



An  
Bord  
Pleanála

## Inspector's Report

ABP-320820-24

<b>Development</b>	Multi-storey rear extension and garden structure to the rear of the main house, together with internal remodelling.		
<b>Location</b>	25, Haddington Road, Ballsbridge, Dublin 4.		
<b>Planning Authority Ref.</b>	WEB 1335/24.		
<b>Applicant(s)</b>	David Kelly.		
<b>Type of Application</b>	Permission	<b>PA Decision</b>	Grant with conditions.
<b>Type of Appeal</b>	First Party v Condition of Permission	<b>Appellant</b>	David Kelly
<b>Observer(s)</b>	Philip O'Reilly		
<b>Date of Site Inspection</b>	26.11.2024.	<b>Inspector</b>	Des Johnson

## Context

### 1. Site Location and Description.

1.1 The site is located on the southeastern side of Haddington Road, approximately 100m north east of its junction with Baggot Street Upper. Haddington Lane is to the rear of the houses along this stretch of Haddington Road.

1.2 No.25 Haddington Road is a two storey over lower ground floor Victorian terraced dwelling. It has two-storey over lower ground floor extensions to the rear. The adjoining dwelling to the north east (No.27) has a two-storey over ground floor

extension to the rear. Houses along this stretch of Haddington Road have extensions to the rear varying in height, design and roof profile.

## **2. Description of development.**

2.1 The proposal is for development consisting of a four-storey rear extension and garden structure to the rear of the main house, together with internal remodelling.

2.2 The following floor areas are stated in the application:

- Buildings to be retained within the site: 210sqm
- New buildings proposed: 46sqm
- Total floor area of proposed development: 266sqm

The proposed plot ratio is stated to be 1.5, and the site coverage 51%.  
The site area is stated to be 177sqm.

2.3 The rear extension would provide the following accommodation:

- Bedroom and ensuite at lower ground floor level
- Open living at ground floor
- Bathroom at first floor
- Home office & linen at second floor.

A lightwell area is also proposed.

The proposed garden structure would include a garage and store.

2.4 Proposed finishes include coloured nap render, and aluminium framed doors and windows.

2.5 Further Information was requested on 16<sup>th</sup> May 2024, and submitted on 29<sup>th</sup> July 2024. This included a revised design at third floor level, including the replacement of a flat roof with a gable ended roof and the provision of two stepped back side dormers to provide internal ceiling height, the omission of external staircase, revision of internal layout at lower ground floor level, statement that the boundary wall with No.23 does not form part of the application, revision to the elevation facing No.23 so that the only glazing element facing the boundary wall is opaque glazing and non-opening, and omission of the proposed garden structure.

## **3. Planning History.**

3.1 None on file relating to subject site.

3.2 The following history relates to other properties on Haddington Road:

Ref: 4567/06 – Permission granted for demolition of existing two-storey over basement return and construction of a two storey over basement return, internal alterations and the provision of two car parking spaces to the rear of dwelling, and

associated site works including vehicular access to be provided to the rear at 27, Haddington Road.

Ref: 2664/08 – Permission refused for the demolition of existing garage, for the construction of a new 1 bedroom double storey, detached mews house of approx.. 62sqm. To include off road cycle/refuse storage, garden courtyard and associated site works at 29, Haddington Road.

Ref: 0248/96 – Permission granted for retention of modifications to extension incorporating bathroom, two velux windows in lean-to pitched roof at upper ground floor level to the rear at 31, Haddington Road.

#### **4. Planning Policy**

4.1 The Dublin City Development Plan 2022-2028 came into effect on 14<sup>th</sup> December 2022.

The site is in an area zoned Z2 Residential Neighbourhoods (Conservation Areas), with the objective 'to protect and/or improve the amenities of residential conservation areas.

14.7.2 Relates to Residential Neighbourhoods (Conservation Areas) – Z2. It is a general objective to protect areas from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.

11.5.3 Z2 Residential Conservation Areas and red lined conservation areas do not have a statutory basis in the same manner as protected structures or ACAs; they are recognised as areas that have conservation merit and importance and warrant protection through zoning and policy application. The Plan encourages development which enhances the setting and character of conservation areas.

Policy BHA 9 – Development within or affecting a Conservation Area must contribute positively to the character and distinctiveness of a Conservation Area and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Enhancement opportunities may include contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area, and the retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.

11.5.4 Refers to Ancillary Residential Accommodation.

#### **1.0 Residential extensions**

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

#### 4.0 Alterations at Roof Level.

Criteria considered in assessing alterations at roof level include careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures, existing roof variations on the streetscape, distance/ contrast/ visibility of proposed roof end, and harmony with the rest of the structure, adjacent structures, and prominence.

#### 5. Natural Heritage Designations

South Dublin Bay SAC and pNHA – c. 1.98km to East

South Dublin Bay & River Tolka Estuary SPA – c. 1.98km to the East.

### Development, Decision and Grounds of Appeal

#### 6. PA Decision

6.1 The Planning Authority decided, to grant permission subject to 9 conditions. In addition to a standard compliance condition (Condition 1), development contribution (Condition 2), external finishes (Condition 4), use of entire house as a single dwelling unit (Condition 5), construction hours (Condition 6), keeping adjoining street clear of debris etc, (Condition 7), noise level requirements (Condition 8), and drainage requirements (Condition 9), Condition 3, which is the subject of the 1<sup>st</sup> Party appeal reads as follows:

*The development shall be revised as follows:*

- (a) The proposed attic floor level of the rear return extension and associated dormers shall be omitted.*
- (b) The height and pitch of the rear return shall match that of the adjoining property no.27 Haddington Road.*
- (c) The proposed window in the rear elevation for the new bathroom shall be permanently glazed in obscure glass.*

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

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

6.2 The Planner's report states that there are several submissions made relating to overdevelopment and inappropriate design, excessive height, full width extensions have only previously been granted at ground level, negative impact on historic boundary wall with No.23, and unclear sound proofing details. The site is zoned Z2 'Residential Neighbourhoods' (Conservation Areas) with the objective 'To protect and/or improve the amenities of residential conservation areas'. Further Information is recommended to address design concerns.

Further Information was submitted on 29<sup>th</sup> July 2024. The Planner's report following the FI submission states that concerns remain regarding the retention of the third-floor level. The latest submission includes dormers either side of the pitched roof; this is not an adequate design response and the proposed level should be omitted by condition in the event of permission. It is confirmed that the boundary wall does not form part of the application, and glazed elements facing the boundary have been omitted with a revised side elevation drawing. The previously shown garden structure is now removed.

## **7. First Party Appeal.**

7.1 The 1<sup>st</sup> party grounds of appeal are against Condition 3(a) & 3(b) and their reason, and may be summarised as follows:

- Due to extensive random rear developments along the terrace, it is not now possible to create an orderly rhythm of development along the terrace. There are various heights and widths of extensions, with 4 examples breaking into the roof plane of the original house. There is a large dormer on the side of the rear return to No.39. Figures (3 & 4) are submitted showing the FI proposal, and the consequences of Condition 3(a) & 3(b).
- The revised roof design submitted by way of FI does not have any negative impact on the neighbours.
- The form of the FI proposal does not obscure the main ridge of the dwelling and is subservient to the main roof through step down in height and step back from gutters and gable. It provides for a habitable room in accordance with Regulations.
- The dormer structure (no glazed element) facing No.23 raises the roof profile only marginally. The structure is set back from the gutter line and set down from the ridge line. The outlook is not considered to have a negative impact on the property of No.23.
- The revised design as per FI does not contain any glazed elements overlooking No.23. There is no negative impact on No.27.
- The roof profile is on the north eastern side of No.23. Shadow analysis illustrates the lack of impact between the FI submitted design and the Condition 3 imposed design.
- The 1<sup>st</sup> Party was unable to make contact with relevant personnel in the Planning Authority before submitting FI.

## **8. Responses**

8.1 The Planning Authority request the Board to uphold the decision and, if permission is granted, to apply a condition requiring a Section 48 development contribution.

8.2 An Observation is submitted by Philip O'Reilly, 68, Gandon Close, Harold's Cross, and may be summarised as follows:

- The Board should uphold the decision. Condition 3(a) & 3(b) is reasonable, and mitigates against the serious excesses of the original proposal in terms of height, design, and size. The proposal, even after FI, is excessive and would have serious adverse and negative impact on neighbouring properties and on the area as a whole.
- It is not correct to say that, due to random developments along the terrace, it is not now possible to create an orderly rhythm of development.
- The proposal does not respect the character and setting of the original house, and overwhelms it significantly.
- None of the existing developments to the rear of the terrace break the main roof ridgeline of the terrace. Some should never have been permitted and should not set a precedent for unacceptable and poor developments.
- The proposal, without conditions, would overwhelm not only the parent building but neighbouring buildings and the entire terrace. Poor developments to the rear of houses on Upper Grand Canal Street should not be seen as a precedent.
- The dormer element is seriously visually obtrusive and results in an excessive roof profile height.

## **Environmental Screening**

### **9. EIA Screening**

The proposed development is not of a Class contained in Schedule 5 and, as such, the need for screening or EIA does not arise.

## **10. Assessment**

### **The Appeal**

10.1 This is a First Party appeal against a condition 3(a) & 3(b) of permission granted for development comprising a four-storey rear extension to the rear, together with internal remodelling at 25, Haddington Road, Ballsbridge.

10.2 The permission granted is subject to 9 conditions. Condition 2 refers to compliance with the plans, particulars and specification submitted, as amended by Further Information received on 29<sup>th</sup> July 2024. The Further Information significantly changed aspects of the proposed development, including a revised design at third floor level, with the replacement of a flat roof with a gable ended roof and the provision of two stepped back side dormers to provide internal ceiling height, and the omission of an external staircase.

10.3 I submit that the appeal should be considered under the following headings:

- Principle of Development

- Condition under Appeal
- Potential Impacts of Development
- Appropriate Assessment

## **Principle of Development**

10.3 The site is in an area zoned Z2 Residential Neighbourhoods (Conservation Areas), with the objective 'to protect and/or improve the amenities of residential conservation areas'. Other properties along this stretch of Haddington Road have rear returns, varying in height and design. Having regard to the zoning objective and the established pattern of development in the area, I consider that the proposed development, as amended by way of Further Information, is acceptable in principle, and that the appeal against Condition 3(a) & 3(b) should be determined under Section 139 of the Planning & Development Act 2000, as amended.

## **Condition under Appeal**

10.4 The appeal is against Condition 3(a) and 3(b). The relevant parts of Condition 3 read as follows:

- (a) The proposed attic floor level of the rear return extension and associated dormers shall be omitted.*
- (b) The height and pitch of the rear return shall match that of the adjoining property no.27 Haddington Road.*

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

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

## **Potential Impacts**

10.5 The Development Plan encourages development which enhances the setting and character of Conservation Areas. It is policy that development within or affecting a Conservation Area must contribute positively to the character and distinctiveness of a Conservation Area and, where possible, protect and enhance the character and appearance of the area and its setting.

10.6 The First Party contends that, due to extensive random rear developments along the terrace, it is not now possible to create an orderly rhythm of development along the terrace. It is argued that there are various heights and widths of extensions, with 4

examples breaking into the roof plane of the original house. The Observer contends that the subject Condition is reasonable as the permitted proposal without the Condition is excessive and would have serious adverse and negative impacts on neighbouring properties and on the area as a whole. The Observer argues that the proposal does not respect the character and setting of the original house, and overwhelms it significantly, and that none of the existing developments to the rear of the terrace break the main roof ridgeline of the terrace.

10.7 I submit that the character and distinctiveness of this Residential Conservation Area is primarily provided by the streetscape and the profile of the properties comprising the terrace. The rear of the terrace is not visible from Haddington Road, but is clearly visible from a short section of Eastmoreland Lane, and Haddington Lane which runs along the rear boundary of the Haddington Road terrace. Existing return extensions to the rear of the terrace vary in height, profile and design.

10.8. On balance I consider that the proposed four storey extension, by reason of its height and design, incorporating blind dormers either side if a pitched roof, would be visually obtrusive, would not contribute positively to the Residential Conservation Area, and would have a detrimental impact on the character and setting of No.25, and on the adjoining property to the south west (no.23, Haddington Road).

### **Appropriate Assessment**

10.9 I have considered the permitted development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in an established residential area, separated from designated European sites as detailed in Section 5 of this report. The proposed development consists of the construction of an extension to the rear of a terraced dwelling. No nature conservation concerns are raised. Having regard to the nature and scale of development, location in an existing residential area, and separation from and absence of connectivity to European sites, it is concluded 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 a European site.

### **Recommendation**

I recommend that the appeal be determined under Section 139 of the Act.

I recommend that Condition 3 (a) and 3 (b), and the Reason for its imposition be retained.



## **Reasons & Considerations**

Having regard to the height and profile of the proposed development, the location in a Residential Conservation Area, and to the established pattern of development in the area, it is considered that Condition 3(a) and 3(b) should be retained in the interests of visual and residential amenity, and to protect the character of the Residential Conservation Area.

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Des Johnson

Planning Inspector

03.12.2024.

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.