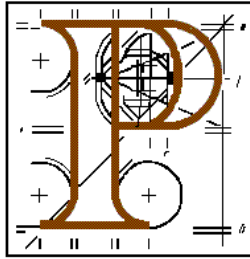


# An Bord Pleanála



## Inspector's Report

**Appeal Reference No:** PL29S.245635

**Development:** Permission for two storey extension to the rear and two velux windows to the front of dwelling.

### Planning Application

Planning Authority: Dublin City Council

Planning Authority Reg. Ref.: 3374/15

Applicant: Christina Collins

Planning Authority Decision: Grant permission subject to conditions

### Planning Appeal

Appellant(s): Ciaran Quinlan  
Ann Grealy

Type of Appeal: Third party against decision

Observers: None

Date of Site Inspection: 16<sup>th</sup> December, 2015

**Inspector:** Stephen Kay

## **1.0 SITE LOCATION AND DESCRIPTION**

The appeal site is located in the Irishtown area of south east Dublin City in an area that is bounded by the Irishtown Road to the east and by the Dodder River to the west. The site is currently occupied by a single storey terraced dwelling that is typical of the form of dwelling in the area being of modest floor area and having a small area of open space to the rear. The dwelling has a brick frontage and faces directly onto the street.

The stated existing area of the site is 98 sq. metres. The floor area of the dwelling in its existing form is not stated. The original form of the dwelling has been extended to the rear to create a small single storey extension which accommodates a kitchen and bathroom. There is a small yard area located to the rear.

## **2.0 PROPOSED DEVELOPMENT**

The proposed development comprises the following:

- The demolition of the existing small kitchen / bathroom extension to the rear at ground floor level.
- The construction of a two storey extension to the rear with a floor area of 40 sq. metres comprising a kitchen / dining room at ground floor level and a bedroom at first floor level. A second bedroom is proposed at first floor level within the area of the existing roof space.
- The form of the proposed extension is such that the ridge line of the existing dwelling is to be retained and the flat roofed extension to run back from a point a short distance to the rear of the ridge. The overall height of the roof of the extension is indicated as 5.55 metres compared to 5.45 metres at the apex of the roof.
- The extension is proposed to be set back from the northern site boundary by 743mm.
- To the rear, there is proposed to be an area of open space of c. 20 sq. metres (c.6.1 metres wide by 3.25 metres long).
- The proposed rear elevation is finished with smooth render.
- To the front, two velux windows are proposed to serve the bedroom to the front of the floorplan.

### 3.0 PLANNING HISTORY

The following planning histories are referenced in the report of the Planning Officer: These applications are located in Magdalen Terrace to the east of the current appeal site.

- Dublin City Council Ref. WEB 1089/11 – Permission granted by the Planning Authority for a two storey extension to the rear of No.76 St. Magdalen’s Terrace, a single storey dwelling. The development also comprised two small conservation type roof lights in the front roof slope. It is stated in the report of the planning officer that the depth of the first floor extension is c. 3 metres however the Planning Officer Report in respect of 1089/11 states that the projection beyond the original rear building line of the dwelling is 2 metres.
- Dublin City Council Ref. WEB 1020/12 – Permission Granted by the Planning Authority for a two storey extension to the rear of No. 77 Magdalen terrace also stated in the report of the Planning Officer on this application to have a depth of c. 3 metres at first floor level.

It is noted that from the description in the planners reports the above two applications were for a single bedroom and bathroom at first floor level. The roof lights served the bathroom / void to living accommodation below rather than bedroom accommodation.

#### ***Other Sites From ABP Registry Map***

- Dublin City Council Ref. WEB 1253/13, ABP Ref. PL29S.242883 – Permission granted by the planning authority and decision upheld on appeal for development comprising demolition of a rear single storey structure and construction of a new rear single storey extension, comprising of flat roofed ground floor structure and dormer extension to rear of existing roof with two roof lights to front at 108 Philomena Terrace, Stella Gardens, Irishtown, Dublin 4. It is noted that permission was granted by the Board subject to conditions including the omission of the proposed roof lights.
- Dublin City Council Ref. 2688/09, ABP Ref. PL29S.233861 – Permission granted by the planning authority and decision upheld on appeal for internal and external alterations at 106 Philomena Terrace, Irishtown, including demolition of part existing rear extension, construction of new single storey rear extension abutting adjoining properties, attic conversion including rear dormer and front roof lights, and replacement of windows. Noted that Condition no.2 of the decision of An Bord Pleanála omitted the proposed roof lights to the front roof slope.

### ***Other Sites From Inspection of the Area***

- There is a large 2 storey extension two doors up from the appeal site at No.91 Veronica Terrace. There is no planning history available for this development.
- There is no record on the Planning Authority website regarding the permission for development at No. 88 Veronica Terrace, to the immediate north of the appeal site (extension with window facing the site boundary).

## **4.0 PLANNING AUTHORITY DECISION**

### **4.1 Planning and technical reports**

Planning Officer - The Planners report notes the planning history in the vicinity of the site and specifically the permissions granted on Magdalen's Terrace. As noted above it is stated that these permissions were for extensions at first floor level of 3 metres depth. The report also states that the proposal would provide a third bedroom at first floor level. What is proposed is for the provision of two bedrooms at first floor with the overall number of bedrooms going from two to three. Report states that the objectors concerns regarding loss of amenity are justified and that the depth of the first floor element of the extension should be reduced to a maximum of 3 metres. A grant of permission consistent with the notification of decision to grant permission is recommended.

Drainage Division – No objection.

There were **objections** to the proposed development submitted which raised issues regarding the scale, design and height of the extension, impact on amenity in terms of overlooking and loss of light. Inaccuracies in the drawings submitted. Inadequate open space provision and design not in sympathy with the existing dwelling and that a sloped / pitched roof profile should be used.

### **4.2 Planning Authority Decision**

The Planning Authority issued a Notification of decision to Grant Permission subject to 7 no. conditions, the most significant of which in the context of the current appeal are as follows:

Condition No.3 requires the first floor extension to be reduced to 3 metres in depth.

Condition No.2 requires that the external finishes shall match the existing dwelling.

## **5.0 GROUNDS OF APPEAL**

The following is a summary of the main grounds of appeal against the proposed development:

- That the size, scale and height of the proposed development would be visually overbearing and would result in the overdevelopment of the site. The level of open space provided at c.20 sq. metres is significantly less than the development plan requirement of 15 sq. metres per bedspace.
- That no effort has been made to minimise the impact on adjoining properties.
- That the development would result in a loss of light and severe overlooking of the properties to the rear. The development would result in an extreme loss of privacy.
- The development would result in a loss of light to the adjoining rear garden.
- That the two cases cited as precedents for the current proposal are WEB1089/11 and WEB1020/12. The planners report states that these extensions were 3 metres in depth however from the drawings it can be seen that they were 1.9 metres and 1.3 metres respectively. The basis for the 3 metre depth specified in Condition No. 3 would therefore appear to be flawed.
- That the wording of condition No.3 is silent on issues such as finishes and whether a pitched roof should be used. These issues should be specified rather than left for agreement.
- That the extension is out of keeping and scale with other developments in the area which are primarily single storey.
- That there is an existing window in the side elevation of the rear extension to No.88 and the proposed extension will result in almost no light entering this window.
- That the Site Plan showing the development shows a pitched roof to the rear of the extension and roof lights. These are not shown on the elevation or section drawings.

## **6.0 RESPONSES / OBSERVATIONS TO GROUNDS OF APPEAL**

### **6.1 Planning Authority Response**

Submission received stating that the Planning Authority has no further comment to make on the appeal.

## 6.2 First Party Response

The following is a summary of the main points raised in the first party response to the third party appeals:

- That Mr Quinlan is not the owner of No.88 as stated in the appeal. He has no legal or beneficial interest in this house and the appeal should be null and void.
- That there are numerous examples of similar extensions in the vicinity including at Nos. 76 and 77 Magdalen Terrace and at No. 91 Veronica Terrace.
- That the statement of the appellants that the extensions at Nos. 76 and 77 Magdalen terrace are less than 2 metres in depth against the 3 metres conditioned by the planning authority is incorrect. These extensions are the same size (depth) as what is proposed on the appeal site. In addition, what is proposed in the current application is not for the full width of the site.
- That the neighbouring dwelling to the north (no.88) has a window in the side elevation of the rear extension that is right on the boundary and which has a significant impact on residential amenity. It is not clear that this window is permitted. The proposed design has left 740mm along the boundary to ensure that this window is not blocked.
- That the dwellings in the terrace are very small and are designed to give a proper additional floor area to meet modern living requirements.
- That the height of the extension proposed is lower than the roof and the development would not be visible from the street.

## 7.0 POLICY CONTEXT

The site is located in an area that is zoned Objective Z2 under the Dublin City Development Plan, 2011-2017. *'to protect and / or improve the amenities of residential conservation areas'*. Within such area the overriding priority is to enhance the architectural quality of the streetscape and the area.

**Paragraph 17.9.8** of the Plan relates to Extensions and Alterations to Dwellings and states that extensions should have regard to the amenities of adjoining properties and that the form of the existing building should be followed as closely as possible and extensions should integrate with the existing building. It is stated that applications for extensions will be granted provided they don't have an adverse effect on the scale and character of the dwelling and has no unacceptable effects on the amenity of adjacent properties.

**Appendix 25** of the Plan gives guidelines for Residential Extensions. This guidance sets out a number of principles for extensions including residential amenity, privacy and the importance of a high quality of design.

## **8.0 ASSESSMENT**

The following are considered to be the main issues in the assessment of this appeal:

- Principal of Development,
- Design, Scale and Layout,
- Impact on Residential Amenities,
- Other issues

### **8.1 Principle of Development / Procedural Issues**

8.1.1 The first party states that one of the appellants, Mr Quinlan is not the owner of No.88 as stated in the appeal, that he has no legal or beneficial interest in this house and the appeal should be null and void. The fact that the appellant is or is not the owner of the adjoining dwelling is not a material issue in the validity of the appeal or in the assessment of the issues raised.

8.1.2 Also on a procedural issue, I note that the drawings submitted appear to have an inconsistency between the layout indicated in the floorplans and section drawing and that which is indicated on the Site Plan. Specifically, the Site Plan indicates that there is a pitched roof at the rear of the extension with two roof lights included whereas the section and floorplan drawings indicate a flat roof two storey extension extending to the rear of the extension. It would appear that the layout shown on the section and floor plan drawings is what is proposed in the development however in the event of a grant of permission revised drawings which would clarify this issue should be required. I also note that the floorplan layouts submitted do not indicate the chimney and that there is no reference to its omission in the public notices provided.

8.1.3 The site is located on lands that are zoned Objective Z2 (Residential Conservation Area) under the provisions of the Dublin City Development Plan. Residential development is identified as a permissible use and the extension of residential properties is acceptable subject to compliance with other relevant development plan policy, including 17.9.8 regarding extensions, appendix 25 also regarding extensions and policies relating to development in residential conservation areas and residential standards (17.9.1). Compliance with these policies and standards is examined in detail in the sections below.

8.1.4 With regard to precedent, the first party and the planning authority have both made reference to the fact that there are a number of similar developments in the vicinity of the appeal site. From an inspection of the appeal site and the general area I would agree that there are a number of similar developments incorporating two storey rear extensions some of which are of a significant scale. I would also highlight as outlined in 3.0 above (Planning History) that in the case of a number of the developments observed in the vicinity there is no planning history available on the Planning Authority website. Specifically, No.91 Veronica Terrace is cited by the first party however there are no plans or planning permission details available for this development. The Planning Authority and the first party have also made specific reference to two permitted developments of similar form to the current proposal at Nos. 76 and 77 Magdalen terrace and these are referred to in detail below. The principle of development incorporating a two storey rear extension is supported by the permitted developments in the general vicinity of the site.

8.1.5 In general terms I would also accept the case made by the first party that the dwellings in the terrace are very small and that extensions are required to provide additional floor area to meet modern living requirements

## **8.2 Design, Scale and Layout,**

8.2.1 As set out above, the principle of a two storey extension to the existing single storey dwelling is in my opinion acceptable. The scale of the proposed extension is such that the flat roofed two storey element would not result in an extension or raising of the existing ridge line and the roof, while c.100mm higher than the ridge line would not be visible from the street. The basic form of the two storey extension is therefore in my opinion compatible with the Objective Z2 (residential conservation area) zoning objective for the site and would not have an adverse impact on the streetscape or on the character of the area. As noted in 8.1 above, there is no reference in the public notices to the removal of the existing chimney, however it is not indicated on the floorplans submitted and the removal of this feature would not be acceptable in a Z2 zone.

8.2.2 The proposed development incorporates two roof lights in the front roof slope of the dwelling. The roof lights are stated to be conservation grade / specification roof lights and there are examples in the general area of similar roof lights being permitted. I would however have concerns with regard to the impact that such addition would have on the streetscape and on the visual character of the area given the designation as a residential conservation area. While a number of similar windows have been permitted by the Planning Authority there are not a significant number evident and there remains in my opinion a strong case to resist permitting such features. I also note the fact



that An Bord Pleanála have previously refused permission for roof lights at Nos. 106 and 108 Philomena Terrace (PL29S.233861 and PL29S.242883). In addition, as will be set out in the sections below, there are issues with regard to the roof lights in terms of the provision of adequate quality habitable accommodation and also whether they are required if a single bedroom is provided at first floor level. For these reasons it is recommended that the roof lights be omitted by condition in the event that permission is granted.

- 8.2.3 The scale of development proposed is significant with the two storey rear extension extending to the site boundary on the southern side and within 743mm of the boundary to the north. The depth of the proposed two storey element as per the original application was c.4.7 metres. Condition No.3 of the Notification of Decision issued by the Planning Authority specifies that the *'proposed first floor extension shall be reduced to 3 metres in depth'*. It is not completely clear from the wording of this condition where the 3 metre depth is to be measured from however it would appear logical that what was intended was 3 metres beyond the original rear building line. The report of the Planning Officer however makes reference to the developments at Nos. 76 and 77 Magdalen Terrace as precedent for the current proposal and this is restated by the first party response submission which states that what is sought is a development which is the same scale at that permitted at Nos. 76 and 77. A review of the plans relating to the developments permitted at Nos. 76 and 77 Magdalen Terrace shows that what was permitted was development with a 2 storey element extending less than 2 metres beyond the original rear building line and notable also only proposing a single bedroom at first floor level.
- 8.2.4 The development proposed on the appeal site provides for two bedrooms at first floor level. The bedroom to the front of the floorplan is proposed to be lit and ventilated only by roof lights and I do not consider that such an arrangement would result in an acceptable standard of residential amenity. Paragraph 17.9.1 of the Plan states, albeit for new development, that living rooms and bedrooms shall not be lit solely by roof lights and it is also not clear that the proposed layout would meet the required floor to ceiling height for this room. In addition, the proposed layout incorporating three bedrooms would result in a minimum private amenity space requirement of c.60 sq. metres (4 bed spaces by 15 sq. metre) whereas the amenity space proposed is only 20 sq. metres. It is accepted that meeting the development plan standard is likely not realistic in a dwelling type such as that on the appeal site however the deficiency in open space is considered to be excessive.
- 8.2.5 For these reasons it is my opinion that to be acceptable the development needs to be amended by condition to provide for a single bedroom at first floor level. Such an arrangement would allow for a reduction in the depth of the two storey rear extension to approximately that permitted at Nos.76 and 77 Magdalen Terrace. In the event of a grant of permission therefore it is recommended that the depth of the two storey extension be limited to a

maximum of 2 metres beyond the original rear building line of the dwelling and that a single bedroom only shall be provided at first floor level.

### **8.3 Impact on Residential Amenities,**

- 8.3.1 The third party appellants have raised concerns regarding the impact of the proposed development on adjoining property in terms of access to daylight / sunlight and overlooking, specifically of the property to the rear in Saint Magdalen Terrace. Concern has also been expressed regarding the impact of the proposed development on the light available to the adjoining property to the north (No.88) which has a window that faces the boundary at ground floor level. The impact of this window on amenity has also been raised by the first party.
- 8.3.2 With regard to the window in the side elevation of No.88 Veronica terrace which faces the appeal site no information has been presented or is available via the local authority website that indicates when such a window was permitted. It is also not clear how long this window has been in place. It is therefore my opinion that the provision of some degree of set back from the northern site boundary as proposed by the first party is acceptable and that the issue of the impact of development in this configuration on the availability of light to the adjoining property is a private legal issue between the parties to the appeal.
- 8.3.3 With regard to the impact of the proposed development on the amenity of properties on either side, the proposed depth of the ground floor extension is similar in extent to those on either side and no negative impacts on amenity would arise. Regarding the depth at first floor level and the impact on amenity arising, as set out in 8.2 above, I do not consider that the site can accommodate two bedrooms at first floor level and that a maximum depth at first floor of 2 metres would be sufficient to provide a good standard of accommodation at first floor comprising bedroom, toilet and storage. A condition limiting the depth at first floor to 2 metres would, in my opinion serve to minimise any adverse impacts on residential amenity due to overshadowing. The adjoining property to the north (No.88) may be impacted by loss of light in the afternoon period if the extension was permitted to be any deeper than this.
- 8.3.4 Regarding the impact on the properties to the rear of the site, the existing separation between the original rear building lines of the dwellings in Veronica Terrace and to the rear in St Magdalen's Terrace is slightly less than 16 metres. The property to the rear of the appeal site (No.78 St Magdalen's terrace, appellant Mrs Ann Geary) has a single storey rear extension that extends to the rear site boundary over approximately half the width of the site and approximately half the length of the garden over the balance. Overlooking would therefore be potentially of the window in the rear elevation

of No.78 which would be only c.10 metres from the proposed extension as conditioned to a maximum depth of 2 metres. This separation is in my opinion too close for the provision of two windows with no screening as is proposed in the submitted plans. To minimise the actual overlooking of properties to the rear, particularly No.78 St. Magdalen's Terrace, I consider that a single window of 1.6 by 1.6 metres should be permitted and that this window should be fitted with obscure glazing. I note in this regard that obscure glazing was proposed to the windows of Nos. 76 and 77 St Magdalen's Terrace. I also note that some form of roof lights in the flat roof may be feasible to provide additional light to the bedroom. Two roof lights are indicated on the Site Plan drawing however it is not clear from the floorplans where there are to be located.

#### **8.4 Other Issues**

- 8.4.1 Having regard to the nature and scale of the proposed development comprising a small scale extension to an existing dwelling and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.
- 8.4.2 Under the s.48 Development Contribution Scheme the first 40 sq. metres of domestic extensions to a dwelling are exempt from development contributions. The proposed extension which is the subject of the current application is below the 40 sq. metres cut off.

#### **9.0 CONCLUSIONS AND RECOMMENDATION**

It is considered that the proposed development should be granted based on the reasons and considerations hereunder and subject to the attached conditions.

#### **REASONS AND CONSIDERATIONS**

Having regard to the residential conservation area zoning objective for the area and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property 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. The proposed development shall be amended as follows:
  - (a) a single bedroom only shall be provided at first floor level.
  - (b) The rear extension at first floor level shall project a maximum of 2 metres beyond the original rear building line of the dwelling.
  - (c) The existing chimney shall be retained in the development and revised plans submitted showing compliance with the requirements of this condition shall indicate the location of the chimney breast on both floors.
  - (d) A single window in the rear elevation at first floor level measuring a maximum of 1.6 metres by 1.6 metres shall be provided. This window shall be fitted and thereafter permanently maintained with obscure glazing.
  - (e) A maximum of two roof lights shall be fitted to the flat roof of the first floor rear extension. The location of these roof lights (if any) shall be indicated on the Site Plan and Floor Plan drawings submitted as part of the compliance with this condition.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity.

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

**Reason:** In the interest of visual amenity.

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 residential amenities of property in the vicinity.

5. Water supply and drainage arrangements, including the attenuation and 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.

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**Stephen Kay**  
Planning Inspector  
Date: 23<sup>rd</sup> December, 2015