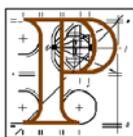


An Bord Pleanála



Inspector's Report

Appeal Reference No: 29N.246178

Development: To demolish existing single storey non-compliant extension, existing chimney to underside of first floor ceiling and support stack with structural steel framework, and to build two storey extension to rear, together with internal alterations.

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: 4098/15
Applicant: Simon Rogers
Planning Authority Decision: Grant permission with conditions

Planning Appeal

Appellant(s): Janet Cleary & Keith Flynn
Type of Appeal: Third Party – V - Grant
Observers: Mary Dunne & others
Date of Site Inspection: 13th April 2016

Inspector: Tom Rabbette

1.0 SITE LOCATION AND DESCRIPTION

The application site is located midway in an established residential terrace known as First Avenue which is a cul-de-sac street off Seville Place in Dublin's north-east inner city. The terrace is two-storey. There are no front gardens or driveways serving these dwellings, there is on-street parking along the cul-de-sac. The dwellings would appear to date from the early C20th. The residential plots are narrow, being c. 4.2 m wide.

2.0 PROPOSED DEVELOPMENT

The applicant is seeking permission to demolish an existing single-storey extension to the rear of a mid-terrace two-storey dwelling and construct a two-storey extension in its place. The proposed extension has a stated floor area of 46.8 sq.m. It will accommodate a kitchen/dining room at ground floor level and a bedroom at first floor level. Other internal alterations are also proposed including the demolition of an internal partition wall at ground floor level to create a more open floor plan which will accommodate a living room. A partition wall at first floor level between two existing bedrooms is also to be demolished to provide one enlarged bedroom at first floor level to the front of the dwelling. The result will be that the dwelling will remain a 2-bedroom unit albeit with enlarged bedrooms and living space. The stated floor area of the dwelling on foot of the proposed development is 75.6 sq.m.

3.0 PLANNING HISTORY

I am not aware of any directly relevant planning histories pertaining to the site.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

Planner's Report dated 18/01/16:

- Objection noted.
- Internal technical report noted.
- Relevant Development Plan policies noted.
- Following assessment permission recommended subject to conditions.

Technical Reports:

Engineering Dept. – Drainage Division Report:

- No objection subject to condition.

Objection/observation: There is an objection on file addressed to the p.a. (the objectors are now the 3rd party appellants). Matters raised include: impact on access to light in a bedroom and through a skylight, and invasion of privacy.

4.2 Planning Authority Decision

By Order dated 21/01/16 the planning authority granted permission subject to 7 no. standard conditions for such a development proposal.

5.0 GROUNDS OF APPEAL

J. Cleary & K. Flynn, First Ave., Seville Place, North Wall, Dublin 3.

The contents of the third party grounds of appeal can be summarised as follows:

- The appellants' dwelling is located immediately adjoining the application site to the north-east.
- They strongly object to two-storey extension.
- It will inhibit or block light entering their rear bedroom window at first floor level.
- It will also block light entering through the skylight situated in the flat roof of their one-storey extension to the rear of their dwelling.
- The two-storey extension will be a gross invasion of privacy as it will face directly into their rear bedroom window.
- The appellants refer the Board to photographs submitted with their appeal.
- The proposed two-storey extension is out-of-character with the rear of other houses along the avenue.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

In a letter to the Board dated 24/02/16 the p.a. indicate they have no further comment to make on the application and considers that the planner's report on file adequately deals with the proposal.

6.2 First party response

There is no response from the applicant on file at time of writing.

6.3 Observations on grounds of appeal

Mary Dunne & others, First Ave., Seville Place, Dublin 1.

The contents of the observer submission from the above can be summarised as follows:

- There are six signatories to the submission, all give addresses at First Avenue.
- The houses are old (100 years plus).
- The houses are very close together.
- Overshadowing concerns raised.
- The proposed two-storey extension is very much out-of-character with the area.
- The observers acknowledge that the current proposed development does not directly affect their property, their concern relates more to the precedent it would set.

7.0 POLICY CONTEXT

The operative plan for the area is the Dublin City Development Plan 2011-2017. The site is located in a terrace that is zoned '*Z2 – To protect and/or improve the amenities of residential conservation areas*' as indicated on Map E of the said plan (extract of map in attached appendix).

S.15.10.2 Residential Neighbourhoods (Conservation Areas) – Zone 2
 S.17.9.8 Extensions and Alterations to Dwellings
 Appendix 25 Guidelines for Residential Extensions

8.0 ASSESSMENT

I have examined all the plans, particulars and documentation on file. I have carried out a site inspection. I have had regard to relevant provisions of the statutory development plan for the area. In my opinion the main issues arising are:

- Overbearing effect
- Access to daylight
- Back-to-back separation distance
- Overlooking of appellants' property
- Appropriate Assessment

Overbearing effect:

The site is located mid-way in a terrace of dwellings. The residential plots that make up this terrace are small, being c. 4.2 m wide. Consequently, the dwellings themselves are of small scale. I would estimate that the original dwellings (minus later extensions) would be of c. 57 sq.m. gross floor area.

Most of the dwellings that make up this terrace, and the contemporaneous terrace on the opposite side of First Avenue, have been extended to the rear at ground floor level. Some extensions almost cover the entire rear garden/yard area. It is to be noted that, with the exception of one dwelling, none of the two-storey dwellings on both sides of First Avenue appear to have

been the subject of two-storey extensions, all have been extended but, save one, the extensions have been single-storey only. The exception is the end-of-terrace unit at No. 23 First Avenue which is located at the north-eastern end of the terrace and that extension does not span the entire plot width unlike the proposal in this application.

The applicant is proposing to construct a two-storey extension to the rear to replace the existing single storey extension. I acknowledged that the proposed two-storey extension does not extend out at the rear as much as the existing single storey extension on the site. Nevertheless, I am concerned that the applicant is introducing a new element in this terrace. My concern here is that given the narrow width of the plots and the restricted scale of the dwellings that make up this terrace, that such two-storey extensions to the rear will have an overbearing effect when viewed from the interior of neighbouring properties. The fact that none of the terraced units on either side of First Avenue have been the subject of two-storey extensions to date would have maintained a greater sense of openness and spaciousness to these dwellings. I note that there is an observer submission on file signed by the occupants of 6 no. dwellings on both sides of First Avenue that make reference to the fact that no terraced dwelling has been the subject of a two-storey extension to date and the observers are concerned that a grant in this instance will set an undesirable precedent with consequences for the enjoyment of their properties into the future. I do not think this concern is unfounded.

If permission is granted and a precedent is set, the occupants of some of these narrow terraced dwellings could find themselves flanked on both sides by two-storey extensions protruding out both sides of their site, this would have an overbearing visual effect on occupants of these relatively small dwellings. Two storey extensions are not the norm here and there appears to be good reason as to why that situation has pertained to date. Introducing two-storey extensions at this stage would also create a development that would be out-of-character with the established building pattern of the area.

Access to daylight:

Both the appellants and the observers have raised concerns about access to daylight. Again, I do not consider this concern to be unfounded. There are no first floor extensions to the rear of the terraced houses that make up this terrace, introducing a first floor extension element into this terrace could set an undesirable precedent. Intensifying development at first floor level could result in restricted daylight access for neighbouring properties given the narrowness of the plots and the small scale nature of the dwellings. Maintaining the rear building line at first floor level for (almost) the entire terrace length has safeguarded access to daylight for all the dwellings that form the terrace, I do not consider it in the best interests of proper planning and sustainable development of the area to now interfere with this first floor

rear building line that has survived unaltered since the terrace was constructed (some 100 years ago).

Back-to-back separation distance:

The subject terrace backs onto another residential terrace known as Ferryman's Crossing which is to the south-east of the application site. The first floor rear building line of the subject dwelling is c. 17 m from the first floor rear building line of the dwellings in Ferryman's Crossing. At c. 17 m this is already significantly below the standard 22 m back-to-back separation distance for such residential developments (ref: CDP Development Standards – Ch. 17 p. 257). The proposed first floor extension will now further reduce this separation distance by some 3.5 m resulting in a back-to-back separation distance of c. 13.5 m with the majority portion of that c. 13.5 m being provided on the neighbouring property and not on the application site. It should also be noted that, again, there does not appear to be any first floor extensions to the rear of the dwellings that make up the Ferryman's Crossing terrace to the rear of the application site.

Reducing the already suboptimum back-to-back separation distance in this instance is contrary to the proper planning and sustainable development of the area and would set an undesirable precedent at this location, in my opinion.

Overlooking of appellants' property:

The appellants have raised specific concerns about the potential of overlooking from the proposed development. They refer to the potential of overlooking of their first floor bedroom window to the rear and the overlooking of the rooflight located in the flat roof to their single-storey extension to the rear of their property.

Having reviewed the proposed plans and elevations relative to the appellant's property, I do not consider that the proposed development will result in the overlooking of the appellants' property to such an extent that would warrant refusal in relation to that specific issue.

Appropriate Assessment:

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise

9.0 CONCLUSIONS AND RECOMMENDATION

Having regard to the forgoing assessment, and noting the land use zoning objective applicable to the area, I would recommend that the Board refuse permission for one reason as indicated hereunder.

REASONS AND CONSIDERATIONS

Having regard to: the restricted width of the plots that form the terrace in which the site is located; the back-to-back first floor separation distance between the dwellings in First Avenue and Ferryman's Crossing to the south-east, and also noting the general absence of two-storey extensions to the terraced dwellings along both First Avenue and Ferryman's Crossing, it is considered that the two-storey extension:

- would be out-of-character with the established building pattern of the area,
- would set an undesirable precedent for similar developments along these terraces,
- would create an overbearing impact when viewed from the interior of adjoining dwellings,
- would result in an inadequate back-to-back first floor separation distance between the subject dwelling and dwellings in Ferryman's Crossing, and
- would result in the diminution of daylight to neighbouring properties.

The proposed development would thus conflict with the land use zoning objective of the area which aims 'to protect and/or improve the amenities of residential conservation areas' as indicated in the Dublin City Development Plan 2011-2017 and would, therefore, be contrary to the proper planning and sustainable development of the area.

Tom Rabbette
Senior Planning Inspector
13th April 2016