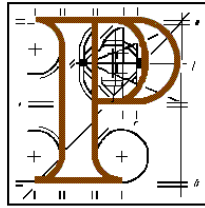


An Bord Pleanála



Inspector's Report

Appeal Reference No. **PL29N.245811**

Development: Demolish rear extension and construct new rear extension at 84 Grace Park Road, Drumcondra, Dublin 9.

Planning Application

Planning Authority: Dublin City Council

Planning Authority Reg. Ref.: 3593/15

Applicant: Brian and Julie Mahon

Planning Authority Decision: Grant

Planning Appeal

Appellant(s): Kara and Paul Rothwell

Type of Appeal: 3rd Party

Observers: None

Date of Site Inspection: 16/02/2016

Inspector: **L. Dockery**

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The subject site, which has a stated area of approximately 560 square metres, is located on the eastern side of Grace Park Road, Drumcondra, Dublin 9. It is a two-storey, end of terrace property. The site has a very long, unusually shaped rear garden area.
- 1.2 The floor area of the dwelling as existing is stated as being approximately 277 square metres.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposed development, as per the submitted public notices, comprises the demolition of existing single storey rear sunroom; construction of a new single storey rear sunroom extension with a flat roof incorporating a flat roof window system; all structural drainage and associated site works at No. 84 Grace Park Road, Drumcondra, Dublin 9.
- 2.2 The stated area of the works proposed for demolition is 10.5 square metres while the proposed extension has a stated floor area of 46.8 square metres. It has a flat roof profile with maximum height of 4.019 metres. It has a maximum depth from the original rear elevation of 6.55 metres and is to be constructed just inside the party boundary with No. 86 to its north.

3.0 PLANNING AUTHORITY'S DECISION

Permission GRANTED, subject to 5 standard conditions.

4.0 TECHNICAL REPORTS

Planner's Report

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

No objections, subject to conditions

5.0 APPEAL GROUNDS

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

- Proposal would materially contravene Development Plan zoning- loss of residential amenity due to height and proximity
- Intensification of a bed and breakfast use that represents overdevelopment- inconsistent with amenities of neighbouring residential property- substantial property in a block of four modest properties
- Severe loss of daylight and sunlight to habitable rooms and garden/amenity area- located to the south of appellants property- patio area would become unusable in afternoon/evening time- with regard to BRE practice, height of proposed extension will result in 25 degree rule being breached- proposed extension should be set back from boundary by 1 metre in order to protect appellants residential amenity
- Overbearing impacts
- Loss of outlook- extensive high blank wall bounding rear open space- tunnel effect with subsequent loss of amenity- outlines setback of appellants rear extension
- Outlines decision of ABP PL29N.243003 which is cited as precedent for reduction in height of rear extension

6.0 RESPONSES

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

- Simple design with minimum impacts on existing and adjoining sites- outlines design ethos
- Height of proposed extension set below height of cill of existing property and 0.6m above appellants extension gully line- ridge levels of the appellants existing extension are at a height of between 0.5m and 1.2m above proposed roof extension
- Natural variation in ground levels between two sites- need to take these differences into account when examining figures submitted by appellants- if height were to be taken from appellants property, the accurate height would be 3.395 metres
- Depth of proposed extension in line with appellants further most footprint of their extension
- Does not oversail or impede appellants site- their extension is not setback from boundary
- Applicants contend that appellants extension has an impact on their site due to bulk, scale and varied roof heights
- Glare at night from appellants extension- impacts on amenity

6.2 A 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

0339/99

Permission GRANTED for single storey extension to side and rear

4056/04

Permission GRANTED for extensions to dwelling

2046/05

Permission GRANTED for retention of alterations to 4056/04

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 submission. 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. I consider that the site has capacity to accommodate works of the scale proposed without detriment to the amenities of the area.

10.2.2 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. The proposed extension does not exceed past the furthest line created by the extension to the rear of No. 86 adjoining to the north. The height of the proposed extension does not exceed the height of that to the rear of the appellants property. I note the differing in ground levels between the two sites. I note the concerns regarding impacts on daylight, sunlight and outlook. I note that a relatively large extension has been constructed to the rear of appellants property, with substantial amounts of glazing facing the subject site. I consider that the separation distances are sufficient and that having regard to the extent of glazing in the appellants extension, that impacts regarding loss of the outlook/daylight or sunlight would not be excessive. I also note that a relatively substantial garden area exists to the rear of the appellants property.

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 would not be visible from 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 contention that the subject dwelling is in use as a bed and breakfast facility. Any matters of enforcement are for the planning authority, outside the remit of An Bord Pleanala. This report concerns itself purely with the proposed

development, as stated within the public notices. With regards issues of overdevelopment, as I have stated above I consider that the subject site has adequate capacity to accommodate an extension of the size and scale proposed.

10.3.2 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.

L. Dockery

Planning Inspector

22nd February 2016