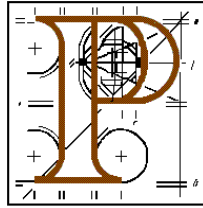


An Bord Pleanála



Inspector's Report

Appeal Reference No. **PL29N.245590**

Development: Single storey extension to rear at 26 Fitzroy Avenue, Drumcondra, Dublin 3.

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: 3298/15
Applicant: Kathlyn Brosnan
Planning Authority Decision: Grant

Planning Appeal

Appellant(s): Rhone Dunne and Tim Pollen
Type of Appeal: 3rd Party
Observers: None
Date of Site Inspection: 22/12/2015
Inspector: **L. Dockery**

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The subject site, which has a stated area of 75 square metres, is located on the southern side of Fitzroy Avenue, Dublin 3. This is a mature, inner city residential area where densities are high. Properties have only limited rear garden areas.
- 1.2 The subject site contains a two-storey, red brick mid terrace dwelling. The floor area of the dwelling as existing is approximately 77 square metres.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposed development, as per the submitted public notices, comprises the construction of a new single storey extension to the rear of No. 26 Fitzroy Avenue, Drumcondra, Dublin 3. The development will consist of a new dining room with rooflight, internal modifications and associated site works.
- 2.2 The stated floor area of the proposed new build is 7.8 square metres.

3.0 PLANNING AUTHORITY'S DECISION

Permission GRANTED, subject to 7 conditions.

4.0 TECHNICAL REPORTS

Planner's Report

The Planner's Report reflects the decision of the Planning Authority

Engineering Department- Drainage Division

No objections, subject to conditions

5.0 APPEAL GROUNDS

5.1 The grounds of the third party appeal may be summarised as follows:

- As there are no front gardens to these properties, the amenity of the rear open space is more important than is the norm
- Due to the boundary walls and limited depth of outer rear courtyard, the inner courtyard is the only part of the site that gets sunlight
- Outlines purported discussions which took place between parties prior to lodgement of planning application
- Outlines concerns regarding deficiencies in drawings- contends that application is invalid in light of these deficiencies and should be dismissed by the Bord or require re advertisement of notices and further information
- Concerns regarding reduction of private open space to 11 square metres
- Increase in height of boundary wall will diminish availability of daylight and sunlight to appellants property and will over dominate view by diminishing amount of skylight visible
- Concrete block finish to extension is not acceptable
- Makes comment of report of Planning Officer of planning authority
- Appellants have no wish to hinder the applicant is any reasonable proposal to extend their property
- Proposal will have detrimental impact on amenities of their property

- Proposal would set a precedent for further such extensions- wholly inappropriate for these Victorian residences with very limited rear open spaces

6.0 RESPONSES

6.1 A response was received on behalf of the applicant, which may be summarised as follows:

- Outlines their recollection of pre-planning discussions which took place between neighbouring parties
- Structure referred to in appellants submission to the south of return does not form part of residence; has a temporary roof structure and is used for storage of goods- no access from the dwelling to this area and has no door to enclose it- should have no impact on validity of application- submits photographs in support of argument
- With regards eastern elevation, contends that they were advised prior to lodging application by the planning authority that contiguous rear elevation not required and that section through building showing eastern elevation was adequate- elevation submitted as part of response (Drwg SS-009
- Refutes suggestion that elevations will be finished in concrete block- drawings show painted sand/cement render finish to external walls
- Heights of walls are clearly visible on drawings and suggests that height referred to in planning report is clearly a typing error
- Other extensions in vicinity have been referenced in planner's report
- Enforcement Section of planning authority did not contact applicant regarding existing works
- With regards impact on sunlight and daylight, states that extent of visible skyline is currently reduced by terrace of houses on Russell Avenue

- Undertaken a sun study to prove that proposal will not have a detrimental effect on neighbouring residents- demonstrates that proposal does not have a significant effect on sunlight received to No. 25 Fitzroy Avenue
- Extension has no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight/sunlight
- A precedent exists in the area for reduced open space

6.2 An initial response was received from the planning authority (received by ABP on 30/10/15) and may be summarised as follows:

- Considered that Planner's report adequately set out the position of the planning authority
- Clarified that reference to "2.2.8m" was a typing error and should read 2.8m and that proposal was assessed accordingly
- Considered that proposed development is minor in nature and is in accordance with the provisions of the Dublin City Development Plan

6.3 A response to the above was received on behalf of the appellant, which reiterates and expands on issues already raised in particular with regards open space remaining, impacts on sunlight, daylight and views. Any new issues are summarised as follows:

- Makes comment regarding 3D images and sunpath diagrams
- No stated proposal to remove the garden structure on completion of extension and suggest that it is part of the house
- Applications referred to date from late 1990s and bear no relation to modern planning practice- contends that there are no precedents for such development

6.4 A further response was received from the planning authority which states that they have no further comment to make.

7.0 OBSERVATIONS

7.1 None

8.0 PLANNING HISTORY

8.1 There appears to be no recent history pertaining to the subject site. It is noted that there are a number of applications in the vicinity for extensions to the original dwellings

9.0 DEVELOPMENT PLAN

The Dublin City Development Plan 2011-2017 is the operative County Development Plan for the area.

Zoning

The site is located within 'Zone 1' the objective for which is "to protect, provide and improve residential amenities".

Section 17.9 Standards for Residential Accommodation

Section 17.9.8 Extensions and Alterations to Dwellings

Appendix 25 Guidelines for Residential Extensions

10.0 ASSESSMENT

10.0.1 I have examined all the documentation before me, including the Planner's Report of the Planning Authority, the appeal submission and responses and have visited the site and its environs.

10.0.2 In my mind, the main issues relating to this appeal are

- Principle of proposed development
- Impacts on amenity of area
- Other issues

10.1 PRINCIPLE OF PROPOSED DEVELOPMENT

10.1.1 The subject site is located within 'Zone 1' of the operative City Development Plan, which seeks to 'to protect, provide and improve residential amenities'. This objective is considered reasonable. The proposed development provides for the construction of a single storey extension and associated site works to an existing dwelling. I note that extensions have been constructed to the rear of other properties in the vicinity and therefore a precedent for same is considered to exist. I consider the development as proposed to be acceptable in principle and generally in compliance with the zoning objective for the area.

10.2 IMPACTS ON AMENITY

10.2.1 I acknowledge the concerns raised by the appellants in their submissions. Having examined the documentation before me, together with having carried out a visit of the site and its environs, I am of the opinion that the proposal is generally considered acceptable. A precedent has been set for extensions in the immediate vicinity. The works essentially provide a ground floor extension to the rear of an existing residential property, in order to provide additional living space to a dwelling with relatively restricted floor area. The proposal is considered to be a relatively minor, small-scale development of less than 8 square metres. There will be no impact on the streetscape of Fitzroy Avenue.

10.2.2 I note that much of the appeal submission concerns itself with impacts on daylight and sunlight, together with the quality of the remaining private open space provision. I acknowledge their concerns but consider this to be relatively high density, established inner city environment and it is inevitable that there may be some degree of overlooking, overshadowing or impacts on sunlight/daylight when development of any scale occurs. It is also inevitable that there may be some shortfall in open space provision, considering the layout and

pattern of development of these properties on restricted sites. It is the degree to which these impacts occur that is of concern and in this instance, I consider that the height, scale and extent of the proposal is such that the impacts would not be so great as to warrant a refusal of permission. I note the comments made by the appellants in relation to the submitted 3D drawings and sunpath study. I consider that notwithstanding the shortfalls outlined, they provide a useful tool in undertaking an assessment of the appeal. However, in undertaking this assessment, I have examined all information on file and have conducted a visit of the site and its environs.

10.2.3 I have no information before me to believe that the proposed development, if permitted would lead to devaluation of property values in the vicinity. I consider that the works proposed are acceptable and would not detract from the visual or residential amenities of the area. They would integrate well with the existing dwelling and other properties on the street. The finishes have been outlined in the submitted drawings, and these are considered to be acceptable. I consider that the proposal is generally in compliance with relevant Development Plan policies in relation to such works and that the proposal is consistent with the proper planning and sustainable development of the area.

10.3 OTHER ISSUES

10.3.1 I note the issues raised in relation to the nature of the subject extension to the south of the lean-to. I am satisfied that this is a shed type structure with perspex roof and no door and that it does not form part of the original dwelling. As it is in use as a garden storage area, I consider that its removal by condition is not necessary in this instance.

10.3.2 I consider that there is adequate information on file in order for me to comprehensively assess the proposed development.

10.3.3 Issues of enforcement and validation of the application are a matter for the planning authority, outside the remit of this appeal. I do consider however that the submitted public notices adequately describe the proposed development.

10.3.4 The subject site is located in an established residential area and is not located adjacent to nor in close proximity to any European sites, as defined in Section 177R of the Habitats Directive. Having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

11.0 CONCLUSIONS AND RECOMMENDATIONS

11.1 In light of the above assessment, I recommend that the decision of the planning authority be UPHELD and that permission be GRANTED for the said works, based on the reasons and considerations under.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the provisions of the Dublin City Development Plan 2011-2017 and to the nature, form, scale and design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not adversely affect the residential or visual amenities of the area, would not lead to the depreciation of property values and would integrate well with other properties in the vicinity. 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, 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 and to ensure a proper standard of development.

3. The entire dwelling shall be used as a single residential unit

REASON: In the interests of clarity

4. Site development and building works shall be carried only out between the hours of 07.00 to 18.00 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.

5. The external finishes of the proposed extensions including roof tiles/slates shall be the same as those of the existing dwelling in respect of colour and texture.

REASON: In the interest of visual amenity.

6. Notwithstanding the provisions of the Planning and Development Regulations, 2001 as amended, no further development shall take place within the rear garden area without a prior grant of permission

REASON: In the interests of orderly development

L. Dockery

Planning Inspector

23rd December 2015