

An Bord Pleanála



Inspector's Report

Appeal Reference No: PL 29N.246128

Development: The development will consist of new two storey extension and internal alterations to side of existing house consisting of kitchen / dining room extension to ground floor and for two bedrooms and bathroom to first floor all to side of existing house.

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: 4024/15
Applicant: Tony Connolly
Planning Authority Decision: Grant permission with conditions

Planning Appeal

Appellant(s): Concerned Residents Group of Oak Park Drive, Mirian Keane & others
Type of Appeal: Third Party – V - Grant
Date of Site Inspection: 28th April 2016

Inspector: Tom Rabbette

1.0 SITE LOCATION AND DESCRIPTION

The application site is located towards the end of a residential cul-de-sac known as Oak Park Drive which is located in Santry in Dublin 9. There is a two-storey semi-detached dwelling on the application site. There are similar two-storey dwellings off this cul-de-sac to the south and north-east of the site. There is a row of 3 terraced bungalows immediately opposite the cul-de-sac from the site. The site backs onto another residential development of two-storey dwellings known as Burn Side to the north-west.

2.0 PROPOSED DEVELOPMENT

The applicant is seeking permission to construct a two-storey extension to the side of an existing semi-detached dwelling located off a cul-de-sac. The extension will accommodate a kitchen/dining area at ground floor level and will accommodate 2 additional bedrooms at first floor level along with a bathroom. As per the drawings on file the proposed development will result in a 5-bedroom dwelling on the site. The front building line of the proposed side extension is set back 1.3 m from the existing front building line. The ridge line of the proposed extension will be .2 m below the ridge line of the existing dwelling.

3.0 PLANNING HISTORY

3046/06: Permission was granted for a two-storey extension to the side of the subject dwelling. The applicant was Elaine Meenagh. The permission was never executed, it has now withered. (Plans and particulars on current file.)

2505/13: Permission was refused for an 'attached granny flat'. The applicant was Yull Li. The proposal was for a two-storey annex to the side of the existing dwelling with accommodation at both ground floor and first floor. The p.a. refused for 3 no. reasons. (Plans and particulars on current file.)

3368/13 (PL 29N,242810): The Board upheld a decision to refuse permission for an 'attached granny flat'. The applicant was Yull Li. (Plans and particulars on current file.)

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

Planner's Report dated 14/01/16:

- Planning histories considered.
- Observations considered.
- Assessment notes, *inter alia*, relevant provisions of the CDP.

- Permission recommended subject to conditions.

Engineering Department drainage Division Report dated 17/12/15:

- No objection subject to conditions.

Objections/observations: Observations on file addressed to the p.a. make reference to the following matters: number of tenants in the dwelling; turnover of tenants; traffic impacts; waste disposal issues; visual disamenity; property devaluation; parking issues in the estate; emergency vehicle access; overcrowded dwelling; private open space provision; s.17.9.1 of the CDP; inadequate separation distance at rear; over-intensive use of the site; property not registered with PRTB, and security concerns.

4.2 Planning Authority Decision

By Order dated 14/01/16 the planning authority decided to grant permission subject to 9 no. conditions, most of which can be considered standard, however, the Board may wish to note condition nos. 3 and 5 which are as follows:

'No. 3. The northern first floor window of the rear bedroom (western side of house) shall be omitted from the scheme and the window shown adjacent the main house only shall serve the rear (western) bedroom of the extension.'

Reason: To avoid undue overlooking of residential property to the west / north west of the site.'

'No. 5. The house and extension shall be used as a single dwelling unit only.'

Reason: To ensure that the development will not be out of character with existing residential development in the area and in the interests of orderly development.'

5.0 GROUNDS OF APPEAL

Concerned Residents Group of Oak Park Drive, Mirian Keane & others

The contents of the 3rd party appeal from the above can be summarised as follows:

- This is the latest attempt to build a very significant extension to the side of the house.
- Reference is made to the planning histories: 2505/13 and 3368/13.
- The property is substantially over-occupied at present, with 5 bedrooms over 3 floors.
- There is a huge turnover of tenants.
- Submission makes reference to neighbourhood problems relating to the tenant turnover.

- Excessive parking and traffic in the area arising from the use of the dwelling.
- Concerns raised about a commercial/multi-occupancy purpose of the dwelling.
- All 6 households involved in the appeal have come forward to bear legal testimony with the PRTB Enforcement Registration Division about the activities at the subject dwelling.
- This will constitute a 7 bedroom dwelling.
- At the current rate of occupancy this will give rise to a 21 person residence.
- Concerns raised about implications for parking in the area arising from the proposal.
- There is already parking chaos in the area.
- Impact of an over-crowded dwelling on the cul-de-sac development.
- Construction stage traffic impacts are also of concern.
- If this goes ahead then the dwelling will be forever a commercial unit of multi-occupancy in a residential area.
- The size of the extension is excessive also, amounting to more than half the size of the existing property.
- It will devalue the adjoining property as it will be seen as an end-of-terrace unit instead of a semi-detached unit.
- The appellants cite s.17.9.1 of the CDP concerning separation distance between dwellings to the rear.
- The application and subsequent decision of the p.a. has caused huge distress to local residents.
- This is not an application for a family home, this is an application to further extend a commercial unit which will threaten the safety and well-being of local residents, including children.
- The Board is asked to refuse permission.
- The submission contains 6 no. personal addendums that make reference to, *inter alia*, the following: safety and well-being of residents; commercial-residential use; construction stage impacts in the cul-de-sac; number of tenants in the dwelling; rate of turnover of tenants; existing parking impacts arising from dwelling use; emergency vehicle access to the cul-de-sac; discrepancies in measurements given; waste disposal issues; night time activities; visual impact, and p.a. decision.

6.0 RESPONSES TO GROUNDS OF APPEAL

6.1 Planning Authority response

There is no response from the p.a. on file at time of writing.

6.2 First party response

The contents of the first party's response to the grounds of appeal can be summarised as follows:

- Outlines planning history.
- Extension is for family accommodation.
- Complies with zoning of the area.
- The site is of triangular nature with a reduced rear garden but has development space to the side of the house.
- The proposed extension is set to the side of the dwelling and is set back from the front.
- Compares proposed extension with that granted in 2006.
- A 3 m buffer is maintained from the drain as requested previously by DCC.
- Design, layout and elevations are all in-keeping with the existing streetscape.
- There is off-street parking for 2 cars as required and there is sufficient open space to the rear as required under planning.
- The existing house is a domestic house.

7.0 POLICY CONTEXT

The operative plan for the area is the Dublin City Development Plan 2011-2017. The site is located in an area that is zoned 'Z1 – *to protect, provide and improve residential amenities*. Other directly relevant sections in the CDP are:

S.15.10.1	Sustainable Residential Neighbourhoods – Zone Z1
S.17.9.1	Residential Quality Standards
S.17.9.8	Extensions and Alterations to Dwellings
Appendix 25	Guidelines for Residential Extensions
Table 17.1	Car Parking Standards

(Copies of the above are in the attached appendix for ease of reference for the Board.)

8.0 ASSESSMENT

- 8.1 I have examined all the plans, particulars and documentation on file. I have carried out a site inspection. I have had regard to relevant provisions of the statutory development plan for the area.
- 8.2 There are a number of issues raised in the appeal submission, and in observations to the p.a. at application stage, that are not matters for determination on by the Board. This assessment and recommendation will be confined to matters that come within the remit of the Board in the content of a planning appeal.

- 8.3 The applicant is seeking permission to construct a two-storey side extension to an existing two-storey semi-detached dwelling on the site. The published development description, and the plans and particulars on file, indicate that the proposed development is to be integrated as part of the existing dwelling on the site.
- 8.4 The appellants make reference to the planning history pertaining to the site. A Yull Li was twice refused permission for a two-storey attached 'granny flat' to the side of the two-storey dwelling. The development description and the plans and particulars for the current proposal on file do not relate to a 'granny flat' type development. The current proposal is for additional habitable space to the existing dwelling on the site. The applicant is not applying for a separate dwelling unit and the layout as proposed does not easily lend itself for the creation of such a scenario.
- 8.5 The area is zoned 'Sustainable residential neighbourhoods – Z1' as per the CDP. The proposed development is compatible with that zoning. Section 17.9.8 of the CDP relates to extensions and alterations to existing dwellings. Having reviewed that section I am satisfied that the proposed extension complies with those provisions. The extension is stepped back from the front building line of the existing dwelling and the ridge height of the extension is dropped slightly below the ridge line of the existing dwelling. The extension as proposed does not have an adverse impact on the scale and character of the existing dwelling as required under s.17.9.8. I do not concur with the concerns raised on file that the proposed extension will effectively create a terrace of 3 dwellings rather than maintain the existing situation of semi-detached dwellings, the two dwellings will still read as a pair of semi-detached dwellings, in my opinion. Appendix 25 of the CDP, which provides guidelines for residential extensions, advocates the 'subordinate approach' in the design of extensions relative to the existing dwelling, I consider that the proposed extension applies that approach. Should the Board be disposed to a grant of permission I would recommend that they condition the proposed external finish to harmonise with the existing dwelling on the site. I note that a similar extension was granted permission by the p.a. under 3046/06, that permission has since withered. While a new CDP now applies, the policies, guidelines and objectives governing extensions have not changed significantly.
- 8.6 Section 17.9.8 of the CDP also requires that the extension has no unacceptable effect on the amenities enjoyed by the occupants of adjacent dwellings in terms of access to daylight and sunlight, and in terms of privacy. Given the nature, scale and orientation of the extension relative to neighbouring dwellings I am satisfied that there will not be an adverse impact by reason of overshadowing or access to daylight or sunlight. In relation to overlooking the Board will be aware

of the general 22 m separation distance between first floor opposing windows that is applied in 'back-to-back' scenarios. The previously mentioned Appendix 25 relating to guidelines for residential extensions in the CDP does indicate that this 22 m guideline can be relaxed in certain situations. In this instance I draw the Board's attention to the orientation of the existing dwelling on the site relative to the dwellings in Burn Side, the residential development to the rear of the application site. The existing arrangement is not a direct 'back-to-back' layout, the existing dwelling on the site is orientated almost east-west, while the nearest dwelling in Burn Side is orientated northwest-southeast. I also draw the Board's attention to Condition No. 3 of the p.a. decision that eliminated the northern most window at first floor level in the proposed extension at its rear elevation, I consider this an appropriate response. It will reduce the sense of excessive overlooking of property to the rear and allows for one window to the proposed bedroom but this window is to be located at the southern end of the extension, thus increasing the separation distance between it and the rear elevation of the two-storey dwellings in Burn Side. Should the Board be disposed to a grant of permission I would recommend they apply a similar condition, I note the applicant did not raise any issue with this condition in the response to the grounds of appeal.

- 8.7 Section 17.9.1 of the CDP relates to residential quality standards. That section indicates that private open space at a rate of 15 sq.m. per bedspace should apply. The proposed extension will result in a 5 bedroom dwelling. Even if one applies a 2 bed space per room (and not all bedrooms would constitute a 2 bed space bedroom), this would result in a requirement of 150 sq.m. private open space provision. I estimate that the quantity of open grassed area to the rear and side of the dwelling (behind the front building line) as per the site layout on file, meets the requirements relating to private open space provision as indicated in s.17.9.1.
- 8.8 In relation to concerns raised about car parking, there is an existing vehicular entrance to the site and 2 no. off-street car parking spaces can be accommodated on the site as indicated on the site layout plan on file, the proposal thus slightly exceeds the car parking standards as per Table 17.1 and Map J of the CDP (i.e. site in Area 3 where a standard of 1.5 spaces per dwelling applies).
- 8.9 I consider that the proposed development is compatible with the land-use zoning objective governing the area. I consider that the proposed extension to an existing dwelling complies with the provisions of s.17.9.8 and Appendix 25 of the CDP. I consider that, subject to conditions, the proposal will not adversely impact on the residential or visual amenity of the area. The private open space provision as indicated on the submitted site layout plan generally complies with the

CDP requirements. I further consider that the car parking provision complies with the statutory CDP. I therefore recommend that the Board uphold the p.a. decision to grant permission.

- 8.10 In relation to 'Appropriate Assessment', having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise.

9.0 CONCLUSIONS AND RECOMMENDATION

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

REASONS AND CONSIDERATIONS

Having regard to the residential zoning objective for the area 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 amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. 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 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.

Reason: In the interest of clarity.

2. One window only at first floor level in the rear elevation of the extension shall be permitted. The northern first floor window in the rear elevation as indicated in the plans and particulars received by the planning authority on the 13th day of November, 2015, shall be omitted and the proposed window shown adjacent the existing dwelling shall be the only window permitted at first floor level in this rear elevation of the extension. Prior to the commencement of development the applicant shall submit to, and agree in writing with, the planning authority, an amended first floor plan and rear elevation, at a scale of not less than 1:100, indicating compliance with this condition.

Reason: To avoid undue overlooking of residential property to the north-west of the application site.

3. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

4. 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.

5. 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.

6. 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 be applied to the permission.

Tom Rabbette
Senior Planning Inspector
3rd May 2016