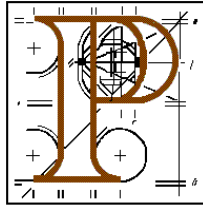


An Bord Pleanála



Inspector's Report

Appeal Reference No: PL29N.246238

Development: Internal alterations and two storey extension to rear of existing 2-storey dwelling house along with all associated site works at No. 7 David Park, Dublin 9.

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: WEB1392/15
Applicant: Aisling Donohue
Planning Authority Decision: Grant permission

Planning Appeal

Appellant(s): Edel Cunningham
Type of Appeal: Third party
Observers: None
Date of Site Inspection: 23rd May 2016

Inspector: Donal Donnelly

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site is located on David Park in Drumcondra approximately 1.7km north of Dublin city centre. David Park and adjoining streets to the east form part of a residential area comprising mostly of terraces developed between the Maynooth and Connolly to Heuston railway lines.
- 1.2 The dwelling on the appeal site is a mid-terraced 2-storey house located within a small cul de sac of ten dwellings. There is a laneway providing access to the rear of dwellings on the eastern side of the cul de sac, including the appeal site. A number of other dwellings in the cul de sac have been extended to the rear over 2-storeys.
- 1.3 The stated area of the subject dwelling is 56 sq.m. and the site area is given as 69 sq.m. There is a small garden to the front and the rear garden/ yard measures approximately 11.5 sq.m. The dwelling comprises sitting and living rooms at ground level, a kitchen and toilet within a single storey rear return and 2 no. bedrooms upstairs.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposed development comprises of the following main elements:
- Demolition of existing single storey rear return;
 - Part single part 2-storey lean-to extension to the rear (13.2 sq.m);
 - Rooflights to existing landing and new upstairs bathroom;
 - Rooflight to single storey element of extension;
 - Full height glazing/ sliding doors at ground level to rear;
 - Internal reconfigurations.

3.0 PLANNING HISTORY

- 3.1 There is no planning history on the appeal site. The following case relates to the neighbouring site to the north-east:

3.2 Permission granted at No. 6 David Park for:

- Bay window extension at ground floor level of existing rear return and a pitched roofed (7.36sqm).
- Bathroom extension at first floor level to rear return with 2 no. rooflights.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

4.1.1 Under the assessment of the application, it is considered that the proposed 2-storey rear extension is appropriate in scale and design for this restricted site, and that the proposal would not give rise to overbearing, overshadowing or overlooking concerns.

4.1.2 The Planning Authority is also satisfied with the proposed internal alterations and the remaining patio area. It is noted that the concern of the third party regarding common boundaries is not a planning matter.

4.1.3 Overall, it is considered that the proposal accords with Section 17.9.8 and Appendix 25 of the Development Plan and a grant of permission is recommended.

4.2 Planning Authority Decision

4.2.1 Dublin City Council issued notification of decision to grant permission subject to seven conditions of a standard nature.

5.0 GROUNDS OF APPEAL

5.1 A third party appeal against the Council's decision has been submitted on behalf of the owner of No. 6 David Park, which adjoins the appeal site to the north-east. The grounds of appeal and main points raised in this submission can be summarised as follows:

- Proportion of 2-storey extension seems to be excessively large and overbearing when compared to neighbouring rear extensions.

- Planning applications for similar type developments have been restricted to significantly shallower two/ single storey elements.
- Appellant would prefer single storey side gable wall to be reduced so as not to overbear onto her back garden private space – a flat roof instead of a lean-to roof is suggested.
- Slate roof as proposed, needs to be laid as a 25 degree pitch at least to comply with Building Regulations – proposed roof to bathroom appears to be below 25 degrees.
- Board asked to attach conditions regarding side walls to be entirely within appeal site.
- Proposed structure will overshadow and reduce natural daylight to hers and neighbouring properties.
- 2-storey element will overshadow, overbear and overlook adjoining residential properties.
- It is suggested that the first floor bathroom element is set back so as not to overshadow the back bedroom window of No. 6.
- Construction process will cause nuisance and disturbance – building works should be undertaken on weekdays only.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

6.1.1 In response to the first party appeal, the Planning Authority considers that the Planning Report deals with the issues raised and justifies its decision.

6.2 Response to appeal

6.2.1 The applicant's agent responded to the third party appeal with the following comments:

- Extension is modest and has been designed to have minimal impact on adjoining properties.
- Proposed 2-storey element is set back a distance of 1.6m from the boundary with No. 6.

- Pitched roof is more aesthetically pleasing and complements the pitched roof at 1st floor level. Also lends itself better to accommodating rooflights and is less likely to give problems of water ingress.
- Slates can be laid at minimum pitch of 20 degrees – proposed roof pitch is 23 degrees.
- It is not intended to have any undersailing or oversailing of adjoining properties.
- Proposed extension complies with 45 degree rule from adjoining bedroom window.
- Extended distance of 2.35m at first floor is reasonable – it would simply not be practical to construct a bathroom extension that was less than 2m deep internally.
- Proposed extension improves the residential amenity of the occupants and also has regard for neighbouring properties.

7.0 POLICY CONTEXT

7.1 Within the Dublin City Council Development Plan, 2011-2017, the appeal site is zoned Z1, where the objective is *“to protect, provide and improve residential amenities”*.

7.2 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.

7.3 Guidelines for residential extensions are included in Appendix 25.

8.0 ASSESSMENT

8.1 In my opinion, the main issues to be addressed in this appeal are as follows:

- Development principle;

- Impact on residential amenity; and
- Impact on the scale and character of the dwelling.

Development principle

- 8.2 The appeal site is zoned Z1, where the objective is “to protect, provide and improve residential amenities”. The proposed extension of the dwelling would therefore be acceptable in principle subject to an assessment of the proposal under relevant Development Plan criteria.

Impact on residential amenity

- 8.3 The existing dwelling would be inadequate in terms of area and layout by modern standards. The toilet is located downstairs and is quite small. The dwelling is also limited in terms of the overall floor area (56 sq.m) for a 2-storey 2-bed unit.
- 8.4 The proposal includes the relocation of the bathroom to an upstairs location in proximity to bedrooms and away from the kitchen. The ground floor extension will increase the aggregate living area and the total floor area of the extended dwelling, at approximately 70 sq.m., will be closer to the accepted norm for a 2-bed unit. A residual patio area to the rear with area of 10 sq.m. is marginally smaller than the existing yard, as the proposal also includes the demolition of the existing single storey rear return. Overall, I consider that the proposed extension and internal alternations will allow for improved amenity levels and living standards for residents of the dwelling.
- 8.5 With respect to the impact of the proposed development on the residential amenity of neighbouring properties, the adjoining resident to the north-east submits that the 2-storey element of the extension is excessively large and overbearing and this will give rise to overshadowing impacts on adjoining residential properties.
- 8.6 The second storey of the proposed extension will protrude from the existing rear elevation by 2.35m and the width of the structure will be 2.813m. The lean-to roof will continue from around eaves level down to the height of c.5m.
- 8.7 The proposed extension is likely to give rise to some additional overshadowing of the adjoining yard at No. 6. However, some consideration should be given to the confined nature of these properties and the fact that a precedent has already been established with the 2-storey extension at No. 6 (Reg. Ref:

6654/06), and older extensions at No's. 9 & 10. I consider that the improved standards of amenity for residents of this terrace outweighs any adverse impacts, and in the current case the affected property has also been extended at first floor level.

- 8.8 It is also noteworthy that the extension to No. 6 projects from the original rear elevation by approximately 3.5m and the width of this extension is 2.55m. This structure is therefore larger above ground floor level in terms of floor area than that proposed. Furthermore, the hipped roof of this extension with maximum height of 6.35m is larger over its full extent than the proposed lean-to roof.
- 8.9 Having regard to the above, I consider that the impact of the proposed extension on adjoining properties will be less than existing extensions along this terrace. I also note the extension will be set back c. 2.3m from the adjoining first floor window, and as noted by the applicant, this fulfils the 45 degree rule for natural lighting to windows.

Impact on the scale and character of the dwelling

- 8.10 Appendix 25 of the Development Plan sets out principles that should be followed for new extensions. In general, extensions should not have an adverse impact on the scale and character of the dwelling. It is advised that the extension should not dominate the existing dwelling and should harmonise with the existing house.
- 8.11 In my opinion, the proposed lean-to design of the extension is the least obtrusive solution for this location. As can be observed from adjoining extension, hipped or flat roof designs require additional height to maintain internal ceiling heights. The lean-to does not rise above eaves level and as pointed out by the applicant, this design also allows for a rooflight for increased natural lighting. I would also be in agreement that the proposed extension plays a supporting role and successfully integrates with the host dwelling.

Appropriate Assessment

- 8.12 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 CONCLUSIONS AND RECOMMENDATION

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

REASONS AND CONSIDERATIONS

Having regard to the zoning objective, the overall appearance of the proposed 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 visual amenities of the area or residential amenities of property in the vicinity. 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 external finishes of the proposed development shall harmonise with those of the existing dwelling in respect of materials, colour and texture.

Reason: In the interest of visual 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 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.

- 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: To protect the amenities of the area.

- 6 Site development and building works shall be carried out only between the hours of 07.00 to 18.00 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.

Donal Donnelly
Planning Inspector
Date: 24th May 2016