



An Bord Pleanála

Development: Extension to house at 12 Sarsfield Street,
Phibsborough, Dublin 2.

Planning Authority: Dublin City Council

Planning Authority Reg. Ref: 3140/12

Applicant: David Power

Type of Application: Permission

Planning Authority Decision: Grant

Planning Appeal

Appellant(s): James Hannon

Type of Appeal: 3rd-v-Grant

Site Inspection: 27th June 2013

Inspector: Colin McBride

1. SITE DESCRIPTION

- 1.1 The appeal site, which has a stated area of 140sqm, is located to the north of Dublin City Centre and just south west of the Mater Hospital. The appeal site is one of a terrace of two-storey split level dwellings along Sarsfield Road. The dwelling is a mid-terrace dwelling and is attached to no. 11 to the west and no. 13 to the east. There is a single-storey extension and outbuilding located along the eastern boundary to the rear of the site. Existing boundary treatment consists of existing block walls. A laneway runs to the rear (south) of the dwellings fronting Sarsfield Road and also provides rear access to the dwellings fronting O'Connell Avenue further to the south.

2. PROPOSED DEVELOPMENT

- 2.1 Permission is sought for demolition of an existing single-storey extension and the construction of a part two-storey and part single-storey extension to the rear. The two-storey extension is to accommodate part of the kitchen at ground floor level and a bathroom at first floor level with the bulk of the extension being single storey and accommodating the remainder of kitchen and dining and living room. The proposed extension has a total floor area of 129sqm. The two-storey portion of the extension has a ridge height of 10.8m at its highest point with the single-storey portion of the extension having a ridge height of 5.4m at its highest point. The finished floor level of the dining/living portion of the rear extension is to be sunken to allow use of part of the roof area of the extension as a terrace area and part of the open space area to the rear of the dwelling. This terrace area has a finished floor level of 1.5m above the ground level of the garden to the rear of the dwelling with steps down to an area of open space being retained as a courtyard. External finishes consist of sand/cement render, cedar timber sheeting and glazing. The extension has a flat roof profile. A small area of open space is to be retained along the rear boundary where there is pedestrian access to a laneway as well as this area facilitating access from the extension to the roof terrace above the living area. The proposal also entails considerable reorganisation of the internal layout of the existing dwelling.
- 2.2 The proposal was modified in response to further information request with the main changes being the provision of a part two-storey and part single-storey extension with the omission of the sunken dining/living roof and the omission of the raised roof terrace. The approved extension provides for an L-shaped extension running along the eastern and southern boundary of the site with a courtyard area for open space. The single-storey portion of the extension features a sloped roofflight.

3. LOCAL AUTHORITY AND EXTERNAL REPORTS

3.1

- a) Drainage Division (04/10/12): No objection subject to conditions.
- b) Planning Report (22/10/12): Further information was requested including concerns highlighted regarding the scale and design of the proposal and the proposed roof terrace in the context of overlooking and privacy issues.
- c) Planning report (22/02/13): The revised proposals submitted in response to further information were noted and it was considered that the development was generally acceptable subject to a condition omitting a larger rooflight. A grant of permission was recommended subject to the conditions outlined below...

4. DECISION OF THE PLANNING AUTHORITY

- 4.1 Permission granted subject to 8 conditions. Conditions are standard in nature.

5. DEVELOPMENT PLAN POLICY

- 5.1 The relevant plan is the Dublin City Development Plan 2011-2017. The site is zoned Z2 with a stated objective 'to protect and or improve the amenities of residential conservation areas'. Section 17.9.8 deals with Extensions and Alterations to Dwellings and Appendix 25 sets out the Guidelines for Residential Extensions.

6. PLANNING HISTORY

- 6.1 No planning history.

7. GROUNDS OF APPEAL

- 7.1 A third party appeal has been lodged by James Hannon, No. 41 Sarsfield Street, Dublin 7. The grounds of appeal are as follows...
 - The appellant notes concern regarding the proposal in the context of the Z2 zoning objective, in particular having regard to the amenities of adjoining properties and not being sympathetic to the style and character of the existing Victorian dwellings at this location.

- The design of extension is not subordinate to the existing dwelling as recommended under Appendix 25 of the City development Plan and is problematic in regards to plot ratio and site coverage.
- The extension would be visually intrusive and contrary policy H13 of the Dublin City Development Plan, would be injurious to residential amenity and devalue adjoining property.
- The appellant owns both no.s 11 and 13 adjoining the site and notes the extension would have an adverse impact on daylight and sunlight levels within the garden serving these dwelling (in particular no. 11). The proposal would have an adverse impact upon privacy at no. 11.
- The appellant notes the loss of amenity space to the of the existing dwelling and loss of access to the laneway to rear would have an adverse impact upon residential amenity.
- The outlook form the appellant's property (no. 11) will be impacted upon negatively.
- The two-storey portion of the extension will create a valley between no.s 12 and 13 and will be difficult to maintain.
- The pitched roof element of the extension adds considerable height having an adverse impact in regards to loss of light.
- The appellant is critical of the fact that the design of the approved development is significantly different than originally submitted and was revised as a result of a further information request with no opportunity for the appellant to make observations on the revised proposals (Article 35).

8. RESPONSES

8.1 Response from The Planning Partnership on behalf of the applicant, David Power, No. 12 Sarsfield Street, Phibsborough, Dublin 7.

- It is noted the development is permitted within the Z2 zoning objective, is modest and subordinate in scale relative to the existing dwelling and would be acceptable in the context of the character of the dwelling and the surrounding area.
- The applicant notes that policy H13 refers to the previous City Development Plan with policy Fc27 being the equivalent under the current City Development Plan. It is noted that the fact the extension is located to the rear means the proposal does not have an adverse impact upon streetscape and the architectural character of the area.
- The applicant reiterates that the proposal is subordinate in nature to the existing dwellings and the proposal represents a 17sqm increase in floor area over the existing dwelling and a 25% increase in the ground floor area.
- It is note that the proposed extension will have no adverse impact upon daylight and sunlight levels conditions regarding existing habitable rooms within the adjoining properties.

- The applicant reiterates that the proposal will not impact upon sunlight where the protection of sunlight to gardens is not protected by guidelines or policy rather habitable room windows only. It is noted that the height and design of the proposal in conjunction with its orientation will not impact adversely on either no.s 11 or 13 in regards to loss of light to habitable rooms or any unacceptable loss of daylight or sunlight to open space areas.
- The proposed development will not impact upon privacy with the only first floor window serving the bathroom with no overlooking of habitable rooms. It is noted that the proposal would result in no loss of privacy for the adjoining properties.
- It is noted that the level and usability of amenity space retained is satisfactory and in keeping with the pattern of development locally and similar to that recommended under published guidance.
- The lack of access to the laneway is a personal choice and not a planning consideration.
- In regards to impact on the appellant's outlook it is noted that the extension will not appear dominant or overbearing from the appellant's property and it is noted that such rear extensions are prevalent in the local area.
- In regards to the creation of a valley between no.s 12 and 13 it is noted that such is not a planning issue or reason to prohibit the development.
- The angled rooflight would have no adverse impact on residential amenity either through overlooking or overshadowing.

9. ASSESSMENT

Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Design, scale, residential amenity

9.1 Design, scale, residential amenity:

9.1.1 The main issue under this appeal relates to the overall design and scale of the approved development and its overall impact in regards to residential amenity of adjoining dwellings. The original proposal was modified as a result of a further information request raising concerns regarding a raised terrace area and overlooking. I would concur with The Council's view that the original proposal featured a raised terrace area which would have resulted in overlooking of the adjoining property to the west. The approved development provides for a part two-storey extension and part single-storey extension to an existing two-storey dwelling. The extension has been concentrated along the eastern and southern boundaries of the site. In terms of scale the two-storey portion of the extension is modest in scale and projects 3.7m out from the rear building line of the two-storey dwelling and is only 3m in width. This portion of the extension is located away from the western site boundary where the site adjoins no. 11. The extension is located abutting a two-storey annex attached to the rear of no. 13 to

the west and is in keeping with the scale of the existing development located on the adjoining site to the east (no. 13). The only window at first floor level of the extension faces to the rear as per the established pattern of development. The modest scale of the first floor extension, its relationship to adjoining dwellings including its similarity in scale to existing development on the adjoining site to the east (no. 13), mean that this aspect of the proposed development would have no significant or adverse impact on the residential amenities of adjoining properties, would result in no loss of privacy or result in any loss of sun lighting or day lighting levels to adjoining properties or any significant degree of overshadowing of adjoining properties.

9.1.2 The bulk of the proposed extension is single-storey and wraps around the eastern and southern boundaries leaving a courtyard area adjacent the western boundary. The single-storey element has a parapet level of 2.9m at its highest point where it immediately adjoins the boundary with no.s 11 and no. 13. The extension does feature a sloping roof light which increases the ridge height by 1m at its highest point however this is stepped away from the boundaries with the adjoining properties. I would consider that the approved extension has been designed in a manner which maximises the amount of internal space while taking into account the amenities of adjoining properties. In regards to its relationship with the dwelling to the east (no. 13), it is important to note that the proposed extension replaces a number of existing structures that are located immediately adjoining the eastern boundary for nearly its entire length. I am satisfied that the overall scale of the approved extension in terms of its height, is not dissimilar to the level of existing development located along the eastern boundary of the site and the overall design and scale of the proposed extension relative to the dwelling to the east (no. 13) would have no adverse or significant impact over and above that of the existing situation in regards to impact on privacy, daylight and sunlight levels and general overshadowing.

9.1.3 The approved extension has a different relationship in regards to the dwelling to the west (no. 11) with the only part of the extension immediately adjoining the western boundary of the site. This is the portion of the extension located adjacent the end of the garden area associated with no. 11 and runs a length of 5.6m with a parapet height of 2.9m. Given the relationship between the extension and the rear amenity space associated with no. 11, the layout and scale of the extension would have no significant or adverse impact on sun lighting or day lighting levels in respect of the habitable rooms associated with no. 11 and the extension has been designed in such a way that it provides a high degree of separation from the rear of the dwelling at no. 11. I am also satisfied that the single-storey scale of the extension would be satisfactory in regards to its general impact relative to the amenity space associated with no. 11. I am satisfied that the scale of the extension is satisfactory and would not have an overbearing impact or result in a significant or adverse level of overshadowing. In regards to the issue of privacy the single-storey nature of the bulk of the extension and existing boundary treatment prevent any loss of privacy or

overlooking (I have already assessed the two-storey portion of the extension above). I do not consider that there are any concerns regarding the provision of the sloped rooflight with such providing for additional light levels within the extension and not providing for any direct overlooking of adjoining properties. The scale of this rooflight is subordinate to the scale of the extension and is stepped away from the boundaries of adjoining properties. I am satisfied that the design and scale of the proposed extension is acceptable in regards to the residential amenities of adjoining properties. I am also satisfied that proposal would be consistent with the zoning objective for the area and in accordance with the Development Plan standards set down under Section 17.9.8 and Appendix 25.

9.1.4. The appellant raises concerns regarding the style of architecture proposed and its impact upon the character of the existing structure and the surrounding area. The extension is to a period dwelling which is located in an area zoned Z2. The zoning of the site does acknowledge the character of the dwellings in the area. The proposed extension is located to the rear and as a result has no significant or perceptible impact upon the overall visual character of the area. Notwithstanding the contemporary nature of the extension, it is subordinate in nature to the existing dwelling and does not diminish the character of the existing dwelling or the intervening area. The appellant also raises concerns regarding the impact of the extension on the outlook from the rear of his property (no. 11). I do not consider that a change in the appellant's outlook is a planning consideration. As noted earlier the design and scale of the proposed extension is acceptable in regards to Development Plan policy, to its impact in the context of the visual amenities of the area and the residential amenities of adjoining properties. In this regard I consider that the proposed development would be acceptable in the context of the proper planning and sustainable development of the area.

9.1.5 The appellant notes that the level of amenity space left with the dwelling is not sufficient. The approved development provides for an area of approximately 39sqm of rear amenity space. The existing dwelling is a two bedroom unit and the proposed dwelling is being retained as a two bedroom unit with a larger amount of living space. I am satisfied that the proposed extension provides for an improved level of residential amenity for the future residents as a result of the increase of quality living space and the fact that such is well served in to regards natural light. I am also satisfied that the amenity space provided is sufficient in size, is well defined and accessible in relation to the living space of the dwelling and satisfactory in the context of the location of the dwelling within an inner city area. The proposal has a plot ratio of 0.8 which falls within the indicative standards set down for Z2 zoning under section 17.4 of the City Development Plan (0.5-2.0). The proposal has a high level of site coverage at 72% and would be in excess of the indicative level of 45% set down under section 17.4 of the City Development Plan. It is noted that these are indicative standards and consideration will be given to higher levels in certain circumstances. I consider

based on the fact that overall design is well thought out and provides for a high quality residential development in regards to living space without any adverse impacts upon either the visual or residential amenities of the area that the level of development proposed is satisfactory. The appellant also raised concern regarding the loss of rear access to the existing laneway as a result of the extension. I consider that this is matter of personal choice for the applicant and not a planning consideration that would have an impact upon the residential amenity or quality of the residential development proposed.

9.2 Miscellaneous:

9.2.1 The appellant notes that the proposed extension at first floor level will create a valley between no. 13 And 12 which will make maintenance difficult. I do not consider this to be a planning consideration. The extension proposed is located wholly within the site boundaries under the applicants control.

9.2.2 The appellant also raises concerns regarding the fact that the plans were changed as a result of further information and the Planning Authority did not exercise the provisions of Article 35 of the Planning and Development Act, 2000 (as amended). This is not a matter for the Boards consideration as it is to do with the procedure undertaken by the Planning Authority in processing the application.

RECOMMENDATION

I recommend a grant of permission subject to the following conditions...

REASONS AND CONSIDERATIONS

Having regard to the residential zoning of the site, to the pattern of development in the area and to the scale and design of the proposed works, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character of the area or the amenities of property in the vicinity of the site. The proposed development 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 as amended by the further plans and particulars submitted on the 29th day of January 2013, 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.

Reason: In the interest of clarity.

2. 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.

3. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

Colin McBride
28th June 2013