
An Bord Pleanála



Inspector's Report

Development: Two storey extension to rear of dwelling, 428 Mourné Road, Drimnagh, Dublin 12.

Planning Application

Planning Authority : Dublin City Council
Planning Authority Register Reference : 4072/15
Type of Planning Application : Permission
Applicant : Paul & Mary Breen
Planning Authority Decision : Grant subject to conditions

Planning Appeal

Appellant : Paul & Mary Breen
Type of Appeal : 1st Party v. condition
Observers : None

Inspector : Pauline Fitzpatrick

Date of Site Inspection : 05/05/16

Appendices

1. Photographs
2. Extracts from Dublin City Development Plan, 2011

1. SITE LOCATION AND DESCRIPTION

No. 428 Mourne Road is a semi-detached two storey corner dwelling fronting onto the crossroads of Mourne Road and Benbulbin Road within the mature inner suburban area of Drimnagh in south-west Dublin. Mourne Road is exclusively residential running along an east-west axis.

No. 428 has a south-easterly aspect onto the crossroads with parking for two vehicles to the side off Mourne Road. The dwelling has a staggered single storey rear extension that spans the full width of the house and, at its widest point, extends 4.2 metres from the original rear wall. The small rear garden area is enclosed by a 2 metre high boundary wall.

2. PROPOSED DEVELOPMENT

The proposal for a two storey extension entails a small extension at ground floor level to match the footprint of the existing ground floor projection and to erect a 1st floor extension on the same footprint. The ridge height is to match that of the existing dwelling.

The additional floor space has a stated area of 21.11 sq.m. providing for reconfigured and larger bedrooms and provision of a bathroom at 1st floor level with additional habitable space at ground floor level.

3. TECHNICAL REPORTS

Engineering Department Drainage Division in a report dated **06/01/16** has no objection subject to conditions.

The **Planning** report dated **26/01/16** considers the depth of the extension at 4.2 metres right on the property boundary to be excessive. It requires modification so as to adhere with the Development Plan requirements. So to reduce its bulk and minimise the overbearing effect on the neighbouring property it should be reduced to a depth of 4 metres with a setback of 900mm from the shared boundary. A grant of permission subject to conditions is recommended.

4. PLANNING AUTHORITY'S DECISION

The Planning Authority (PA) decided to grant permission for the above described development subject to 9 conditions including:

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- Condition 2:** (a) flank wall to be set a minimum of 900mm from the boundary with No.56 Benbulbin Riad at first floor level.
(b) rear extension to have a maximum depth of 4 metres at 1st floor level.

Revised plans to be submitted prior to commencement of development.

5. GROUNDS OF APPEAL

The 1st Party appeal is against condition 2 attached to the notification of decision to grant permission. The condition requires the alterations to the first floor element of the extension. The grounds of appeal can be summarised as follows:

- The existing ground floor extension spans the full width of the house and extends up to the shared boundary with No.56 Benbulbin Road.
- The requirements would reduce the proposed additional floorspace by one-fifth.
- Given the small reduction of 0.3 metres to the width of the proposed extension and setback from the shared boundary by 900mm is it queried whether the harm to residential amenity which would otherwise have arisen would have been so serious as to warrant a refusal of permission.
- The Development Plan does not prescribe exact standards in terms of extensions.
- Precedent has been set in the area in terms of extension width - refs. 6254/06, PL29S.222532, PL29S.237364, PL29S.226305, PL29S.221554.
- The setback from the boundary, whilst small, would have disproportionate effects on the viability of the proposal in terms of the space provided in the new bedroom and cost of the development.
- Given the otherwise open outlook behind the pair of semi-detached houses it is not considered that the setback requirement would result in significant benefits for the neighbouring property as to justify the changes sought.
- No objections were received to the proposal.

6. PLANNING AUTHORITY'S RESPONSE TO APPEAL SUBMISSION

No response received

7. OBSERVATIONS

None

8. RELEVANT PLANNING HISTORY

I am not aware of any previous planning applications on the site.

9. DEVELOPMENT PLAN PROVISIONS

Dublin City Development Plan

The site is within an area zoned Z1 the objective for same being to protect, provide and improve residential amenities.

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 a dwelling will be granted permission 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.

Appendix 25 sets out guidelines for residential extensions.

11. ISSUES AND ASSESSMENT

The 1st party appeal pertains to condition 2 attached to the Planning Authority's notification of decision to grant permission. The principle of the extension is considered acceptable. Therefore I am satisfied, having examined the details of the application and visited the site, that the determination of the application by the Board, as if it has been made to it in the first instance, would not be warranted. Accordingly, I consider that it is appropriate to use the provisions of Section 139 of

the Planning and Development Act 2000, as amended, and to consider the issues arising out of the disputed condition only.

The proposal which will facilitate an additional 21.11 sq.m. habitable floorspace at ground and 1st floor level will allow for a better internal arrangement including the provision of an upstairs bathroom and increased bedroom size. The extension is considered to be modest.

I note that the Dublin City Development Plan is not prescriptive in terms of extension size but requires that due regard is had to the amenities of adjoining properties particularly the issues of light and privacy.

In view of the layout of No.428 relative to the property to the west (No.426 Mourne Road) and the fact that the extension would not extend beyond the building line of the latter the proposal will not impact on same. I therefore submit that the substantive issue pertains to the amenities of No.56 Benbulbin Road to which No.428 is attached.

Due to the estate layout and orientation of No. 428 Mourne Road and 56 Benbulbin Road onto the crossroads neither are afforded gardens of the size and length evident in the immediate vicinity, although both have the benefit of relatively generous side garden areas. A 2 metre high boundary wall encloses the rear garden of the subject site. By reason of the orientation of the semi-detached dwellings No.428 is immediately to the south of the rear garden of No.56 and the proposed extension would be to the south-west of same. In view of this I do not consider that the proposed extension would have any material impact on overshadowing currently experienced by the neighbouring property. As a consequence I submit that the reduction in the size of the extension by 0.2 metres and setback from the shared boundary with No. 56 by 900mm will not protect, to any greater extent or enhance its residential amenities, nor have a material impact on its overall visual impact.

On the other hand the imposition of a condition, would result in c. 20% reduction in the internal floor area of the 1st floor and could have a significant and material impact on the amenity enjoyed by the occupants of the dwelling.

I therefore consider the extension as proposed to be reasonable and accords with the Development Plan requirements for same. I therefore recommend that the Planning Authority be directed to omit condition 2.

AA – Screening

Having regard to the nature and scale of the development within a fully serviced inner suburban location, 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.

12. CONCLUSION AND RECOMMENDATION

In conclusion, I do not consider that the proposed extension will adversely impact on the residential amenities of adjoining property. I therefore recommend that the PA be directed to **OMIT** condition 2 for the following reasons and considerations.

REASONS AND CONSIDERATIONS

Having regard to the Z1 residential land use zoning for the site, the objective for which the objective for which is to protect, provide and improve residential amenities it is considered that the proposed extension by reason of its size, scale and design would not seriously injure the amenities of the area or of property in the vicinity by reason of overshadowing or loss or privacy and therefore, would be in accordance with the proper planning and sustainable development of the area.

Pauline Fitzpatrick
Inspectorate

May, 2015