



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307776-20

#### Development

1. Demolition of non-original single storey extension to side 2.
- Construction of two storey extension to side of existing 3.
- Construction of extension to rear 4.
- Attic conversion 5.
- Rooflights to roof and solar panels to roof of dormer. 6.
- Garden Room to end of rear garden. 7.
- Widening of existing vehicular entrance to front of property. 8.
- New hard and soft landscaping to the entire site. 9.
- All associated drainage and site development works.

#### Location

56 Claremont Road, Sandymount,  
Dublin 4.

#### Planning Authority

Dublin City Council South

#### Planning Authority Reg. Ref.

WEB1191/20

#### Applicant(s)

John & Leah McKenna

#### Type of Application

Permission

#### Planning Authority Decision

Grant with conditions

<b>Type of Appeal</b>	First Party vs Condition
<b>Appellant(s)</b>	John & Leah McKenna.
<b>Observer(s)</b>	Declan and Niamh Darcy
<b>Date of Site Inspection</b>	02 <sup>nd</sup> of October 2020
<b>Inspector</b>	Adrian Ormsby

## 1.0 Site Location and Description

- 1.1. The appeal site is located c. 3km to the south east of Dublin City centre at No. 56 Claremont Road, Sandymount, Dublin 4. The site has a stated area of 405.9 sq.m.
- 1.2. The site is located on the northern side of Claremont Road and c.35m west of the junction with Farney Park and c. 70 m east of the Tritonville Road roundabout.
- 1.3. The site is located in an established residential area and is occupied by a two-storey semi-detached dwelling. No. 54 adjoins the dwelling to the east and it is noted that development works are ongoing at this dwelling at the time of the inspection. No. 2 Farney Park is located along the northern boundary of the site and c.30m from the existing dwelling. To the west of the site there is a three storey apartment development known as Trident House. This apartment block has a number of gable windows facing the application site and rear garden. These windows all appear to be of obscure glass and tilt inwards rather than opening out. There is a boundary wall with an added trellis style fencing bounding the apartments and the application site.
- 1.4. The dwelling itself has a protruding gable to its front west side, a hipped roof, a single storey side annex and an existing floor area of 155.8 sq.m. The dwelling benefits from a long rear garden that runs at an acute angle in a north easterly direction. There are a number of very large mature trees located on all the rear garden boundaries including the eastern boundary. A free standing domestic pitched roof shed of circa 2.4m in height and 2.6m in length is located to the rear of the small shed attached to the dwelling along the eastern boundary. The extent of mature trees, landscaping and the free standing shed are not shown in the drawings.

## 2.0 Proposed Development

- 2.1. The proposed development comprises-
  - Demolition of non-original single storey extension to side (24.1 sq.m)
  - Construction of a two storey extension to the side and a one, two and three storey extension to the rear (extension area 148.9 sq.m). The proposed dwelling will have a stated total floor area of 280.6 sq.m

- The single storey element will project c. 3m to the rear along the eastern boundary from the new rear wall of the two storey rear extension.
- The two storey extension will match the extent of the adjoining extension at No. 54.
- A third level/second floor is to be located to the north western corner of the extension and is described in the application as a 'tower'. It will be 8.1m high, slightly lower than main dwelling ridge level.
- An attic conversion and dormer window extension
- Garden Room to end of garden (c. 19 sq.m)
- Widening of existing vehicular entrance to front of property.

### 3.0 Planning Authority Decision

#### 3.1. Decision

- 3.1.1. The Planning Authority decided to grant permission on the 08/07/20, subject to conditions of a standard nature, but also including the following Condition No.3:

**C.3-** The development shall be revised as follows:

- a. The informal dining which is shown positioned directly against the eastern boundary shall be permanently omitted from the scheme and the structure shall be reduced in length on this side by 2.3m so as to align with the double doors to the garden and to present a straight elevation at ground floor level.
- b. The mezzanine floor as shown in the drawing PA\_03\_02 which is directly above the master bedroom shall be permanently omitted from the scheme.
- c. The dormer window shall be reduced in scale to a maximum width of 3m.

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings:-

Reason: In the interests of orderly development, residential and visual amenity.

## 4.0 Planning Authority Reports

### 4.1. Planning Reports

The report of the Planning Officer (March 2020) reflects the decision of the Planning Authority. The following is noted from the report:

- Alterations are proposed at attic level with a new dormer window. The window would not be subordinate to the main roof. Scale of window can be addressed by condition.
- Given the orientation of the site this would result in an obstruction of the westerly light to rear of No. 54. The impact of this is exacerbated as the site boundary angles to the north east at this point. The single storey extension is excessive and would negatively impact the existing residential amenity. This element shown as 'informal dining' should be removed and the rear elevation should align with the double doors.
- The bulk and mass of the tower element is problematic. The three storey element is wholly inappropriate within the residential setting and would be a dominant and overbearing form of development that would be visually intrusive when viewed from neighbouring properties.
- The proposed development would not detract from the amenities of adjoining properties by reason of overlooking or overshadowing and is considered in accordance with the development plan.

### 4.2. Other Technical Reports

- Drainage Division- No objection subject to condition

### 4.3. Prescribed Bodies

- None

### 4.4. Third Party Observations

Two third party submissions were received-

- Declan and Niamh Darcy of No. 54 Claremont Road, no objection to the development with exception of “principal element No 3” as per development description. The main area of concerns include-
  - The proximity, height and length of the proposed one storey rear extension along eastern boundary will cause serious injury to the residential amenities of No. 54 by way of access to sunlight and daylight and overbearing impact.
  - Proposed three storey extension will conflict with established character of the area, No. 56 and will cause injury to amenities of No. 54. It is not subordinate to the main house and will adversely impact its scale and character and that of the wider area. It is an incongruous feature and will have a disharmonious relationship to the extended house and neighbouring houses. It will also constitute an unacceptable precedent. The extent of fenestration will result in overlooking of the rear garden of number 54.
  - The proposed one, two and three storey extensions will conflict with the z1 zoning objective.
  
- Damien and Aoife Young of No. 52 Claremont Road, no objection to the greater part of the development with exception of the tower structure. The main area of concerns include-
  - Scale bulk and form is out of kilter with adjoining residential properties and would overbear those houses
  - Three storey height and ‘material extent’ of extension beyond the building line to rear of adjoining properties
  - The angle at which tower is set will accentuate the adverse effects
  - Impact adversely on amenities of family home, light and privacy. It would be visually obtrusive, out of scale and inconsistent with residential amenities of the area.

## 5.0 Planning History

5.1. There does not appear to be any planning history pertaining to the appeal site.

5.2. The following history is noted on adjoining sites-

- No. 54 Claremont Road
  - Web1466/16- two storey extension to the side of the existing house, convert the attic and construct a new dormer window to rear, Grant 17-Feb-2017.
  - 2380/08- two storey and part single storey extensions to rear and side, dormer roof area to rear, Grant 25-July-2008.
- No. 52 Claremont Road
  - 3315/18- Single and two storey extension to the rear and side, attic conversion with dormer to rear, Grant 18-Sep-2018

## 6.0 Policy Context

### 6.1. Dublin City Development Plan 2016-2022

- 6.1.1. The appeal site has a zoning objective 'Z1 - Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022, with a stated objective *'to protect, provide and improve residential amenities'*.
- 6.1.2. Relevant planning policies and objectives for residential development are set out under Section 5 (Quality Housing) and Section 16 (Development Standards) within Volume 1 of the Development Plan. Appendix 17 of Volume 2 of the Development Plan provides guidance specifically relating to residential extensions.
- 6.1.3. The following Sections are of particular relevance:
- Section 16.10.12 Extensions and Alterations to Dwellings:  
*'Applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied that the proposal will:*
    - *Not have an adverse impact on the scale and character of the dwelling;*

- *Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.'*
- Appendix 17 Guidance for Residential Extensions
- Section 17.3 Residential Amenity Issues
- Section 17.4 Privacy
- Section 17.5 Relationship Between Dwellings and Extensions
- Section 17.6 Daylight and Sunlight
- Section 17.7 Appearance
- Section 17.8 Subordinate Approach
- Section 17.10 Contemporary Extensions
- Section 17.11 Roof Extensions: *When extending in the roof, the following principles should be observed:*
  - *The design of the dormer should reflect the character of the area, the surrounding buildings and the age and appearance of the existing building.*
  - *Dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible.*
  - *Any new window should relate to the shape, size, position and design of the existing doors and windows on the lower floors.*
  - *Roof materials should be covered in materials that match or complement the main building.*
  - *Dormer windows should be set back from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties.*

## 6.2. Natural Heritage Designations

- 6.2.1. The site is located c. 700m west of the South Dublin Bay SAC (000210) and the South Dublin Bay and River Tolka Estuary SPA (004024).

### **6.3. EIA Screening**

- 6.3.1. Having regard to the limited nature and scale of the proposed development it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

A first-party appeal has been lodged against condition no.3, which was attached to the Planning Authority's notification of a decision to grant planning permission. The appeal relates specifically to amendments under Condition 3 as granted and the following is a summary of the main issues raised-

- Condition 3 (a) The informal dining area-
  - is a fundamental part of the overall design concept. It is very limited in length and single storey. Removing it negates the incorporation of the tower element.
  - A similar extension was incorporated into works at no. 52 and extends 1.8m beyond rear of No. 54.
  - Shadow Study submitted showing no additional overshadowing into No. 54 if extension was omitted.
  - Applicant would accept a reduction in extension from 2.3m to 1.8m
- Condition 3 (b) The Mezzanine Floor
  - Wording of condition is ambiguous, i.e. the floor is to be removed but no specific reduction in height. Applicant has no issue with floor being removed.
  - Applicant prepared to accept reduction in height of 1m.
  - Photomontages submitted show tower reduced in height by 1m.

- Shadow Study submitted shows two scenarios, tower reduced by 1m and tower reduced by full floor.
- Permission granted at No. 52 includes a 2 storey gable element projecting into the garden. This is not dissimilar in scale to the proposed tower. It is not mitigated by presence of a 3 storey apartment block. It is also wider than proposed tower.
- Tower is lower than ridge height of dwelling and almost same height as Trident apartment block.
- Condition 3 (c) The Dormer Window
  - The wider the dormer the more usable the attic space
  - No 54 and 52 have been granted permission for dormer windows of 3.5m and 3.6m respectively. Their permitted width should be at least the same as adjacent houses.
- Residential Amenity
  - There is a substantial garden wall dividing No 56 and 54. The proposed works will have no impact at ground floor level. Existing tall mature trees in the rear garden will screen much of the proposed development and provide privacy for both properties.
  - Proposed development will not generate significant overshadowing
- The appeal goes on detail how the proposal complies with Policy, Zoning and Development Standards of the DCC Development Plan.

## 7.2. Planning Authority Response

- No response received to the grounds of appeal.

## 7.3. Observations

One observation was received on behalf of Declan and Niamh Darcy of No. 54 Claremont Road. The issues raised by the observers are similar to those raised in the third party observations listed in section 4.4 and can be summarised as follows:

- Opposed to the requested omission of Conditions 3 (a) and (b). They have no objection to reduction of dormer window to 3.5m i.e. amendment to condition 3 (c).
- Condition 3 (a) The informal dining area-
  - The area adjoining the proposed single storey extension has been laid out as a raised terrace.
  - The single story extension is unacceptable having regard to height, length and proximity to No. 54.
  - The rear garden has a northerly aspect and access to sunshine in the terrace from the west/north west in the evening is of critical importance. The proposed development will have an adverse impact on access to sunlight in this area having a seriously injurious effect to this amenity. Option 1 in June of the Shadow Study shows all of the terrace in shadow except limited area at eastern end.
  - Single storey extension will appear overbearing. The rear garden of the application site projects in a north easterly direction at an angle to the rear of No. 54 thereby exacerbating by reason of proximity the adverse impact on residential amenities.
  - Glazing concerns from the amendments raised by the applicant can be addressed by the condition.
  - The extension to rear of No. 52 located 5.4m from boundary with No 54 is materially different to the proposed extension.
  - The proposed reduction in length of the extension in the appeal would not be an acceptable resolution to the observers.
- Condition 3 (b) The Mezzanine Floor
  - The proposed 'tower' represents a very significant departure from what may reasonably be considered as the norm in terms of contemporary extensions developed to rear of No 50-54 Claremont Road. It is not subordinate to the main house and will have adverse impact on its scale and character and that of the wider area to the rear of these

houses. The tower also constitutes an incongruous feature disharmonious relationship with the extended house and the extended neighbouring houses.

- The permitted extension to No. 52 is a two storey gable extension with a 'A' roof which is materially different to the 'tower' in terms of form and scale. The apartment block differs in terms of height scale and mass to a domestic extension.
- The tower by reason of height and location will interfere with access to evening sunshine. The shadow diagram shows the 1m reduction in height to the tower and the omission of the floor. The proposal constitutes an unacceptable impact on established amenities of the terrace.
- The tower is also by reason of form and height visually overbearing and dominant, injuring the amenities of No 54.
- Extent of fenestration to rear and upper floors is excessive and disproportionate to neighbouring extensions, resulting in excessive degrees of overlooking. This is contrary to the Planning Authority Guidelines re extensions.
- Detailed drawings not submitted showing proposed reduction in height of tower. Head room questions the utility of the space.
- The reduction in height does not overcome the reasons for imposition of Condition 3 (b).
- Ambiguity in the condition can be addressed by the overall height of the tower to be reduced through the omission of the mezzanine floor.

## 8.0 Assessment

8.1. This is a first-party appeal against Condition No.3 attached to the Planning Authority's decision to grant permission. Having regard to the nature and scale of the proposed development and the nature of condition no.3, it is considered that the determination by the Board of the application, as if it had been made to it in the first instance would not be warranted. Therefore, the Board should determine the

matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act 2000, as amended.

## 8.2. Condition 3 (a)

- 8.2.1. The Planning Authority consider the single storey extension to be excessive and would result in a negative impact on existing residential amenity of the adjoining property in terms of overshadowing and overbearing.
- 8.2.2. The proposed single storey extension projects circa 5.0m from the proposed rear elevation of the first floor Master Suite as per drawings PA\_03-01 and PA\_03-02. The Planning Authority have conditioned the reduction in this length by 2.3m to present a straight elevation at ground floor level thereby omitting the 'informal dining' area. This will leave a green roof depth of c.2.7m. Drawing PA\_03-04 shows this extension as flat roofed with a height of 3.11m.
- 8.2.3. Having inspected the boundary from No. 54 and 56, I note the owners of 54 have installed a raised and paved terrace that runs a similar depth to the proposed single storey extension and the full width of the rear garden and dwelling structure. The remainder of the rear garden area remains sizeable. The roof of the free standing domestic shed and mature vegetation are clearly visible from the terrace of No. 54 along the eastern boundary of No. 56.
- 8.2.4. I have reviewed the shadow analysis submitted with the appeal and the shadows cast from option 1 and 2 throughout the day in March, June, September and December. The appellants have not demonstrated shadowing from the dwelling as it currently exists, and they do not appear to account for existing trees and landscaping throughout the site which in my opinion would already contribute to obstruct the Westerly light into the gardens of both No 54 and 56, especially during the Summer months.
- 8.2.5. The single storey extension will lead to some overshadowing to the terrace area of No. 54. However, overshadowing would be minor or negligible given the existing situation and in the context of the entire private open space available to the rear of number 54. The overall site and landscaping drawing PA-01-03 shows no trees along the eastern boundary save a small area adjoining the shed structure at the rear of the garden. The implementation of the landscaping scheme should see an

improvement in the amount of westerly light to the entire private open space of No. 54 especially in the evening time in June.

8.2.6. I refer to the observers concerns of overbearing and the angled orientation of the rear garden. The angle is acute and the overall width of the terrace area and remaining garden area remains sizeable. The existing free standing shed and vegetation along the eastern boundary in No.56 are already visible from the terrace area. A single storey extension 3.1m in height that extends c 2.3 along the eastern boundary would not be overbearing to an extent that would warrant its omission.

### 8.3. **Condition 3 (b)**

- 8.3.1. The Planning Authority consider the bulk and mass of the tower element to be problematic and the three storey element to be inappropriate, dominant and overbearing.
- 8.3.2. The third floor of this element provides a mezzanine level above the Master Suite. It will be 8.125m high, 4.1m deep and 3.4m wide. It will be set back c. 5.0m from the proposed attic level dormer extension. The two storey extension has a height of c.6.1m. The tower will have a flat roof and two large windows, one facing the rear garden and the other facing back into the dwelling.
- 8.3.3. The appellants have stated that condition 3 is ambiguous i.e. is the floor is to be removed but with no specific reduction in height. The Applicant has no issue with the floor being removed and/or are prepared to accept a reduction in height of 1m.
- 8.3.4. Having visited the site, I tend to agree with the view of the Planning Authority and the comments of the Observers in relation to this tower feature. The bulk and mass of the feature set back from the main dwelling and above the first floor extension would be visually obtrusive and a significant departure from and incongruous to, the existing dwellings on Claremont Road, notwithstanding its contemporary design. I also do not consider the overall extension with this feature to be subordinate to the main dwelling. As such, in my opinion it will have adverse impact on the visual amenities and character of residential properties in the area.
- 8.3.5. In order to address any ambiguity in the wording of condition 3 (b) I recommend amending the wording to omit the mezzanine level and reduce the height of the

tower structure to be the same height as the remainder of the two storey rear extension.

#### **8.4. Condition 3 (c)**

- 8.4.1. The Planning Authority consider the dormer window at attic level to be a significant structure within the roof space that would not be subordinate to the main roof. They sought to address this concern by reducing its width to 3m.
- 8.4.2. The appellants and the observers have both referred to the permitted dormer structures on No's 54 and 52 which having viewed DCC's online planning register I note appear to be permitted at 3.5m and 2.573m wide respectively.
- 8.4.3. Having inspected the site, it is noted there is currently a small dormer window in the attic space. The proposed dormer structure is c. 5.2m wide with the glazed element 4.635m wide. The dormer window is located completely to the rear of the dwelling and would be visible from the immediate rear gardens of dwellings to the east along Claremont Road. It would also be visible from parts of Farney Road. The existing dormer structure at number 52 will be more prominent than the proposed dormer when viewed from Farney Road. The proposed dormer will also be bookended by the Trident apartment development.
- 8.4.4. It is noted the appellant and the observers have no objection to the dormer structure being 3.5m wide. The reduction of the proposed dormer structure to 3.5m in width would ensure the structure is more visually subordinate to the roof space, consistent with the adjoining dwellings and would be in keeping with Section 17.11 of the Dublin City Development Plan.

#### **9.0 Recommendation**

- 9.1. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the Planning Authority under subsection (1) of section 139 of the Planning and Development Act, 2000 (as amended), to AMEND condition number 3 as follows-

3. Prior to the commencement of development on site the developer shall submit for the written agreement of the Planning Authority revised drawings showing the following amendments-
  - a. The mezzanine floor as shown in the drawing PA\_03-02 which is accessed from the master suite room shall be permanently omitted from the scheme. The height of the tower structure shall be reduced in line with the roof level of the Master Suite at first floor and as shown in drawing PA\_03-04.
  - b. The dormer structure to the attic space shall have a maximum external width of 3.5m.

Reason: In the interest of residential and visual amenity.

## 10.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the existing pattern of development in the area and the provisions of the Dublin City Development Plan 2016-2022, it was considered that, the proposed mezzanine level and tower structure would be visually obtrusive and a significant departure from and incongruous to, the existing dwellings on Claremont Road.

It was also considered that the proposed single storey extension to rear and a dormer structure at attic level 3.5m in width, would not seriously injure the residential and visual amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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Adrian Ormsby  
Planning Inspector

5<sup>th</sup> October 2020