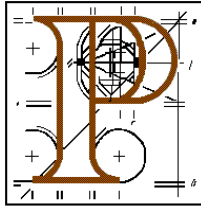


An Bord Pleanála



Inspector's Report

PL.29S.243458.

DEVELOPMENT:-

Demolish domestic garage existing and construct 2 storey extension to dwelling at 1 Merlyn Drive, Dublin 4.

PLANNING APPLICATION.

Planning Authority: Dublin City Council.
Planning Authority Reg. No: WEB1057/14.
Applicant: Pietro and Claudia Soldini.
Application Type: Permission
Planning Authority Decision: Permission with conditions.

APPEAL

Appellant: T. Desmond Fleming.
Type of Appeal: Third Party.

OBSERVERS

None.

DATE OF SITE INSPECTION: 11th August 2014

Inspector: **Derek Daly**

1.0 SITE LOCATION AND DESCRIPTION.

- 1.1 The appeal site is located in the south eastern suburbs of Dublin city. The site is a corner site which has frontage onto the Merlyn Drive which defines the site's northwestern boundary and Merlyn Road, which defines the site's northeastern boundary. On the site is a two storied semi-detached house which has a common boundary to the southwest with another semi-detached property. The southeastern boundary adjoins the site of a single storied dwelling, which originally was part of 1 Merlyn Drive and forms a sub division of the original site and is now 17 Merlyn Road.
- 1.2 The area is largely characterised by two storied detached and semi-detached dwellings with front and rear gardens and is part of an established residential area between Merrion Road to the west, which is the means of access for the residential area and the railway line to the east.
- 1.3 The site has a stated area of 472.20m².

2.0 PROPOSED DEVELOPMENT.

- 2.1 The proposed development as received by the planning authority on the 24th of March 2014 provided for the following,
- The demolition of a single storey garage on the eastern gable of the dwelling with a stated floor area of 28.4m².
 - The construction of a two storied extension to the side where the garage is currently situate providing for a study and kitchen at ground floor level and a bedroom to the rear and en suite area to the front at first floor level.
 - It is proposed to extend the roof over the proposed area retaining a hip gable retaining the same height.
 - Internal alterations are proposed at ground and first floor levels.
 - The provision of a porch area to the front of the dwelling.
 - Minor amendments proposed to the existing ground floor rear elevation.
 - The total floor area of the proposed development new and existing is stated as 253.50m².
 - It is proposed to relocate the site entrance and to widen it to 3.4 metres.
 - The site has a stated area of 472.20m².

3.0 PLANNING HISTORY.

- 3.1 ABP Ref. No. PL29S.112195/P.A. Ref. No. 1249/99.

Permission granted on appeal for a single storied dwelling in the rear garden of the site of 1 Merlyn Drive with access on Merlyn Road which endorsed the decision of the planning authority to grant permission. This site is now 17 Merlyn Road.

3.2 P.A. Ref. No. 2505/14.

Permission granted on appeal for a single storied dwelling in the rear garden of the site of 2 Merlyn Drive on the 8th of July 2014 for a two storied extension to the side of the dwelling.

4.0 PLANNING AUTHORITY'S REPORTS.

4.1 The planning report dated the 14th of May 2014 refers to the provisions of the current city development plan; to decisions on similar developments in the area and to the subdivision of the site in a previous grant of planning permission. Reference is made to the location of windows at first floor level and the separation distance to the common boundary with 17 Merlyn Road. Permission was recommended.

5.0 PLANNING AUTHORITY'S DECISION.

5.1 The Planning Authority decided to grant planning permission for the development subject to 7 conditions.

6.0 APPEAL SUBMISSIONS.

6.1 THIRD PARTY APPEAL.

The appellant with an address of 17 Merlyn Road in the grounds of appeal indicates,

- The development due to its extensive height and extreme scale will be seriously injurious and unacceptably obtrusive and will impact his property.
- Three windows will overlook his property. The design should have provided for not permitting vision of his master bedroom.
- The development will restrict light to the master bedroom.
- The development by reason of its scale will impact on the character of the area.
- It is not in keeping with an existing building line.
- There was no consideration on the impact of the development on the appellant's property and the detrimental effect arising.
- A small extension would have been more in keeping with the area.
- Photographs are enclosed with appeal submission.

7.0 RESPONSES TO GROUNDS OF APPEAL.

7.1 The Planning Authority in a response dated the 24th of June 2014 indicates that they have no further comment to make.

7.2 The applicant in a submission dated the 30th of June 2014 indicates,

- The ridge of the roof of the proposed extension is a continuation of the existing ridge line.

- There is no projection of the rear elevation over the existing rear elevation and there is a reduction in the projection compared to the existing single storey extension.
- The development is not excessive and site coverage is 29% of the site.
- The windows at ground floor level and cannot overlook the appellant's site.
- The existing first floor window currently overlooks the garden and property of 17 Merlyn Road and did so when permission was granted in 1999 for the subdivision of the site.
- The new window at first floor level will overlook the car parking area of 17 Merlyn Road.
- There will be no overshadowing arising.
- Reference is made to a similar type extension on a corner site 13 Merlyn Drive.
- The new entrance will make it safer for all concerned.
- A landscaping plan will be furnished for the site.
- The style of the house is not altered and retains a design sensitive to the neighbourhood and location.

8.0 POLICY.

8.1 Dublin City Development Plan.

The current Development Plan is the Dublin City Development Plan 2011-2017.

The site is located within Zoning Z1 sustainable residential neighbourhoods with the objective "to protect, provide and improve residential amenities".

Chapter 17 relates to Development Standards. In the Z1 zoning the indicative plot ratio is between 0.5 and 2.0 and site coverage of between 45% and 60%.

Section 17.9.6 of the plan relates to corner/side garden sites and section 17.9.8 relates extensions and alterations to dwellings and sets out design standards in relation to development in this regard.

9.0 ASSESSMENT.

9.1 The proposed development as received by the planning authority and which is the subject of this appeal provided for the following,

- The demolition of a single storey garage on the eastern gable of the dwelling.
- The construction of a two storied extension replacing the garage providing for a study and kitchen at ground floor level and a bedroom to the rear and en suite area to the front at first floor level.
- It is proposed to extend the roof over the proposed area retaining a hip gable retaining the same height.
- Internal alterations are proposed at ground and first floor levels.

- The provision of a porch area to the front of the dwelling.
- Minor amendments proposed to the existing ground floor rear elevation.
- It is also proposed to relocate the site entrance.

9.2 The proposed development as submitted is for an extension to a dwelling within an established residential area in an area zoned residential. The principle of extending the dwelling is not, I consider, at issue. The issues arising in relation to the current proposal relate to the appropriateness of the nature and scale of the proposed development and also the impact on adjoining properties and the wider area.

In relation to the scale of the development the predominant residential units in the area are large detached and semi-detached two storied properties. There are a small number of single storied dwellings largely on sites, which form sub divisions of original house sites similar to the current appeal site.

Most of the semidetached properties have a garage at the gable, some of the garages are converted to residential use; there is at least one dwelling, no 5 Merlyn Drive, where part of the garage area has a two storied extension. The reference made to a similar type extension on a corner site 13 Merlyn Drive refers to a site with a detached house.

The current proposal if constructed will represent a visual change by the construction of a two storied extension from the front to the rear at the gable end of a semi-detached dwelling. I note that the planning authority have recently granted a similar type of extension at 2 Merlyn Drive on a site opposite the appeal site.

I have no objection in principle to a two story extension of the nature proposed. The development will not represent an increase in site coverage as it will be constructed on the footprint of the original garage. The development as proposed complies with the indicative plot ratio for the Z1 zoning.

The site is somewhat restricted in area arising from the subdivision of an area to the rear but there is no loss of private amenity open space on what exists at present.

In relation to the design and scale proposed, the development has largely complied with the criteria as set out in section 17.9.6 of the Dublin City development plan which relates to corner/side garden sites and section 17.9.8 which relates to extensions and alterations to dwellings. The development retains the character of the site and is largely with the design and scale with adjoining dwellings and in paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings. The development retains the hip gable a significant feature of many of the houses of the area

The other issue to consider is the impact on the residential amenities of adjoining sites and on the area generally. The appellant in his submission has

raised concerns in relation to its extensive height and extreme scale and that will be seriously injurious and unacceptably obtrusive and that this as a consequence will impact his property. The issue of overlooking his property is raised and that the design should have provided for not permitting vision of his master bedroom and also that the development will restrict light to the master bedroom.

The height of the proposed development does not exceed the existing height of the dwelling and the roof is extended along the existing height. Building lines are also retained. In relation to overlooking the development provides for an additional bedroom window on the rear elevation which is orientated towards the appellant's site. This window is forward (eastwards) of the rear building line of the appellant's dwelling. The gable of the appellant's property facing the appeal site has no windows. The proposed development will not, I consider, overlook a bedroom window on the appellant's site. Any overlooking arising is to the front area of the appellant's property visible from the public road when the front gate of the property is open.

In relation to overshadowing the proposed development is located northwest of the appellant's property and it is difficult to see any significant loss or diminution of light arising given the orientations of both properties.

In relation to the proposed relocation of the site entrance the proposed location is further to the west away from the junction of Merlyn Drive and Merlyn Park and is also further away from a mature tree located at the corner of the site. I have no objections to the entrance details as proposed.

10.0 CONCLUSION AND RECOMMENDATION.

I would therefore recommend that planning permission be granted.

REASONS AND CONSIDERATIONS.

Having regard to the nature and scale of existing and permitted development in the area, including on the appeal site and the provisions of the current statutory development plan it is considered that, subject to compliance with the conditions as set out, the proposed development would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application and received by the planning authority on the 24th of March 2014 except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.]

Reason: In the interest of visual amenity.

3. The site shall be landscaped in accordance with a scheme of hard and soft landscaping, details of which shall be submitted to the planning authority for written agreement, and such agreement obtained, before development commences. The scheme shall include a timescale for its implementation.

Reason: In the interest of visual amenity.

4. Site development and building works shall be carried out only between the hours of 8.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

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

Derek Daly

25th August 2014

Inspectorate.