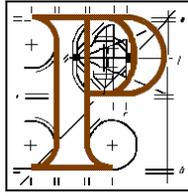


An Bord Pleanála



Inspector's Report

PL 29N.239379

Development

Description: Two-storey extension to rear of house, attic conversion with flat roofed dormer window to rear and all associated works.

Address: 26 Shandon Drive, Phibsborough, Dublin 7.

Planning Application

Planning Authority: Dublin City Council.

Planning Authority Reg. Ref.: WEB 1101/11.

Applicant: Ronan & Lisa Fox.

Type of Application: Permission.

Planning Authority Decision: Grant.

Planning Appeal

Appellant(s): (i) Christopher Hussey
(ii) Geraldine Dunne.

Type of Appeal: Third Party -v- Grant.

Observers: None.

Date of Site Inspection: 31/08/2011.

Inspector: Paul Caprani

1.0 INTRODUCTION

PL 29N.239379 relates to two third party appeals against the decision of Dublin City Council to issue notification to grant planning permission for the construction two-storey extension to the rear of a house together with an attic conversion and a flat-roofed dormer window to the rear of No. 26 Shandon Drive, Phibsborough, Dublin 7. The grounds of appeal are from both adjoining neighbours and argue that the proposed extension will adversely affect the residential amenity of adjoining houses.

2.0 SITE LOCATION AND DESCRIPTION

Shandon Drive is a mature residential street in the inner suburban area of Phibsborough in the north city. Shandon Drive together with adjoining streets (Shandon Park and Shandon Road) comprise of blocks of terraced two-storey red brick dwellings dating from the early part of the 20th century.

No. 26 is located on the northern side of Shandon Drive midway along the street and in the middle of a block of 12 terraced dwellings. It comprises of a two-storey structure six metres in width and just over seven metres in depth. There is presently no rear extension or rear return at the back of the dwelling. The rear garden is almost 16 metres in length and accommodates a decking area adjacent to the dwellinghouse and storage shed adjoining the rear boundary of the garden. A laneway runs to the rear of the dwellinghouses beyond which a private pitch and putt club is located.

The dwellinghouse to the immediate west, No. 28 incorporates a small single-storey extension to the rear. There is no rear extension on the adjoining house to the east, No. 24.

Currently the dwelling accommodates a dining/kitchen area to the rear of the structure at ground floor level with a sitting room and hallway located to the front of the house at ground floor level. The first floor accommodates three bedrooms and a separate bathroom.

3.0 PROPOSED DEVELOPMENT

Planning permission is sought for the construction of a two-storey extension to the rear. The extension at ground floor level is to accommodate an extended kitchen/dining area and extends to maximum depth of five metres.

At first floor level it is proposed to extend to a depth of 3.8 metres to accommodate a new master bedroom. The bedrooms at first floor level are to be reconfigured and a new family bathroom is to be located in the area currently occupied by bedroom no. 1.

It is also proposed to incorporate a new study/play den/ancillary storage area within the roof pitch of the dwellinghouse. This is described in the drawings as a non-habitable space due to the restricted head height. The attic area will incorporate a new flat roof dormer window in the rear roofpitch incorporating three windows.

The rear extension will rise to a maximum roof height of just over six metres and will incorporate a barrel-shaped roof pitch. The ground floor extension will have a gross area of 26 square metres, while the first floor extension will have a floor area of 18 square metres. It is proposed to reduce the floor level of the extension by c half a meter. The external elevations are to comprise of reconstituted brick while the barrel shaped-roof is to incorporate a cladding described in the drawings as a 'Rheinzink Standing Seam Roof'.

4.0 PLANNING AUTHORITY'S DECISION

The planning application was lodged on the first of June 2011. A covering letter submitted with the application indicates that the rationale behind the proposed development is to accommodate for an expanding family. There is also a necessity to store extensive work related products within the house as both the applicants are self-employed in the film and media industry.

Two letters of objection have been submitted from the contiguous houses on either side, the contents of which have been read and noted.

A report from the Engineering Department, Drainage Division stated that there was no objection subject to conditions.

The planner's report notes that there have been previous grants of planning permission for two-storey extensions along the road and thus it is considered that a precedent has been set for this type of development. It is considered having regard to the narrow plot form and the relative shallowness of the plots relative to adjoining houses on Shandon Park, that a reduced size extension would be appropriate on the site with the first floor projecting by three metres maximum at first floor level. It is considered that the proposed extension while contemporary in design will complement the existing dwelling and would be acceptable. It is considered that the proposed development would not have adverse impact on the amenities enjoyed by the occupants of adjacent buildings having regard to the size, location and orientation of the extension. Likewise the proposed dormer window at attic level is deemed to be acceptable. It is also noted that recent An Bord Pleanála decisions have permitted the development of dormer extensions of this nature. It is considered however that the amount of glazed area (window) should be reduced so as not to exceed 2.5 metres in width in order to reduce the visual impact of the structure.

The changes outlined in planning report were incorporated in the final decision by way of condition no. 2 of the grant of permission dated 25th July, 2011.

5.0 PLANNING HISTORY

There appears to be no planning history associated with the appeal site. However the planner's report makes reference to the extensive planning history on nearby sites. These include a number of two-storey extensions to the rear of dwellings at Shandon Drive and Shandon Park. Reference is also made to grants of planning permission for flat roof dormer window extensions in the rear pitch of dwellinghouses both at Shandon Drive and to a greater extent Shandon Park. These are briefly outlined below.

Under Reg. Ref. 4805/08 planning permission was granted for the construction of a two-storey extension and a single-storey extension to the rear of No. 58 Shandon Park. Planning permission was granted subject to 7 conditions on 29th January, 2009.

Under Reg. Ref. 3783/09 planning permission was granted for a two-storey extension to the rear of 17 Shandon Drive. Planning permission was granted on 15th October, 2009 subject to 6 conditions.

Under Reg. Ref. 4441/09 planning permission was granted for a two-storey and single-storey extension to the rear of No. 46 Shandon Drive subject to 7 conditions. The decision date was the 8th February, 2010.

Under Reg. Ref. 3090/10 planning permission was granted for the development of a flat roofed dormer roof window to the rear of No. 60 Shandon Drive. The development is a modification of the design of the dormer as conditioned under condition No. 2 of Reg. Ref. 4149/09. Planning permission was granted subject to 2 conditions on 27th September, 2010.

Under Reg. Ref. 2645/08 planning permission was granted for an extension and alteration to an existing two-storey dwelling at 65 Shandon Park. The extension included the provision of a part two-storey and part single-storey flat roofed extension to the rear of the dwelling. Planning permission was granted subject to 7 conditions on 17th June, 2008.

6.0 GROUNDS OF APPEAL

Two separate appeals were submitted by the neighbouring houses adjoining No. 26 Shandon Drive. The issues raised in both appeals are set out below.

- The proposal will impact on sunlight penetration to both rear gardens.
- The width of the extension will result in the overhanging of guttering which could impact on the development potential of adjoining property.

- The excavation of ground levels to the rear of the dwelling could impact on boundary walls and the structural integrity of such walls.
- One of the appeals argues that there is no precedent for this type of extension in the area while the second appeal argues that, while precedence has been set for two-storey extensions in the area, these extensions are of a modest scale.
- The proposed dormer window at second floor level would interrupt the unbroken rear roof pitches along this block of terraced dwellings.
- Reference is also made to previous decisions by An Bord Pleanála and Dublin City Council which refused planning permission for similar type extensions. The proposed development is not materially different from those previously refused.
- In light of previous decisions by the Board, any dormer window should be set back 1 metre from the boundary wall of adjoining dwelling.
- The proposed development will give rise to overshadowing.
- The proposal will give rise to overlooking particularly as the appellant residing at No. 28 Shandon Drive has incorporated velux windows in her roof extension. It is suggested that the proposed extension will result in a situation where the applicants will be able to look down into this room through the velux windows.
- The proposal constitutes an overdevelopment of this site and will have an overbearing impact on adjoining properties.
- There is no precedent for the development of the size and scale on this terrace of dwellings.
- The design of the development is out of character with the area and does not harmonise with the design of the existing dwellinghouses at Shandon Drive. This will result in a reduction of property values. The design is not appropriate for residential conservation areas and therefore is contrary to the policies set out in the Development Plan.
- If the Board deem it appropriate to grant planning permission for the proposal it should be a single-storey development only.

7.0 APPLICANTS' RESPONSE TO GROUND OF APPEAL

It is stated that the applicants have three young children and thus the house requires a significant redesign to meet these changing needs. The design approach seeks to minimise insofar as possible the impact of any development on adjoining neighbours. The overall design approach including the excavation of the site to the existing sub floor level together with the fall off in levels to the

rear of the building have resulted in minimised eaves height which will not result in any loss of evening or morning light to the immediate contiguous properties. The appellants' concerns regarding the technical and structural – non-planning issues are noted and will be fully taken on board and addressed during the construction stage of the project.

The Planning Authority have fully recorded and noted the grounds of objection submitted to it and it is contended have fully taken these concerns into consideration in assessing the proposal. It is stated also that the planner's report clearly and correctly recorded the planning history of developments in the area. Both the Planning Authority and An Bord Pleanála have specifically listed precedence for similar developments in the area.

With regard to the scale and bulk of the proposed extension it is stated that the rear extension as proposed is only 44 square metres over two floors and is very much in line with similar developments previously granted. The size of the proposal is only marginally above the exempted development thresholds. The proposal also complies with the Z2 zoning objective in the Development Plan. The extension has been designed so as to minimise overshadowing and overlooking.

8.0 APPEAL RESPONSES

A further submission was received on 5th September, 2011 from Christopher Hussey, one of the third party appellants. This submission supports the submission of the other appellant (Geraldine Dunne) and in particular the concerns expressed in relation to the stability of walls which could be undermined as a result of the works undertaken.

9.0 DEVELOPMENT PLAN PROVISIONS

The site is governed by the zoning objective Z2 "To protect and/or improve the amenities of residential conservation areas".

Section 15.10.2 of the Development Plan states that residential conservation areas have extensive groupings of buildings and associated open spaces with attractive quality of architectural design and scale. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.

Section 17.9 of the Development Plan sets out standards in relation to residential development. The importance of aspect, natural lighting, ventilation and sunlight penetration are highlighted as being a very important consideration in determining applications which affect a residential amenity. Reference is

made to the BRE Guidelines (1991) in relation to daylight and sunlight penetration.

Section 17.9.8 of the Development Plan sets out guidelines in relation to extensions and alterations to dwellings. 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 shall be followed as closely as possible, the extension should integrate with existing building through the use of similar finishes and windows. Applications for planning permission to extend dwellings will be granted provided that the proposed development

- has no adverse impact on the scale and character of the dwelling,
- has no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.

Further details in relation to extensions as set out in Appendix 25 of the Development Plan.

In relation to contemporary extensions it is stated that Dublin City Council supports good contemporary designs. These are from more imaginative solutions and contrasts to a traditional building. Contemporary solutions should not detract from the character of an area and undeniably if well designed can make a positive contribution to the streetscape and character of the area.

Appendix 25 also offers design guidance on roof extensions including dormer type extensions. It states that if not treated sympathetically, dormer extensions can cause problems for immediate neighbours and in the way the street is viewed as a whole. The dormer should reflect the character of the area, should be visually subordinate to the roofslope enabling a large proportion of the original roof to remain visible.

10.0 PLANNING ASSESSMENT

I have visited the site and read the entire contents of the file and particular regard to the issues raised in the grounds of appeal. I consider the following issues to be pertinent in determining the application and appeal.

- Sunlight and Overshadowing Issues
- Design Issues
- Precedent
- Previous Decisions by Dublin City Council and An Bord Pleanála
- Overlooking
- Overdevelopment of the Site
- Oversailing of Adjoining Property

With regard to sunlight and overshadowing issues I acknowledge that a two-storey structure such as that proposed will give rise to some overshadowing of the rear gardens of adjoining properties. However the elevation onto which the proposed extension is to be constructed is north facing therefore the impact will not be significant. The rear garden of No. 28 will be slightly affected particularly in the early mornings. I note however that there is a single-storey extension to the rear of this dwelling and therefore due to the projecting building line any impact on the elevation of the house would be negligible. Any impact would be restricted to the rear garden area and would negligible. In the case of No.24 the main impact will occur during evening time and will again most likely affect the rear garden of the dwelling. I would reiterate that these gardens are north facing and as such would not receive significant amounts of sunlight penetration for long periods of the day particularly outside the summer period. The reduction in the depth of the first floor to 3 metres will also reduce the impact in terms of overshadowing and sunlight penetration.

Any impact on adjoining amenity, however slight must be balanced against the domestic needs of a growing family in terms of accommodation.

With regard to design issues I do not consider that the contemporary nature of the extension is inappropriate at this location. The location of the extension to the rear of the house will ensure that the works will not detract from the general streetscape along Shandon Drive. It is also clear from Appendix 25 in the Development Plan that contemporary designs in the form of alterations and extensions to existing houses are generally acceptable in principle subject to meeting criteria, there is not a presumption against contemporary extensions. The Development Plan notes that contemporary or modern approaches using unique designs can offer a more imaginative solution in contrast to the traditional building. The extension is appropriate in terms of its size and scale and in terms of height remains ancillary to the overall building. The incorporation of a zinc clad barrel shaped roof together with the use of reconstituted brick is not inappropriate in my view.

It is also clear from Figure 8 of Appendix 25 of the Development Plan that a small sized dormer window designed to reflect the existing window pattern in the area is deemed to be acceptable within the roof pitch. Again the fact that the dormer window is located on the rear of the roof pitch will reduce the visual impact.

I acknowledge that currently there is no dormer window to the rear of the dwelling on the north side of Shandon Drive however it is apparent from my site inspection and from photographs submitted with the application which indicate that a number of similar dormer type extensions in the roof pitch are apparent on houses in the vicinity. It is also apparent that many attic conversions have taken place including an attic conversion on the adjoining dwelling at No. 24 where velux windows are incorporated into the roof pitch. I would not accept the argument therefore that the roof pitches to the rear of the dwellings at Shandon Drive in the vicinity of the site are in any way pristine from a conservation point of view. If the Board consider it appropriate it could consider reducing the overall width of the dormer flat roof extension. The width

of the dormer extension as proposed is 4 metres. A reduction in width to 3 metres might be more acceptable and in accordance with the dimensions indicated as being acceptable in Figure 8 of Appendix 25 of the Development Plan.

In terms of precedent one of the grounds of appeal argues that both An Bord Pleanála and Dublin City Council have refused planning permission for largescale extensions to the rear of dwellings in the vicinity of the site. The refusals referred to date from the 1990s. It is evident from the planner's report that there are many examples including more recent examples where planning permissions have been granted in more recent times for two-storey extensions in the general area. I note that a two-storey extension was granted permission to the west of the site at No. 46 Shandon Drive. Having inspected the wider area I noted that there are number of examples of two-storey extensions to the rear of dwellings. Thus one of the appellants is incorrect in suggesting that there is no precedent for such development in the general area. I would also refer the Board to the photographs attached to this report one of which illustrates the size and scale of a two-storey extension almost opposite the appeal site on the south side of Shandon Drive. It is clear from this development that precedence exists for large scale two-storey structures to the rear of dwellings.

With regard to overlooking I do not consider that the proposed development will give rise to levels of overlooking over and above that which already exists on site. It is not proposed to incorporate any windows on the sides of the extension directly overlooking either of the appellants' rear garden. A top lit lightwell is proposed to provide natural illumination into the central portion of the dwelling. Having regard to the fenestration arrangements and particularly to the fact that no windows are located on the western elevation of the extension, there is no possibility of overlooking through the velux windows located on the roof of the single-storey extension to the dwelling to the west.

With regard to the contention that the proposed development will result in the overdevelopment of the site the footprint of the extension extends to a maximum of 5 metres into the existing rear garden. This results in a residual rear garden length of almost 11 metres and leaves a rear garden area of c.60 metres (including the removal for storage shed at the rear of the garden as indicted on Drawing 0005). This is deemed to be adequate. The footprint of the proposed extension represents c.30% of the floor area of the existing garden. In this regard the proposed extension cannot be deemed to be excessive. It is also suggested that the size and scale of the proposed development will have an overbearing effect on adjoining properties. It is clear from the sectional drawings that the height of the proposed two-storey extension will not exceed the parapet height of the external walls of the dwelling. The maximum height of the proposed extension will be c.2.5 metres below the ridge height of the existing dwelling. The reduction in the depth of the master bedroom to a maximum of 3 metres will also help reduce the perceived size and scale of the extension. I do not consider that the proposed extension will have an overbearing effect on adjoining dwellings.

With regard to the issue of guttering oversailing adjoining properties it is apparent from the drawings submitted and in particular section A5 that the guttering will be replaced directly above the external walls of the extension and therefore will not oversail the adjoining property. If the Board deem it appropriate this can be specified by way of condition. As development will be contained within the curtilage of the dwellinghouse the proposed development will not impact on the development potential of either the adjoining dwellings.

Finally concerns are expressed that the proposed works could impact on the structural integrity of the party walls. There is no evidence to suggest that the works intended to be carried out including the proposed excavation of approximately half a metre below ground level will impact on the structural integrity of the adjoining walls. Engineering measures can be undertaken to ensure that the stability of party walls remain intact.

With regard to the issue of development contribution I note the attachment on file in relation to special/supplementary contributions. It appears that the site is located within the catchment area for the Metro North proposal. However it is clear from the Supplementary Development Contribution Scheme adopted by Dublin City Council that any development contribution does not extend to developments concerning extensions or alterations to existing dwellings. Therefore I do consider that a supplementary contribution is required in this instance.

11.0 CONCLUSION

Arising from my assessment above I consider the proposed development to be in accordance with the proper planning and sustainable development of the area and will not give rise to significant residential amenity issues which would warrant a refusal of planning permission in this instance. It is appropriate that the occupants of No. 26 Shandon Drive be permitted to extend their dwellinghouse in order to accommodate a growing family and I consider that the proposed extension in this instance is acceptable from a design point of view and it is also acceptable in terms of its impact on adjoining amenity. I therefore recommend that planning permission be granted for the proposed development.

12.0 DECISION

Grant planning permission for the proposed development in accordance with the plans and particulars lodged and based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having regard to the size and scale of the proposed extension and the precedence set by similar type extensions in the surrounding area, it is considered that the proposed development would not seriously injure the amenities of the area or property in the vicinity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The development shall be revised as follows:
 - (a) The first floor element of the extension accommodating the master bedroom shall be restricted to a depth of 3 metres from the existing rear wall of the upper floor of the house.
 - (b) The flat roof dormer window proposed at attic level shall be reduced in width from 4 metres to 3 metres.
 - (c) The area of glazing in the dormer shall have a maximum width of 2.5 metres.

Revised drawings indicating the above changes shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interest of visual amenity.

3. Details of the materials, colours and textures of all external finishes to the extension shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

4. The house and extension shall be used as a single dwelling unit only and the attic shall not be used for habitable accommodation.

Reason: In the interest of orderly development.

5. The site and building works required to implement the development shall only be carried out between the hours of Mondays to Fridays 7 a.m. to 6 p.m., Saturday 8 a.m. to 2 p.m. and on Sundays and Bank Holidays not at all.

Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

**Paul Caprani,
Senior Planning Inspector.**

10thxOctober, 2011.

rk/sg