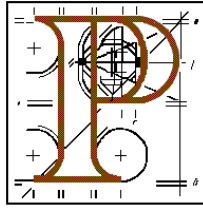


An Bord Pleanála



Inspectors Report

Development: Construction of extension to rear at 14
Norfolk Road, Phibsborough Dublin 7

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref. WEB 1317/15
Applicant: Cathal McGeown
Type of Application: Permission
Planning Authority Decision: Refuse

Planning Appeal

Appellant(s): Cathal McGeown
Observers: None
Type of Appeal: First Party

Inspector: Suzanne Kehely
Date of Site Inspection: 21/03/16

1.0.0 SITE LOCATION AND DESCRIPTION

- 1.0.1 The subject site is located on the southern side of Norfolk Road - an established red-brick terraced street in a quiet residential enclave west of Phibsborough Road near the city centre. The area is characterised by late Victorian red brick housing on narrow plots – in this case 5.6m. The dwellings each have a small railed area to the front and a 13m rear garden area. The road is served by an access lane to the south.
- 1.0.2 The house is a mid-terrace two storey three bed single dwelling. At time of inspection it was undergoing refurbishment throughout and a ground floor extension was under construction and substantially complete. Some work has been carried out at first floor return level but has been boarded up. The works accordingly would appear to be substantially within the limits for exempted development
- 1.0.3 The house to the west no. 16 has a single storey extension incorporating a pitched roof at ground floor to the rear across the width of the property. The house to the east no, 12 has the original return and outhouse attached. The door opening has been blocked up in the west elevation at ground level and the window has been altered in the south elevation to provide a patio door. The garden area is quite developed with a large flat roofed garage to the rear and a timber shed in the garden which is more like a yard. The submitted survey drawing inaccurately shows the garage built up to the boundary when in fact there is about a 1m setback from the subject site. The house beyond this - no.10 - has an extension at ground level in addition to a large garage type structure which extends across the entire width and features a pitched roof, roof light and extensive glazing. Photographs illustrate the site and neighbouring properties as viewed from the garden and upstairs of the property.

2.0.0 PROPOSED DEVELOPMENT

- 2.0.1 Permission has been sought for a 36.9 sq.m. increase in floor area in the form of a contemporary flat roofed two storey extension. The proposed works are additional to a small ground floor extension and involve demolition of a previously extended kitchen totalling 4.5m in depth and 3.7m in width and alterations and extension of a small return at first floor to the rear.

- 2.0.2 In modified plans submitted to the Board the ground level is proposed to be built up to a depth of 7.2 from the original principal building line (i.e. excluding the return/extension) and across the full plot width of 5.6m . In the original proposal this was L shaped and wrapped around an internal courtyard alongside the western boundary and to a lesser depth of 6.5m
- 2.0.3 On the modified plans it is proposed to increase the depth of the first floor return by a further 3m which would result in a projection of c.5m from the face of the principal rear wall. The return is proposed to be widened to 4m which would be 1.6m setback from the western boundary. In the original proposal this follows the footprint of the ground floor and extends 6.5m deep and across the full plot width excluding the courtyard.
- 2.0.4 Total site area is 149 sq.m. The existing house is 132 sq.m. The proposed incorporate demolition of 23 sq.m. and as per original plans construction of an extension of up to 36.9sq.m. to provide a total floor area of 145.7 sq.m.
- 2.0.5 The application is accompanied by planning report wherein the site context and nature of the proposal is rationalised. A solar study has also been submitted and concludes that there will be minimal impact

3.0.0 PLANNING HISTORY

- 3.0.1 None applicable.

4.0.0 PLANNING AUTHORITY DECISION

4.1.0 Planning and Technical Reports

- 4.1.1 **Drainage Division Engineering Dept.:** No objection subject to developer complying with standard conditions regarding drainage.
- 4.1.2 **Planning Report:** the planning report refers to the requirements of the Development plan in section 17.9.8 and Appendix 25 and with particular reference to the need to protect light and privacy and also the need to integrate with the existing building. Notwithstanding the courtyard and consideration of the design, it is considered that the development would result in undue

overshadowing and have an overbearing effect as a result of the plot width and extension depth.

4.2.0 Planning Authority Decision

4.2.1 By order dated 4/12/2015 a notification of intent to REFUSE permission was issued. The single reason for refusal states:

The proposed development by reason of its location in relation to adjoining residential property and by reason of its length of projection at first floor level to the rear of the existing dwelling would result in the undue overshadowing of neighbouring property and would result in a development which would have an overbearing impact on adjoining dwellings. The proposed development would therefore be out of character with the existing scale and pattern of development in the area and would seriously injure the residential amenities of property in the vicinity and would establish an undesirable precedent for future development in the area. The proposed development would therefore be contrary to the referred to section 17.9.8 of the development plan, states that the change from a hipped to a gabled roof profile would be incongruous and uncoordinated development which would undermine the character of the dwelling and the terrace. The proposed development was stated to be contrary to the provisions of the development plan and contrary to the proper planning and sustainable development of the area.

5.0.0 GROUNDS OF APPEAL

5.0.1 The grounds of appeal are based on the following submissions:

- Wider issue of sustainable residential city living particular in Victorian conservation areas such as this area.
- A reduced first floor area would address the concerns of the planning authority and could have been dealt by a request for additional information.
- It is clear that the concern is based on the shadow after 1.30 on np.12 to the east
- The loss of sunlight is subjective. It is argued that a degree of loss is inevitable due to the orientation and that it has to be

acceptable in a European city. Accordingly a refusal of permission for a modest extension based on reduction in sunlight for only a portion of the day is questioned

- The first floor accommodation for three bedroom would be substandard by current standards
- The principle of extending the terrace for improved residential accommodation accords with residential development strategy.
- A revised proposal is submitted which substantially reducing the first floor extension / the length is reduced by 2.2m and width be 1.5m. This is submitted to mitigate loss of direct afternoon sunlight. This is supported by a revised solar study.
- It is explained that commencement of works within exempted limits are proposed.

6.0.0 RESPONSES

6.1.0 Planning Authority Response

6.1.1 Despite reference to further report no further comment has been submitted in response.

6.2.0 Observations

6.2.1 None on file.

7.0.0 DUBLIN CITY DEVELOPMENT PLAN 2011 - 2017

7.0.1 Within the Dublin City Council Development Plan, 2011-2017, the appeal site is zoned Z2, where the objective is *“to protect and/or improve amenities of residential conservation areas”*.

7.0.3 Section **17.9.8 sets out policy and consideration for Extensions and Alterations to Dwellings**. The design of residential extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy. In addition, the form of the existing building should be followed as closely as possible, and the development should integrate with the

existing building through the use of similar finishes and windows. Applications for planning permission to extend dwellings will be granted provided that the proposed development

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

7.0.4 Guidelines for residential extensions are included in Appendix 25.

8.0.0 ASSESSMENT

8.1.0 Issues

8.1.1 This appeal is against a decision to refuse permission for a domestic two storey extension to a mid terraced property. The issue centres on the conflict between providing basic habitable accommodation in a modest family home and protecting amenities of adjacent properties on narrow plots in the city environs. In my opinion, the main issues to be addressed in this appeal are as follows:

- Development principle;
- Impact on residential amenity.

8.2.0 Development principle

8.2.1 The appeal site is zoned Z2, where the objective is “to protect and/or improve amenities of residential conservation areas”. In the broadest terms, a domestic extension accords in principle with providing for residential amenity. The degree to which this is acceptable is predicated on the degree of protection of both the amenities of neighbouring residents and also respecting the character of the area which is a ‘conservation area’

8.2.2 Based on the submissions and from my examination of the site and drawings there is no issue with architectural styling of the proposed extension and in this regard I note the contemporary design approach and that the height, does not breach the eaves and overall does not dominate or detract from the roofscape. At a wider level I accept that the provision of enhanced basic habitable accommodation for family living also accords with conserving the residential use and the overall

strategic approach to re-using historic buildings. Noting the restricted floor area and space at first floor the proposed extension of the dwelling at both ground and first floor level is therefore acceptable in principle. The extent of the floor area has to be balanced with the need to protect amenities of neighbouring properties.

8.3.0 Impact on Residential Amenity

- 8.3.1 The issue of contention relates to the proposed first floor rear extension which was initially proposed to a depth of 6.5m and which would amount to an additional depth of about 5m to the original return. I agree with the planning authority that a two-storey 6.5m deep extension substantially along the boundary would have an overbearing impact particularly as such an extension would overshadow the residual open space of no. 12. Critically however there would be loss of light through the sole, albeit enlarged, ground floor rear window of no 12.
- 8.3.2 In the modified proposal the first floor extension is reduced in depth by 1.5m which would result in extension of 3.5m and this would also be narrowed by setting back from the eastern boundary by almost 1.6m. While an extension more than 3m in a terraced setting and in a narrow plot context is potentially significant, I consider regard has to be had to the nature and extent of development in the area and also to the nature of development proposed.
- 8.3.3 There is quite intensive development of the rear gardens particularly to east and this is in the form of separate structures that may give rise to significant intensification. In this case the applicant has not carried out any garage type development but, rather, is seeking to enhance the existing dwelling through refurbishment and by way of an extension to provide a fairly modest family home in what is a residential conservation area. I also note that no.12 to the east has the benefit of a southerly orientation to the rear but has blocked a ground floor opening and considerably reduced the garden area. The development of no.14 should therefore not be unduly compromised by the extent and nature of development at no.12. In these circumstances I consider a 3.5m extension beyond the return at first floor level to be reasonable and appropriate to the area.
- 8.3.4 I consider a condition requiring the setting back of the extension at first floor level to be reasonable.

8.3.5 With respect to the ground level I note that the revised proposal illustrates a deeper extension by 700m. Having regard to the fact that that this would be ordinarily exempted I do not consider this variation to be material or significant in terms of impact relative to what was originally proposed. The Board however may consider it appropriate to seek new public notices to take account of the commenced development and revised plans. I consider the revised proposal to be overall lesser in terms of height volume and impact than that ordinarily proposed. Accordingly a condition revising the original plans to a scale and proportion of the suggested modified proposal is acceptable and will not compromise third party rights.

8.3.6 On balance having regard to the policies of the development plan in respect of residential amenity, residential conservation areas and also noting the pattern of development of the area, I consider the proposed extension subject to conditions to be in accordance with the proper planning and sustainable development of the area.

8.4.0 Appropriate Assessment

8.4.1 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.

9.0.0 CONCLUSIONS AND RECOMMENDATION

I have read the submissions on file, visited the site, and have had due regard to the provisions of the Dublin City Development Plan 2011 - 2017, the pattern of development of the area and all other matters arising. In my judgement, subject to compliance with the conditions set out below, the proposed development would be in accordance with the development plan, would not injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area. I recommend permission be GRANTED subject to conditions based on the following reasons and considerations.

REASONS AND CONSIDERATIONS

Having regard to the Development Plan objectives for the area, the nature and scale of the proposed domestic extension 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 residential amenities of property in the vicinity and would not set an undesirable precedent in the area. 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 points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

- 2 The proposed development as shown in drawings submitted to the planning authority on 13th October 2015 shall be amended to significantly reduce the overall scale and bulk of the development. In this regard the first floor extension shall be reduced. The ground floor may be revised to incorporate the courtyard. Plans shall be amended within the following parameters.
 - (a) The first floor of the extension shall be reduced in depth to no more than 3.6m from the original return or no more than 5.1m from the existing rear bedroom window and set back from the eastern boundary by at least 1.5m.
 - (b) The ground floor roof parapet height shall not exceed 3m above ground level.
 - (c) Any flat roof over the ground floor element of the extension shall not be used for general access or as a roof terrace/ garden and access onto the roof shall be for maintenance purposes 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 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.

- 4 The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act is applied to the permission.

Suzanne Kehely
Senior Planning Inspector
4th April 2016