. There is one number observer to the appeal. The observer claims *inter alia* that the proposed first floor extension is visually and architecturally incongruous given the harmony of the existing Merton Drive streetscape, which is a set-piece of 1930's suburban architecture located within a residential conservation area. The observer is of the opinion that the conditioning of the planning authority is appropriate. It is claimed the regulation of the permission by way of the subject Condition 3 would on balance prevent the development of an 'eyeshore' on Merton Drive evidenced in the extension's flat roof design, brick first-floor façade and large off-set window.
- 7.7. The observer cites a planning permission granted under Register Reference 3849/23 *inter alia* for a first floor front and side extension at no. 34 Merton Drive. I note that Condition 2 of this permission requires the amendment of the first floor extension in

the interests of orderly development and visual amenity. This condition is not identical to Condition 3 of the subject permission. It is nevertheless substantively similar in purpose. However, I do not consider that it would be appropriate for the regulation of the development at No. 34 Merton Drive to set a precedent for the regulation of the subject development for the reasons outlined below.

- 7.8. The architect response to the client brief and site context has created a visual statement incorporating a change in material finish, roof profile and fenestration. The concept is a 'bookend' to the southern extremity of the streetscape comprising nos. 25-51 Merton Drive. The rationale is the unique location of the first-floor extension positioned between the subject row of houses nos. 25-51 Merton Drive and the adjoining streetscape comprising nos. 5-23 Merton Drive. The extension to the side of the subject dwelling house is in part within the wedge shape of the site (accommodating the cantilever first-floor area of the first floor extension) created by the change in direction of the established building line on this section of Merton Drive (see photograph record).
- 7.9. Policy BHA9, Chapter 11 (Archaeology & Built Heritage) of the Dublin City Development Plan 2022-2028 *inter alia* provides that 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, including enhancement opportunities afforded by contemporary architecture of exceptional design quality. I consider that a contemporary design solution is a valid design response.
- 7.10. I note on the day of my site visit that the pattern of development in the area incorporates the side extension of dwelling houses in the streetscape. However, I consider that the cantilever of the extension out over the side wall of the garage would represent an atypical design feature in the streetscape. In consequence the incorporation of a pitched roof and the substitution of a material finish and fenestration to match the existing dwelling house, as required by Condition 3 of the permission, may create an incongruity given the atypical form of the first floor extension.
- 7.11. I consider that the standardisation of the elevation design with the main dwelling house and streetscape may result in a visually unsatisfactory hybrid design.

Therefore, I do not concur with the planning case officer that the first floor extension subject to amendment as provided for by way of condition would be in the interests of the visual amenity of the Z2 residential conservation area.

7.12. Appendix 18 (Ancillary Residential Accommodation), Section 1 (Residential Extension), Section 1.1 (General Design Principles) of the Dublin City Development Plan 2022-2028 *inter alia* provides guidance criteria for the assessment of residential extensions, which include the requirements that extensions 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).*

I consider that the proposed first-floor extension as submitted to the planning authority would in general satisfy the design guidance criteria. Furthermore, given the location of the proposal at a point in the streetscape where the established building line changes direction, I consider that the extension as submitted would align with the requirements of Policy BHA9, Chapter 11 (Archaeology & Built Heritage) of the Dublin City Development Plan 2022-2028, which *inter alia* seeks to enhance conservation areas through contemporary architecture of exceptional design quality in harmony with the conservation area.

7.13. In conclusion, I consider the rationale provided by the appeal statement supporting a contemporary design approach, leveraging the change in the direction of the established building line on Merton Drive in the location of proposed first floor extension, is valid. I conclude that the first floor extension as submitted to the planning authority by the applicant would satisfy guidance criteria for the design of residential extension. I conclude that Condition 3 should be omitted.

7.14. **Appropriate Assessment Screening**

The proposed development comprises the extension of an existing dwelling in 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.

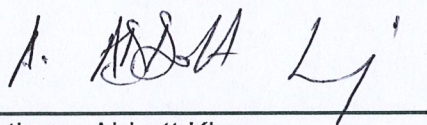
8.0 Recommendation

8.1. I recommend the omission of Condition 3.

9.0 Reasons and Considerations

Having regard to the grounds of appeal, the residential conservation zoning objective and the policy framework provided by the Dublin City Development Plan 2022-2028, it is considered that the proposed flat roof profile, front and side contrasting elevation treatment and fenestration of the first-floor extension located above the garage as submitted to the planning authority would satisfy the requirements of Appendix 18 (Ancillary Residential Accommodation), Section 1 (Residential Extensions), Section 1.1 (General Design Principles) and would align with Policy BHA9, Chapter 11 (Archaeology & Built Heritage) of the Dublin City Development Plan 2022-2028, which seeks *inter alia* to enhance the conservation areas through contemporary architecture of exceptional design quality in harmony with the conservation area, and as such would be consistent with the proper planning and sustainable development of the area.

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