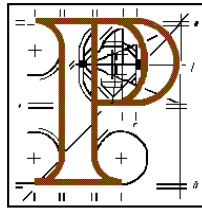


An Bord Pleanála



Inspector's Report

Appeal Reference No: PL29S.245806

Proposed Development: House to the side of existing house with an extension to the rear of the existing house.

Location: 46 Beech Hill Drive, Donnybrook, Dublin 4

Applicants: Margaret Purdy & Joseph Mulville

PA Reg. Ref: 3586/15

Planning Authority: Dublin City Council

P.A. Decision: Grant

Appeal Type: Third

Appellants: Jonathan O'Connell

Date of Site Inspection: 22nd January 2016

Inspector: Una Crosse

1.0 SITE LOCATION AND DESCRIPTION

- Site is that of No. 46 Beech Hill Drive accommodating a modest existing semi-detached property, 83sq.m attached to No. 48 with an existing modest single storey extension;
- Site area is c.0.04ha comprising a regular rectangular plot of ground;
- Site adjoined and attached to No. 48 to the south with No. 44 located to the north;
- Existing house is 3.6m from the boundary with No. 44 with No. 44 having constructed a part-2/part single storey extension along its southern boundary and around to the rear;
- The estate within which the site is located comprises a mix of detached, semi-detached and rows of terraces with open space to the east of the site with some variations to an otherwise uniform residential area.

2.0 PROPOSED DEVELOPMENT

- Development of a new dwelling directly abutting the existing house at No. 46;
- Dwelling is 124sq.m in area and is 2.5 storeys incl attic accommodation - 8.25m in height;
- Proposal is accessed via the existing entrance and has rear garden space;
- Development of a part-2/part single storey extension to the rear of No. 46 with the two storey element extending for 3m and the single storey a further 4.1m;
- The two storey element is 5.7m in height and the single storey is 3m;
- A new porch is proposed on the front elevation of No. 46 with a similar proposal on the new dwelling with dormer windows proposed on the rear roof of the existing and proposed;
- No boundary treatment has been identified in the drawings;

3.0 PLANNING HISTORY

None on site

Adjacent Sites

- **Reg. Ref. 1080/09** – No. 44 - demolition of existing single storey garage to side of dwelling, relocation of existing side access to boundary of site, construction of two-storey extension to side of dwelling, a single storey extension to rear of dwelling.
- **Reg. Ref. 1243/15** - - No. 42 - demolition of a rear single storey structure. Relocation of existing side access to boundary of site, construction of two-storey extension to side of dwelling, a single storey extension to rear of dwelling.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

- Noted that the extension to existing house will not serve to detract from residential amenities of adjoining properties;
- Proposed dwelling while long and narrow is largely in keeping with the character of the area;
- Length of two-storey element largely matches length of no. 44 with its associated single-storey extension with proposed single storey element extending beyond;
- While long, proposal as designed will not seriously detract from the residential amenities of the neighbouring dwelling to a significant degree;
- Some overshadowing likely but won't be significant due to extension at no. 44, orientation of the site and long and wide gardens existing;
- Noted that a new vehicular entrance would require a separate permission as not proposed herein;
- Proposed private open space of 60sq.m considered adequate;
- Boundary treatments between properties have not been indicated but proposed same can be conditioned;
- No appropriate assessment issues considered to arise;

Six observations submitted have been referred (No's 48, 38, 40, 50, 42 & 44 which include support for the proposal and issues arising are as set out in grounds of appeal – size, scale, overlooking, overshadowing. Note – Planners report refers to five.

Technical reports received from Drainage – no objection with conditions, Roads and Traffic – no objection with conditions.

4.2 Planning Authority Decision

Permission granted subject to 13 conditions. Condition No. 4 requires a party boundary treatment separating the rear private open space to the rear of No. 46 and the new dwelling to be 2m in height with a minimum of 60sq.m to be provided to the new dwelling; Condition No. 8 de-exempts further extensions.

5.0 GROUNDS OF APPEAL

The grounds of appeal are summarised as follows:

- Planning report of PA omits reference to one of observations submitted;
- Content of letter of support submitted incorrect (reference to appellant seeking their support to oppose development);
- Other letter of support from relative with reference to similar proposal incorrect;
- Additional houses on sites in the estate constructed on larger side sites;
- Incorrect measurements on application corrected by PA;
- Concerns regarding narrow width of property and minimum habitable space;
- Impact of the proposal on the community with no regard for neighbours;
- Proposal out of scale and proportion with existing development;

- Impact of proposal on natural light of appellants property;
- Planners reference to impact on No. 44 vague and omits elements of the proposal which will impact on appellants property;
- Impact of additional single storey extension not been considered with Planners comment challenged;
- Overshadowing and overlooking of No. 44 and No. 44 require consideration;
- 3-D sketches of the proposal attached (Sketch-Up);
- Differing measurements between existing properties and proposed development outlined and considered same were not understood by PA in their decision;
- Appeal is supported by occupants of No. 42 and No. 48;

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

No response received.

6.2 First party response

A very lengthy response to the appeal was provided and is summarised as follows:

- Matters relating to personal relationships are not considered relevant to proposal;
- Fire safety and building regulations considered under a separate code;
- Number of measurements relied on by the appellant are incorrect;
- Disagree with suggestion that appeal site not capable of accommodating a development differing from that permitted on No. 44;
- Appellants sketches should not be used as an alternative to the scaled proposal submitted;
- Area exhibits a degree of uniformity but exhibits noticeable variations with homes altered and adapted to suit personal preferences;
- Proposed new dwelling similar in scale, design and height to several adjacent side extensions;
- Proposed dwelling would be consistent in terms of massing and position with existing;
- Maintaining ridgeline between new and existing, unlike No 44, is not visually significant;
- New dwellings to the side of existing dwellings is a feature of this estate;
- Proposed structure is not noticeably different in context of side additions in area;
- Overshadowing caused to appellants property will vary depending on time of day and season and not so harmful as to justify refusal;
- Proposal is due south of the appellant with no impact in the morning with overshadowing possible during the afternoon at various times of the year but not significant and within bounds of reasonable tolerance;

- Proposal not significant enough in terms of size or proximate enough to adjoining property to detrimentally impact on daylight penetration;
- Overlooking from dormer window not of any significance as recessed behind rear elevation of the appellants property;
- The loss of privacy envisioned by appellant is not apparent;

7.0 POLICY CONTEXT

- Site zoned Z1; the objective of which is '*to protect, provide and improve residential amenities*'.
- Section 17.9.7 – Infill Housing
- Section 17.9.8 – Extension and alterations to dwellings;
- Policies QH18 & QH19
- Appendix 25 – Guidelines for Residential extensions

8.0 ASSESSMENT

The main issues arising are as follows:

- Procedural Matters
- Principle of Proposal
- Impact on Residential Amenity
- Visual Impact of New Dwelling
- Appropriate Assessment

8.1 Procedural Matters

The appellant has raised a number of issues regarding the number of observations received by the Planning Authority, supporting letters and measurements. While the matters are noted the proposal is considered de novo by the Board and therefore procedural matters arising at the Planning Authority do not affect the Board. It is however noted that the owners of No. 48 Beech Hill Drive, Mr. Cosgrove and No. 42 Beech Hill Drive, Mr Gannon support the appeal submitted by Mr. O'Connell. In relation to the drawings, I would note that some are very poorly annotated with little or no detail.

8.2 Principle of Proposal

The proposal provides for an additional dwellinghouse and an extension to an existing dwellinghouse both within the same plot of land. The land is zoned for residential development in the current Development Plan and therefore subject to complying with other planning requirements as addressed in the following sections, the principle of the proposal is acceptable.

8.3 Compliance with Policy

Section 17.9.7 of the City Plan sets out the matters to which it will have regard when considering a proposal for infill housing. These are as follows:

- Have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings. The proposed unit accords with all these

considerations as it follows the established proportion, height and building line of the existing dwelling as it addresses the public road.

- Comply with the appropriate minimum habitable room sizes. The appellant expressed concern as to the narrow width of the house and to achieving habitable room sizes. The proposed unit while narrow in width provides all rooms are of minimum or above size.

- Have a safe means of access to and egress from the site which does not result in the creation of a traffic hazard. The proposed unit is accessed via the existing access/egress point into No. 46. It is noted that any new entrance to facilitate the new proposal would require separate permission. It is also noted that there is ample street parking available.

Section 17.9.8 and Appendix 25 set out the objectives and standards relating to residential extensions. It is generally stated that the design of residential extensions should have no adverse impact on the scale and character of the dwelling and no unacceptable effect on the amenities of adjacent properties. These matters are addressed in separate sections below.

8.4 Impact on Residential Amenity

The matter of the impact of the proposal on the residential amenity of properties No. 44 and No. 48 in particular is, in my opinion, the matter of primary importance and concern. There are three areas of concern in my opinion, overshadowing, overbearance and overlooking which I will address in turn. In terms of assessing the impact of the proposal on the residential amenity of the adjoining dwellings, the proposal effectively comprises an additional two storey block (new dwelling and extension to existing) and a single storey element across both rear elevations. In addition it is proposed to provide two dormer windows on the existing and proposed roofspace. I note the 3-D sketches of the proposal attached by the appellant using Sketch-Up. The applicant's agent states that the sketches should not be used as an alternative to the scaled proposal submitted. The assessment herein will have regard to the scaled drawings but I would note that the sketches are a useful tool in assisting the Board.

8.4.1 Overshadowing

The appellant refers to the impact on the natural light enjoyed currently at No. 44 which has recently been extended. The property at No. 48 has a single storey extension attached to the rear elevation. The proposal provides for a 12.5 metre long two storey gable with a ridge of 8.2m reducing to a flat roof on the two storey element which is c.5.7m and a 3 metre single storey element for 4.4m. The proposal is southwest of No. 44 and northeast of No.48 and would in my opinion, create overshadowing of these properties in the evening and morning respectively. This matter has not in my opinion been adequately addressed by the applicant's agent. They state that overshadowing caused to appellants property will vary depending on time of day and season and is not so harmful as to justify refusal. They consider that possible overshadowing during the afternoon at various times of the year would occur but it would not be significant and is within the bounds of reasonable tolerance. This is

completely unsupported. The applicant's agent disregards the appellant's sketches but provides no analysis of the overshadowing likely to arise which I consider would negatively impact on the amenity of both adjoining properties.

8.4.2 Overbearance

It is my opinion that the proposal would have an adverse impact on the residential amenity of No. 44 in particular having regard to the overbearing effect caused by the height and proximity of the proposal to the appellant's property. While the extension at No. 44 includes a 2-storey element, this finishes at the rear elevation of the existing properties and is single storey as it addresses the as yet undeveloped boundary of the appeal site. The proposed development directly adjoins the party boundary and is two storey in height for over 12.5 metres, which comprises the entire length of the appellants property. The proposal then continues past same at a height of 3 metres for a further 4.4m approximately I consider that this elevation would adversely impact on the residential amenity of the adjoining property particularly as it directly adjoins the boundary with no relief provided by any separation from the boundary. The bulk of the proposed dwelling and the extension element of the existing No. 46 would be unduly overbearing on the neighbouring properties particularly No. 44 given the proximity and length of the proposal along the party boundary.

8.4.3 Overlooking

Concern is expressed at the potential for overlooking likely to arise from the proposed development and in particular from the dormer windows proposed on the existing and proposed roofs. I would note at the outset that I do not believe that the proposed extension or new dwelling would create adverse overlooking from the first floor windows proposed. These do not oppose any first floor windows in adjoining properties. In relation to the dormer windows, they do not oppose any first floor windows and what results would be a perception of overlooking of the neighbours rear gardens. However the design of the roof space and formers provides the ability to stand at these windows. Having regard to the height of these dormers I can appreciate the perception of overlooking over the rear gardens from this height although as mentioned there is no opposing windows.

8.4.4 Conclusion

Therefore I consider that the development as proposed would adversely affect the residential amenity of adjoining properties by reason of overshadowing and would be adversely overbearing on existing properties thereby impacting negatively on the enjoyment of the appellant's property in particular.

8.5 Visual Impact of New Dwelling

The appellant has concerns as to the impact the proposed additional unit would have on the character of the estate. This relates to the visual impact of the front elevation of the proposal. It is stated that additional houses in the estate have been built on larger side sites. The ability of the site to accommodate such a proposal is determined by the provision of a house

which meets the standards as outlined above and whether the proposal is acceptable in respect of residential amenity of adjoining properties which is discussed above. While the proposal in visual terms differs from the continuity provided by the existing properties a large number of properties have altered or extended or both their front elevations in some way and therefore the estate no longer provides a homogeneous character. The estate is not protected in conservation terms and therefore given the location of the development the sustainable use of land is acceptable subject to ensuring standards such as the protection of residential amenity can be achieved. I do not consider that the development of the subject site must adhere to the type of development on adjoining sites however it must comply with normal planning standards.

8.6 Appropriate Assessment

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

9.0 RECOMMENDATION

It is considered that the proposed development should be refused for the reasons and considerations hereunder.

REASONS AND CONSIDERATIONS

Having regard to the height and length of the proposed two storey element of the proposed development and to its proximity to the boundary with No. 44, it is considered that the proposed development would seriously injure the residential amenities of property in the immediate vicinity, particularly the rear garden amenity of No. 44 by reason of overshadowing, overbearing impact, visual obtrusiveness and diminution of privacy and daylight, as well as overshadowing and overbearing impacts for No. 48. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Una Crosse
Senior Planning Inspector
Date: