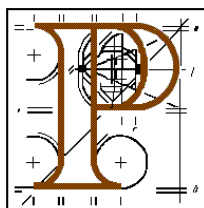


An Bord Pleanála



Inspector's Report

Appeal Reference No: PL29N. 245889

Development: Extension to house at 77 Glasmeen Road,
Dublin 11.

Planning Application

Planning Authority: Dublin City Council
Reg. Ref.: WEB1298/15
Applicant: Linda and Chris Vekic
Planning Authority Decision: Grant permission subject to conditions

Planning Appeal

Appellant: Josie Brody
Type of Appeal: 3rd party vs. grant
Observers: None
Date of Site Inspection: 12th February 2016

Inspector: Stephen J. O'Sullivan

1.0 SITE LOCATION AND DESCRIPTION

1.1 The site is in a suburban residential area c5km north of Dublin city centre. It has a stated area of 295m². It is the curtilage of a two-storey, two-bedroom terraced house with a floor area of c90m² dating from the middle of the last century. The original terrace is only one room deep, although there is a single storey extension behind the house on the site. There is a passage through the terrace that provides access to the rear of the house on the site and the appellant's house at No. 76 which adjoins it to the east. The living room window on the appellant's house is not shown on the submitted elevations. It is in line with the bedroom window above. The appellant's house has not been significantly extended, but there is an original shed that is detached and set back c1.8m from the back wall on the house.

2.0 PROPOSED DEVELOPMENT

2.1 The proposed development would provide a two-storey extension to the rear of the existing house, replacing the single storey kitchen return. It would increase the overall floor area of the house by 39m² to 132m², and provide two additional bedrooms on the first floor. It would extend 5.54m from the back of the main part of the existing house. It would be set back by 850mm from the western boundary of the site and c1.1m from the eastern one. The floor plans indicate a first floor window from a bathroom that is not shown on the corresponding elevation.

3.0 POLICY

3.1 The Dublin City Council Development Plan 2011-2017 applies. The site is zoned Z1, *"to protect, provide and improve residential amenity."*

3.2 It is stated under Section 17.9.8 that permission to extend dwellings will be granted provided the proposal:

Has no adverse impact of the scale and character of the dwelling;
Has no unacceptable effect on the amenities of adjoining properties.

3.3 Guidelines for residential extensions are included in Appendix 25.

4.0 PLANNING HISTORY

4.1 There is no planning history on the appeal site.

5.0 PLANNING AUTHORITY DECISION

5.1 Planning and technical reports

The planner's report stated that the extension would not unduly overshadow the property to the south west at No 76. It would not overbear adjoining properties and would not be out of scale with the existing house. A grant of permission was recommended.

5.2 Submissions

A submission was made that raised concerns with the proposed development similar to those raised in the subsequent appeal.

5.3 Planning Authority Decision

The planning authority decided to grant permission subject to 8 conditions. Condition no. 2 required the side window on the first floor to be fitted with obscure glass.

6.0 GROUNDS OF APPEAL

6.1 A third party appeal has been lodged against the council's decision to grant permission by the occupier of the neighbouring house to the east at No. 76 Glasmeen Road. The grounds of appeal can be summarised as follows:

- The size of the proposed development would have an unacceptable effect on the appellant's house in terms of privacy, daylight and sunlight. It would therefore materially contravene the principle set out in Appendix 25 of the development plan which stipulates that extensions should have no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.
- A sun shadow projection image is submitted to illustrate the unacceptable overshadowing of the appellant's house. This would be contrary to the advice in the development plan that

large two-storey extensions behind terraced houses can result in a loss of daylight and sunlight received by adjoining properties.

- The development includes a side window overlooking the appellant's property that would injure its privacy.
- The development would dominate the site and the appellant's property, contrary to the advice in the development plan on the relationship between dwellings and extensions, and have a negative visual impact on adjoining properties. The original house was 71m², which the previous and proposed extensions would increase by 61m².
- The architect has given no consideration to the proportion of the extension or the height and type of proposed roof. A flat roof or one with a rear hip would have minimised the impact on the neighbour's property, as would a setback at first floor level. The applicant's did not make reasonable efforts to engage with the appellant.

7.0 RESPONSES

7.1 Neither the planning authority nor the applicant responded to the appeal.

8.0 ASSESSMENT

8.1 The proposed two-storey extension would have a substantial depth, 5.54m, one that was marginally greater than that of the original terrace. Its eaves height, at 5.4m, would be slightly higher than that of the main house. Its side elevation would be c2.2m to the west of the centrepoint of the living room window on the appellant's house. The grounds of appeal relating to the impact of the proposed development on the outlook and light available to that window are therefore reasonable, and the board should give them full consideration. Nonetheless that window and the appellant's garden face south, and they would have the benefit of a significant degree of sunlight and daylight after the development. The proper planning of the area does not require that a development would never cast a shadow over another property, simply that its shadow did not

seriously injure the amenities of that other property. The original shed on the appellant's property already effects the outlook from her living room. The setback of the side wall of the proposed extension from the shared boundary would mitigate its visual impact to a significant degree. The proposed extension would not cause injury to the outlook or light available to the other windows in the appellant's house, including the adjacent first floor one. In these circumstances I would tend to the view that the proposed extension would not give rise to overbearing or overshadowing that would justify refusing permission for the development.

8.2 The impact on privacy from the bathroom window in the extension can be adequately dealt with by a condition attached to a permission similar to that which appears on the planning authority's decision..

8.3 The proposed development would involve a significant increase in the size of the house, to 132m². However the overall area and height of the extended house would not be unusual for a suburban area. A substantial back garden would remain on the property. The ridge height of the extension would not exceed that of the main house, and it would not interfere with the front of the terrace. The size of the proposed extension is not considered excessive, therefore. A modification of the proposed gable end of the extension to a hipped roof that reflected the slope at the back of the main house would improve its integration into the existing terrace, however. It would also improve its appearance when viewed from neighbouring properties and lessen its impact upon them. Subject to this amendment, the proposed development would not seriously injure the character of the area or the amenities of property in the vicinity. It would therefore be in keeping with the provisions of the development plan and the proper planning and sustainable development of the area.

9.0 RECOMMENDATION

9.1 I recommend that permission be granted subject to the conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to the residential zoning of the site, to the pattern of development in the area and to the scale and design of the proposed extension to the house on the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not injure the character of the area or the amenities of property in the vicinity of the site. The proposed development would therefore be in keeping 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 hipped roof shall be provided over the extension with a rear slope whose angle reflects that on the rear slope of the roof over the main house.
 - (b) The window above first floor level in the side elevation shall be fitted with obscured glass and shall be openable in its top leaf only.

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 (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.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

5. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 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.

6. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interests of sustainable waste management

Stephen J. O'Sullivan
12th February 2016