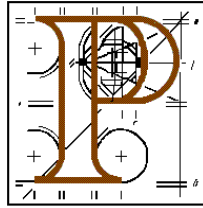


An Bord Pleanála



Inspectors Report

Appeal Reference No: PL29S.245976

Development: Alterations and extensions to existing part two storey part single storey semi-detached house with all associated site works at Hazelbrook, 91 Bushy Park Road, Terenure, Dublin 6.

Planning Application

Planning Authority: Dublin City Council

Planning Authority Reg. Ref.: Web1321/15

Applicant: Mr & Mrs J Broderick

Planning Authority Decision: Grant permission

Planning Appeal

Appellant(s): Tom Synnott and Adrienne Synnott

Type of Appeal: Third party

Observers: None

Date of Site Inspection: 29/02/2016

Inspector: Gillian Kane

1.0.0 SITE LOCATION AND DESCRIPTION

1.0.1 The subject site is located on the southern side of Bushy Park Road, a residential road running east from Rathfarnham Road in the south Dublin suburb of Terenure.

1.0.2 Currently on site, is a two storey with attic accommodation semi-detached dwelling with a single storey conservatory extension to the rear. The ground level steps down by approx. 1m to the rear of the existing dwelling. A mansard roof to the rear has a projecting window at first floor level and a series of roof windows at first and attic level. The attached dwelling to the east has a similar but smaller mansard roof profile to the rear. The detached dwelling to the west is of a different architectural design and has a part hipped part pitched roof with dormer windows on the front roof elevation.

1.0.3 Photographs and maps in Appendix 1 serve to describe the site and location in further detail.

2.0.0 PROPOSED DEVELOPMENT

2.0.1 Permission was sought for alterations and extension to an existing dwelling resulting in an increase in the habitable floor area from 298.9sq.m. to 353.8sq.m. and a reduction from 6 no. to 5 no. bedrooms. The proposed development includes the demolition of an existing single storey rear extension, alteration to front elevation and extension at ground, first and attic level.

2.0.2 Total site area is 754sq.m. with 54.9sq.m. new floor area proposed, and 298.9sq.m. to be retained. Proposed new floor area total 353.8sq.m. The application form states that this results in a plot ratio of 0.47 and a site coverage of 26%.

3.0.0 PLANNING HISTORY

3.0.1 Web1130/15: Planning permission was sought for a development similar to the subject development. The application was withdrawn.

4.0.0 PLANNING AUTHORITY DECISION

4.1.0 Planning and Technical Reports

4.1.1 **Drainage Division Engineering Dept:** No objection subject to conditions.

4.1.2 **Planning Report:** Proposed extension not excessive, no undue impact on adjoining properties. Proposed development is acceptable.

4.2.0 Planning Authority Decision

4.2.1 By order dated 08/12/2015 a notification of intent to GRANT permission was issued, subject to 6 no. standard conditions.

5.0.0 GROUNDS OF APPEAL

5.0.1 The grounds of the third party appeal can be summarised as follows:

- The Appellants do not object to the principle of residential development but only specific impacts that will arise from the proposed development.
- The proposed extensions will increase the size of the existing dwelling by 20%.
- The proposed development will extend 6.7m beyond the rear building line of the Appellants dwelling at ground floor, 1.97m at first floor and 1.5m from roof line.
- The existing dormer is 5.8m above ground level. The proposed dormer is 9.1m above the ground level of the house. The appellant submits that this is excessive and raises concerns about the impact this will have on their property and their privacy. Photo submitted showing an estimate of the impact of the proposed development from the rear garden of the appellants property.
- It is submitted that the planning report of the Council did not take into account the scale and bulk of the proposed extension and the impact on the living area and open space of the Appellants.
- The proposed extension will block the light to the dining and sitting rooms (photos submitted) of the Appellants home. This will result in a loss of amenity and a reduction in the quality of these areas.
- The proposed extension does not comply with Guidelines for Residential Extensions set out in the development plan
- The existing dormer window at 5.3m above ground level significantly overlooks the Appellants rear garden. The proposed

3.4m wide dormer at a height of 8.7m will result in an unacceptable level of overlooking and loss of privacy.

- The Appellants patio is below ground level and will be overlooked by proposed terrace to the rear of the subject dwelling
- The height and scale of the proposed dormer window is excessive and contrary to paragraph 11 of the Guidelines. The roofline of the dormer was raised as a concern by the Council during pre-planning.
- It is estimated that the original house was 250sq.m. therefore the proposed extension represents an increase of 42%. It is submitted that this is excessive and contrary to section 17.9.8 of the development plan which states that extensions will be granted where there is no adverse impact on the scale and character of the dwelling.
- Hours of construction should be restricted to 08.00 Monday to Friday.
- The Board should refuse permission or modify the proposed development by way of condition.

6.0.0 RESPONSES

6.1.0 Planning Authority Response

6.1.1 No comment

6.2.0 First Party Response to Third Party Appeal

6.2.1 The response to the grounds of appeal can be summarised as follows:

- The proposed development will not create a negative impact on adjoining properties
- The proposed 54.9sq.m. extension is an increase of 18% which can not be considered substantial.
- The subject proposal was revised to address the concerns of the Appellant with additional planting and frosted glazing on the proposed dormer window.
- The proposed development involves a 33% increase in floor area at ground level, 6% at first floor level and 9% at attic level. It is submitted that this is not excessive.
- The ground floor extension is stepped. The proposed ground floor adjoining the Appellants property extends 3.448m from the original rear building line. Taking the exiting conservatory into consideration, the proposed extension is 2m.

- The proposed first floor extension occurs within the existing mansard roof space and will have the same profile when seen from the Appellants property.
- The proposed attic level extension occurs within a dormer which will improve the existing large and heavy roofscape. It is submitted that the Appellants photo no. 3 is misleading in terms of scale.
- Shadow analysis submitted shows no additional shading from the proposed development on the Appellants property until 3pm when 1.7sq.m. of additional shading will occur. It is submitted that this minimal increase of 0.5% of the Appellants garden will not cause significant overshadowing.
- Overlooking of the Appellants property from the first floor of the existing dwelling occurs at the same level as overlooking of the subject property from the Appellants first floor windows.
- Frosted glazing of the proposed dormer window will reduce perceived overlooking
- Screen planting along the boundary of the proposed terrace will protect the privacy of the subject and appellant properties.
- The proposed development is modest in size and has been designed to minimise impacts on the adjoining properties.
- Construction start time of 08.00 is acceptable.
- The Board is requested to grant permission.

6.3.0 Third Party Response to First Party Response

6.3.1 The Appellants state that they are concerned that the grounds of their objection have not been addressed. They note that no mitigation measures were proposed by the Council and that the first party considered this to mean the concerns were irrelevant.

6.3.2 The response can be summarised as follows

- The subject dwelling is to be increased by 77.8% from the original form or 52% if the attic is discounted. This will have an inequitable impact on the appellants dwelling.
- The proposed border planting and frosted glazing will not mitigate the impact on the appellants privacy.
- The proposed 6.7m projection to the rear at 0.8m above ground level will impact upon the appellants property.
- The proposed first floor extension does extend beyond the existing mansard roof, with a 1.97m extension and the removal of the existing sloping mansard roof.

- The proposed dormer window at attic level is excessive and will be unacceptably imposing and overbearing. The majority of the window will be of clear glass and will overlook and overshadow the appellants garden.
- The applicants shadow analysis was carried out on March 1, not March 21 as indicated by the Applicant. It is submitted that due to the southerly orientation of the two dwellings, the proposed extension will impact the appellants rear living areas in late afternoon and evening.
- The proposed dormer extension does not comply with the guidelines on roof extensions.
- The appellants are not opposed to the principal of residential development, just the scale of the proposed development.
- The Board should attach a condition revising construction hours.
- The scale of the proposed development will result in a substantial reduction in the residential amenity of the appellants home.

6.4.0 Observations

6.4.1 None on file.

7.0.0 POLICY CONTEXT

7.1.0 DUBLIN CITY DEVELOPMENT PLAN 2011 - 2017

7.1.1 The subject site is zoned “Z1” in the Dublin city development plan, with the stated objective “to protect, provide for and improve residential amenities” (‘Z1’–Sustainable Neighbourhood Residential Zoning).

7.1.2 **Section 17.9.8 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 on the scale and character of the dwelling.

- Has no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.

7.1.3 **Appendix 25** of the development plan outlines the Council's policies on Residential Extensions. **Section 11** refers to roof extensions, stating: The roofline of a building is one of its most dominant features and it is important that any proposal to change the shape, pitch, cladding or ornament of a roof is carefully considered. If not treated sympathetically, dormer extensions can cause problems for immediate neighbours and in the way a street is viewed as a whole. When extending in the roof, the following principles should be observed:

- The design of the dormer should reflect the character of the area, the surrounding buildings and the age and appearance of the existing building.
- Dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible.
- Any new window should relate to the shape, size, position and design of the existing doors and windows on the lower floors.
- Roof materials should be covered in materials that match or complement the main building.
- Dormer windows should be set back from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties.

8.0.0 **ASSESSMENT**

8.0.1 On reading of all documentation submitted with the appeal, I consider the issues to be:

- Principle of the development
- Scale of the proposed development
- Appropriate Assessment

8.1.0 **Principle of the Development**

8.1.1 The proposed development refers to the extension of a dwelling located in an area zoned to protect, improve and provide for residential amenity. It is considered that the proposed extension would be acceptable in principle subject to all other planning considerations being satisfactorily addressed.

8.2.0 **Scale of Proposed Development**

8.2.1 The existing dwelling on site has previously been extended to the side and rear. It is the case of the Appellant that the proposed

extension is excessive and that when assessing the scale of the proposed development, one should consider the previous and proposed extension.

- 8.2.1 The subject dwelling is currently 298.9sq.m., with an extension of 54.9sq.m. proposed. The applicant states that this is an overall increase of 18% (33% ground floor, 6% first floor and 9% at attic level). The Appellant states that the original house was 250sq.m. and therefore the true increase is between 42% and 52%.
- 8.2.2 I do not accept that the proposed development represents overdevelopment of the subject site. The proposed site coverage of the extended dwelling will be 26%. This is within the 45-60% range for Z1 zones as set out in section 17.5 of the development plan.
- 8.2.3 The current rear building line of the subject house steps out from the west to the eastern side. Immediately adjoining the appellants boundary, a conservatory steps out approx. 1.2m, then a bay window to the dining space steps out a further 0.4m (total extension from rear building line 1.6m) and finally on the eastern side, a kitchen extension steps out further, resulting in a depth of 3.2m from the rear building line. The Appellants dwelling to the east maintains the rear building line with the exception of the dining room bay window area.
- 8.2.4 The proposed ground floor extension continues the stepped approach, with a 3.9m extension from the rear building line at the western side adjoining the Appellants dwelling and stepping forward to the dining space extension which is a distance of 6.7m from the rear building line of the Appellants dwelling. The ground floor extension has an overall height of 3.4m, with the result that to the immediate west of the Appellants ground floor, a new blank elevation of 3.4m height will extend for a length of 3.9m. A terrace of 6.4m in length is proposed to extend from the newly created rear building line at 1m above ground level. With the exception of a small patio area to the immediate rear of the Appellants dwelling, the garden level of the appellants property is approx. 0.5m below that of the garden level of the subject property. From the appellants garden, the proposed extension will appear to be over 4m in height, with a 6.5m long terrace between 1m and 1.5m above the ground level of the appellants garden.
- 8.2.5 Notwithstanding that drawing no. PL_205 shows bamboo screen planting along the common boundary, I share the Appellants

concern that this will create adverse impacts on the appellants residential amenity. Whilst the screening may remove direct overlooking, it will not reduce the perception of being overlooked from such a large structure at such a height. Nor will it ameliorate the effects of noise from users of the terrace. The extent of the proposed extension along the western boundary is acceptable and to be expected in an urban area. The proposed terrace, however, should be omitted, should the Board decide to grant permission.

8.2.6 I am satisfied that the orientation of both dwellings will allow sufficient sunlight and daylight to enter the rear of both dwellings without injury to the residential amenity of either.

8.2.7 The proposed dormer at attic level is to be glazed with frosted glazing along the lower 1.35m. It is considered the impact of this shall be the same as from the existing attic velux and no additional overlooking should occur.

8.2.8 The proposed development will not injure the residential amenities of the subject or surrounding dwellings and is in accordance with the proper planning and sustainable development of the area.

8.2.0 Appropriate Assessment

8.2.1 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 considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

9.0.0 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 planning history on the subject and adjoining sites and all other matters arising. It is considered that, 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 the following conditions:

10.0.0

REASONS AND CONSIDERATIONS

10.1.0

Having regard to the zoning objectives for the area and pattern of development in area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity and would be acceptable in terms of traffic safety, public health and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

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 ground floor terrace shall be omitted. Revised drawings shall be submitted to the Planning Authority for written approval prior to the commencement of development

Reason: In the interest of protecting the residential amenity of adjoining properties.

3. 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 hours 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.

4. 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.

5. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay rubble or other debris on adjoining roads during the course of the works.

Reason: In the interest of residential amenity

Gillian Kane
Planning Inspector
10/03/16