



An
Bord
Pleanála

Inspector's Report ABP-305547-19

Development	Partial demolition of house and construction of part single/ part 2-storey extension over basement.
Location	97 Mount Prospect Ave, Clontarf, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3504/19
Applicant(s)	Tom and Emer Coghlan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Caroline O'Brien Elizabeth and Michael Shannon
Observer(s)	Stephen Shannon
Date of Site Inspection	19/01/2020
Inspector	Anne Marie O'Connor

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	4
3.4. Third Party Observations	4
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.1. Development Plan.....	5
6.0 The Appeal	6
6.1. Grounds of Appeal	6
6.2. Planning Authority Response	7
6.3. Observations	8
7.0 Assessment	10
8.0 Recommendation.....	14
9.0 Reasons and Considerations.....	15

1.0 Site Location and Description

- 1.1. The site comprises a semi-detached 'Arts and Crafts' style house set in a large front and rear curtilage on a tree-lined suburban street in Clontarf, Dublin. Many of the houses in the area have been extended over the years.
- 1.2. The site adjoins 95 Mount Prospect Avenue to the west, and is attached to no. 99 to the east. The plot has a c.50m long rear garden, and backs onto the rear garden of 7 Dollymount Grove.

2.0 Proposed Development

- 2.1. Planning permission is sought for a large domestic extension (336m²) resulting in a 4-bedroom house of 490 m², and including the following:
 - Partial demolition of the existing house including part of the pitched roof and the chimney (9m²).
 - Construction of a basement (159m²), including basement patio.
 - Construction of a single storey extension across the width of the existing house (205m²) opening onto a patio/terrace to the side and rear.
 - Construction of a 2 storey extension to provide a master bedroom suite and extended bedroom and bathroom (126m²). One side window (bedroom 2) is proposed facing the side elevation of No. 95 (frosted glass proposed).
 - Reinstatement of roof and apex dormer window to front and side.
 - 4 roof lights.
 - Construction of single storey garden shed along rear boundary (15m²).
 - Widening existing vehicular access.
 - Associated works.

- 2.2. A Planner's report and Engineering Report were submitted with the application.

3.0 Planning Authority Decision

3.1. Decision

Decision to **Grant** permission. The following conditions are of note:

Condition 3 requires the following amendments:

- a) Ground floor extension shall have a maximum depth of 11m along the boundary with No.99. The dining area of the extension may be moved to the centre of the site but must maintain a separation distance of 3m from each side boundary and have an additional depth of no greater than 4m.
- b) Floor-to-ceiling height within first floor extension must be 2.4m, with the parapet height of the extension reduced accordingly.
- c) Reduction in basement depth to 20m from the line of the existing front elevation. Any lightwell/ stairs to the garden beyond the rear basement must not exceed a further 5m in depth.
- d) Replacement of the apex rooflight by a rear plane only rooflight set below the ridgeline.
- e) Front dormer must maintain its current height, width and position.

Condition 4 – materials of roof light to match existing and obscured glazing for side facing window to Bedroom 2.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The planner's report reflects the decision to grant planning permission.

3.2.2. Other Technical Reports

Drainage: No objection

Waste: No objection

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

Six observations were received, two in support and four objections. Photos and sunlight analysis/ shadow projection were also submitted by the owners of No.99.

The issues raised are generally covered in the grounds of appeal, the following matters were also raised:

- Potential impact of power outage on basement sump pump during a storm event
- Construction impacts on residential amenity of neighbouring properties.

4.0 Planning History

Appeal Site - None

81 Prospect Avenue – Attic extension. Granted. (ABP 304983)

85 Prospect Avenue - Part 2-storey, part single storey extension to. Granted. (PL29N.249261; Reg Ref 3247/17)

89 Prospect Avenue - Part 2-storey, part single storey extension to. Granted. WEB1145/16

5.0 Policy Context

5.1. Development Plan

The Dublin City Development Plan 2016-2022 is the County Development Plan for the area. The site is located within Zoning Objective **Z1** “To protect, provide and improve residential amenities”.

Section 16.10.12 Extensions and Alterations to Dwellings should have regard to the amenities of adjoining properties.

Appendix 17 Guidelines for Residential Extensions

Section 16.10.15 Discourage basements adjacent to residential properties in conservation areas or protected structures or for residential use in flood zones A or B. Factors for consideration outlined.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are largely focused on the potential impact on the adjoining property at 99 Mount Prospect Ave and can be summarised as follows:

- **Scale and design:** The proposed development is not sensitively designed and the contemporary style would be contrary to the character and quality of the arts and crafts style house. Current proposal sets an undesirable precedent for similar over scaled extensions to arts and craft style houses.
- Planning permission has not been implemented for the extension to No.85.
- The proposed development is 3 times the size of the existing house and is clearly is not subordinate to the existing building.
- Notwithstanding the changes required by Condition 3, the proposed development would be totally out of scale with the existing house, the character of the are and would significantly adversely affect the amenities of No.99.
- The site could facilitate an extension without impacting on adjoining houses in the way proposed by this development which impacts on No.99 in terms of privacy, outlook, daylight and sunlight.
- **Overlooking:** First floor master bedroom windows are enormous and will have a major effect on the enjoyment of No.99's garden by creating a very uncomfortable overlooked sensation.
- Bedroom 2 window is not appropriate given the proximity to the site boundary and would result in further overlooking.
- **Overshadowing:** Garden slope to No.99 will make the parapet of the ground floor extension even more oppressive and result in greater shading and loss of amenity and light. This will be compounded by the first floor extension. The existing boundary wall is less than 2m allowing afternoon and evening light onto the kitchen.

- Shadow projections submitted to the planning authority show significant overshadowing to the rear windows and patio of No.99 that is most pronounced from mid-afternoon onwards.
- Daylight/sunlight: Impact of the 2-storey and ensuite extension along the boundary with No.99 on day light, sunlight and solar heat to the bedroom window in the rear elevation of that house.
- **Overbearing:** 11m depth along boundary is still more than other ground floor extensions in the area and will result in an unacceptably large and bulky when viewed from the house and garden of No.99.
- Reduction in floor-to-ceiling height of the first floor extension would reduce overall height by approx. 72cm. Given that the 8m length of the first floor extension is not reduced the height reduction will make no perceptible charge to the large, bulky and overbearing appearance when viewed from No.,.99.
- Photos are submitted with an artist's impression of the proposed development viewed from No.99.
- No drawing of the eastern elevation facing No.99 was submitted which are necessary to enable full assessment of the impact.
- **Basement:** Impact on adjoining semidetached foundation and increase the risk of pluvial flooding in the vicinity including the 'crawl space' or void beneath neighbouring houses. The OPW floodmaps show flood events on Mount Prospect Ave in Autumn 2014 and there have been further unrecorded events.
- Proposed development does not comply with Development plan policies. Section 16.10.15 states that the basement area should not exceed the footprint of the original building, not the extended building.
- Description as 'partial demolition' inaccurate as almost total demolition would be required to build such an enormous basement.

6.2. Planning Authority Response

No comments received to the grounds of appeal.

6.3. Observations

An observation was on behalf of the appellant at No. 99 which can be summarised as follows:

- Inconsistent with the established pattern of development. Area should be zoned Z2 residential conservation area. Extension will result on the loss of roof form and chimney stack which contribute to local character and distinctiveness. The proposal would contravene the Z1 zoning objective.
- Overshadowing/ over bearing
- Excessive loss of amenity and property value of No.99
- Contravene City Development Plan.
- The planning authority failed to take adequate account of the impact of the proposed development on overshadowing, and was too much influenced by a previous decision at No.85 (3247/17).
- Some drawings show the appeal site as detached dwelling, and there is an absence of an east elevation drawing. The Board should request submission of these drawings.
- Excessive scale of the proposal is contrary to Section 16.2.1 CDP as it is not subordinate to the original house and does not integrate with the existing building.
- Section 16.10.15 requires that a rear basement should generally not exceed the footprint of the original building. The extent of the excavations associated with the basement is excessive. Considerable ground settlement would occur after such deep and wide disturbance with the potential for fractures to pipes and ducts affecting the appellant. A Basement Impact Assessment is required.
- The proposed basement bedroom would be lit by a light-well and would be substandard.
- There is no precedent for similar development in the vicinity. The Board has refused planning permission for similar developments in Blackrock (234150)

and Booterstown (303363), and for a development involving a basement in Dublin 6 (249342).

- Reason for refusal proposed.

6.4. Applicant response to the grounds of appeal

The applicant's response to the grounds of appeal can be summarised as follows:

- Revised drawings are submitted as follows:
 - Reduction in the ground floor extension to 10.1m (reduction of 25%) and relocation of the dining area of the extension to the centre of the site,
 - reduction in the height of the first floor extension,
 - reduction in the length of the basement to 18.8m from the existing front elevation
 - omission of the front apex rooflight
 - changes to the proposed front dormer to maintain the height and width of the existing front dormer.
- With the exception of the length of the dining area, these amendments adhere to the requirements in Condition 3 of the planning authority decision which the applicants consider to be reasonable. The dining extension is reduced to 5.22m which exceeds the 4m requirement in Condition 3 but is considered acceptable given the long back gardens.
- Overshadowing: The sunlight assessment submitted by the appellant shows that the adjoining dwellings will receive at least 2 hours of sunlight on 21st March. The planning officer concluded that there would be no undue overshadowing.
- The proposal is below the ridge height of the existing house and is sufficiently scaled to appear subordinate to the existing property.
- Use of appropriate materials and adequate level of open space.

- High quality contemporary design will not detract from the character of the area.
- Adequate separation distances are achieved to prevent overlooking.
- The basement extends under the ground floor extension to structurally support this level at the rear.
- Recent permission for extension to Nos. 85, 89, 79 and 103, 81, 75 and 95 Mount Prospect Avenue are similar in scale to the proposed development.
- The proposed development complies with the requirements of the CDP including plot ratio and site coverage. The proposed development does not represent over-development.

6.5. Further Responses

Additional matters raised in the responses from the appellants and observer can be summarised as follows:

- Section 16 of the CDP requires that extension must be subordinate when viewed within the site itself.
- The proposed extension represents an excessive contrast to the original house in terms of form and height and shape.
- The boxy form would obscure and cover up architectural features that contribute to the character of No.97.
- The planning authority sought further information to address the excessive scale of an extension to an arts and crafts house in Drumcondra (3523/19).
- The amended plans submitted by the applicant do not address the concerns raised.

7.0 Assessment

- 7.1. Amended plans were submitted by the applicant with the response to the grounds of appeal. The amended proposal seeks to address the requirements set out in Condition 3 of the planning authority decision which principally sought to reduce the length of the ground floor extension and basement, and the height of the first floor

extension. While these drawings represent an improvement in terms of addressing concerns regarding scale and impact, the proposal to relocate the dining room extension some 2m closer to the boundary with No.95 has not been subject to public consultation as the owners of that property were not a party or observer to the appeal. I therefore consider that the Board cannot consider this element of the amended plans and if otherwise minded to grant planning permission, the dining room should be omitted and the subject of a further application.

7.2. I consider that the key issues relate to the proposed rear extensions and are as follows:

- Impact on character of the area
- Residential amenity of neighbouring properties
- Impact of Basement
- Other matters

Impact on character of the area

7.3. The houses on the south side of Mount Prospect Ave represent a scale, form and design typical of the 1930s arts and crafts style. They are very fine and attractive domestic buildings but there is no evidence of the level of internal or external detailing that would cause the structures to be considered as exceptional examples of this architectural movement. The area is zoned Z1 Residential Amenity rather than Z2 Residential Conservation Area and I do not consider that there is any basis for the setting aside of this zoning objective as suggested in the observation to the appeal.

7.4. While the scale is unquestionably large from the rear, there is very limited visibility of the extension from the public realm due to the tight knit urban form, which provides a relatively small gap in the roofline of No.97 and No.95 to the east, so that it only minimally affects the original form of the dwelling's frontage or the street scape. I also have no objection to the principle of a contemporary design solution in this context.

7.5. Having regard to the above, I am of the view that the limited visibility from the streetscape and location of the extension to the rear mitigates against any impact on the character of the area.

Residential Amenity

7.6. The appeal site has the benefit of a very large plot extending to some 928m² with a 50m long rear garden and a plot width of c.12.5m. This presents considerable potential in terms of extending the property. It is, however, also a semi-detached dwelling and as such must also respect the constraints that this attaches to the potential for further development in proximity to the adjoining properties. The objections to the proposal relate to the impact on the residential amenities of the attached dwelling to the east (No.99).

7.7. On the basis of the revised plans submitted with the appeal the proposed extension would extend 2.1m beyond the rear boundary (the en-suite extension), before stepping back by at least 2.2m for a further 5.7m. The height of the 2-storey extension is 7m above ground level.

7.8. The ground floor kitchen extension now extends 10.1m along the boundary with No.99 at a height of 4.2m. Beyond this the dining room extends another 5.2m set back 3m from the boundary with No.99 and 4.2m from the boundary with No.95. Having regard to the lack of consultation on this element I do not intend to consider the dining room element further.

7.9. The appellants, however, remain concerned regarding overshadowing of their property, over-bearing impact, and overlooking from the large glazed master bedroom window and bedroom 2.

7.10. The main impact in my view results from the height and bulk of the proposed development, evidenced in main by the exceedance of the eaves height of the original house by 700mm compared to the proposed extension (17.07m ODM and 17.8m ODM). I also note that the garden area of both the appeal site and No.99 slope downwards from front to back, which exacerbates the impact when viewed from the rear garden of that property. The applicant has referred to a similarly scaled development at No.85 which was permitted on appeal. However, that proposal respected the eaves height and as such mitigated the impact on the neighbouring properties.

- 7.11. I would also comment that the form of the extension while attempting to achieve a contemporary aesthetic has made little attempt to consider how the structure would be viewed from the neighbouring properties, resulting in overly dominant and bulky side elevations.
- 7.12. It is my view that the height, bulk and massing of the proposal in such close proximity to the boundary with No.99 in particular would have an unacceptable overbearing and visually oppressive impact on that property and would seriously injure residential amenity. The proposal would not, therefore, accord with the provisions of the Z1 zoning objective 'to protect, provide and improve residential amenities'. I recommend that planning permission be refused for this reason.
- 7.13. In terms of overlooking, the appellants express concern regarding the side pane of the window to Bedroom 2, and the extensive glazing to the master bedroom. In relation to Bedroom 2, I note that obscure glazing is proposed and is the subject of a condition by the planning authority. I have no objection in this respect particularly given the similarly orientated window in the extension to No.99 facing the appeal site. The proposed master bedroom glazing, while extensive, is located away from the immediate outdoor area used in connection with No.99, would be set back some 3m from the boundary and views would be at an obscure angle. I also note that there is a small balcony in the first floor rear elevation at No.95. There is no proposal to use the roof of the ground floor as a terrace but this could also be controlled by condition.
- 7.14. In relation to overshadowing and loss of sunlight, daylight and solar gain, I note that the proposed development is located to the west of No.99 and the east of No.95. The rear elevations of the properties all face south and therefore benefit from direct sunlight and extensive solar gain, which would be unaffected. Any impact in terms of overshadowing would be experienced in the late afternoon and evening of the summer months (No.99) and the morning (No.95). While I appreciate that the proposal would result in some overshadowing this would not in my view be of sufficient scale to warrant a refusal of permission in its own right.

Impact of Basement

- 7.15. Concern is also raised in relation to the scale of the proposed basement and its impact on the structural stability of No.99 and in relation to flooding.

- 7.16. I note that the amended plans submitted by the applicant reduce the length of the proposed basement and the associated basement patio area. An Engineering Report was submitted with the application which outlined the basement area construction methodology at a basic level and also addressed flood risk.
- 7.17. In relation to structural issues, I note that the basement is located beneath the western side of the existing dwelling 3.5m from the shared boundary with No.99, and 1m or more from the site boundary with No.85. Depending on the ground conditions, the retaining walls for the excavation will range from either permanent concrete piles to temporary bank supports. Notwithstanding the proposal to construct the basement partially beneath both the original house and the extension I am satisfied that the separation distance to the site boundaries, the size of the plot, and the single storey depth of the basement mean that the proposal does not raise any reasonable concern in this respect.
- 7.18. In relation to flood risk, the appellants point to flood events in 2014. I note that the basement will drain by gravity to a sump pump located in the basement courtyards. The sumps have a storage capacity for 24hr rainfall and the rainwater will be pumped using two pumps to (one main and one standby) to the soakaway. Any rainfall can, therefore, be adequately catered for. The site is not located in a flood zone A or B and subject to the proposed provisions will not result in an increased risk of flooding to adjacent properties.

Other Matters

- 7.19. Having regard to the nature and scale of the proposed development, its location in a serviced urban area, the distance to the nearest European sites, I am of the view that no **appropriate assessment** issues arise, and that 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.

8.0 Recommendation

- 8.1. I recommend that planning permission be refused for the reason set out below.

9.0 Reasons and Considerations

It is considered that the proposed extension by reason of its height and bulk and proximity to the site boundary with the property to the east, would seriously injure the residential amenities of that property by reason of its visually dominant and overbearing nature. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Anne Marie O'Connor

Planning Inspectorate

20 January 2020