

# An Bord Pleanála



## Inspector's Report

**PL 29S.246276**

### Development

Retention of alterations to dormer window and outdoor terrace to the rear

59 Ringsend Road, Ringsend, Dublin 4

### Planning Application

Planning Authority: Dublin City Council  
Planning Authority Reg. Ref.: 4269/15  
Applicant: John Burke  
Type of Application: Planning permission  
Planning Authority Decision: Split decision

### Planning Appeal

Appellant(s): John Burke  
Type of Appeal: First v refusal  
Observers: One  
Date of Site Inspection: 30th May 2016

**Inspector:** Karla Mc Bride.

## 1.0 INTRODUCTION

### 1.1 Site and location

The appeal site is located on the S side of Dublin city and the surrounding area is predominantly residential in character. The premises forms part of a terrace of 3-storey houses located along the S side of Ringsend Road and opposite a Dublin Bus Depot. The premises has a small rear yard that backs onto a terrace of single storey houses at Hastings Street.

Photographs and maps describe the site and location in detail.

### 1.2 Proposed Development

Planning permission is being sought to retain:

- Alterations to an existing dormer window to the rear at first floor level comprising two inward opening doors.
- Decking, trellis and planting to roof of single storey extension.
- All associated site works.

### 1.3 Planning Authority's Decision

The Planning Authority decided to issue a split decision:

- Planning permission was granted for the retention of the dormer window to the rear subject to 1 standard condition.
- Planning permission was refused for the retention of the outdoor terrace to the rear at first floor level comprising decking, trellis and planting for 1 reason related to:
  - Adverse impact on the residential amenities of adjoining properties by reason of noise and general nuisance.

This decision reflects the report of the City Planning Officer.

**The Drainage Division** had no objection subject to compliance with conditions.

#### **Public submissions:**

One submission received which raised concerns in relation to unauthorised development and adverse impact on residential amenities.

## 1.4 Planning history

**Reg. Ref.3016/12:** Permission granted for the construction of a dormer windows to the front and rear elevations at no.59 Ringsend Road.

**E0642/15:** current enforcement on the site with regard to the dormer windows.

**Reg. Ref.: 1574/79:** Permission granted for a 2-storey extension to the rear of no.57 Ringsend Road.

## 2.0 DEVELOPMENT PLAN

**Zoning objective:** The site is located within an area zoned with the objective Z2 in the Dublin City Development Plan 2011-2017 which seeks “To protect and/or improve the amenities of residential conservation areas.”

## 3.0 APPEAL

### 3.1 First Party appeal

- Refurbishment works began in 2013.
- The 3-storey house dates from c.1900, the single storey rear extension is 30-40 years old, and the remaining yard is c.1.5m by 2.4m.
- Private amenity space is provided on the roof of the extension which is accessed via along established first floor door.
- Only 50% of this space is now used and it is enclosed by a c.1.9m high privacy screen with no adverse impacts on neighbouring amenities.
- Similar arrangements exist in the neighbourhood and the 2-storey extension to the rear of no.57 was built without planning permission.

### 3.2 Planning Authority response

The Planning Authority response raised no new issues.

### 3.3 Observers

One letter of observation received from Grace McDonnell, the owner of the neighbouring house at no.57 Ringsend Road.

- The single storey extension to the rear of no.59 was built in the late 1970s and it was never intended to use the flat roof as a terrace.
- The applicant's 2012 planning application for alterations to no.59 did not indicate a roof terrace.
- The old single storey extension was demolished and replaced by a larger structure with a greater roof area than before.
- Object to the use of the flat roof as a roof garden and the erection of a 1.9m high screen which overlooks and overshadows the rear of no.57, adverse impacts on residential amenities and undesirable precedent.
- Whilst other houses have single storey rear extensions, none are used as roof terraces or block light to neighbours.
- The 2-storey extension to the rear of no.57 was erected in 1979 with full planning permission (copy attached).

## **4.0 REVIEW OF ISSUES AND ASSESSMENT**

The main issues arising in this case are:

1. Principle of development
2. Visual and residential amenity

### **4.1 Principle of development**

The proposed development would be located within an area zoned “Z2” in the current Development Plan for residential use in Residential Conservation Areas and the proposed development is acceptable in principle.

### **4.2 Visual and residential amenity**

The development proposed for retention comprises two elements.

- Alterations to an existing dormer window to the rear at first floor level comprising two inward opening doors.
- An outdoor terrace to the rear at first floor level comprising decking, trellis and planting over a single storey rear extension.

Planning permission was granted under Reg. Ref.3016/12 for the construction of dormer windows to the front and rear of no.59 Ringsend Road. The current application relates to the dormer window to the rear of the 3-storey mid terrace house which has been altered by the addition of two inward opening doors to the second floor bedroom. The alterations proposed for retention are considered acceptable in terms of visual amenity and they would not give rise to any additional significant overlooking of neighbouring properties.

The single storey flat roofed extension to the rear of the existing 3-storey house is c.5m wide, 4.5m deep and 2.7m high and it almost completely occupies the area of the rear yard with the exception of a small area located adjacent to the neighbouring rear yard at no.57. The applicant has enclosed a section of the flat roof at first floor level to provide a decked area which is c.3.4m wide and 3m deep, although the entire space is accessible as a private amenity area. This amenity space is located in close proximity to the site boundaries with the neighbouring houses to the W at no. 57 Ringsend Road and to the S at 38 Hastings Street. The c.1.9m high trellis is located within c.1.5m of the site boundaries with the neighbouring houses at no.57 Ringsend Road and no.38 Hastings Street.

The first floor terrace proposed for retention is visually obtrusive when viewed from the rear of the neighbouring houses although not from any public location. The development would overshadow the neighbouring house to the W at no.57 in the early part of the day although the impact on residential amenity would not be significant. However, the development would overlook neighbouring properties in the vicinity which would give rise to an unacceptable loss of privacy. Furthermore, the use of the terrace would also give rise to noise and general disturbance, having regard to the compact character of the surrounding residential area which is located within a designated residential conservation area.

Having regard to all of the above, the roof terrace element of the development proposed for retention would seriously injure the residential amenities of properties in the vicinity by way of overshadowing, overlooking and loss of privacy. The development proposed for retention would, therefore, be contrary to the proper planning and sustainable development of the area.

## **5.0 RECOMMENDATION**

Arising from my assessment of the appeal case I recommend that planning permission should be:

- (a) Granted for the proposed retention of the dormer window to the rear for the reasons and considerations set down below and subject to compliance with the attached conditions, and
- (b) Refused for the proposed retention of the outdoor terrace to the rear at first floor level for the reasons and considerations set down below.

## **SCHEDULE 1: REASONS AND CONSIDERATIONS**

Having regard to the provisions of the current Development Plan and to the nature and scale of the proposed development and to the pattern of development in the area, it is considered that subject to compliance with the following conditions, the development proposed for retention which comprises the dormer window to the rear of the property, would not seriously injure the amenities of the area or of property in the vicinity. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be retained 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 completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

## SCHEDULE 2: REASONS AND CONSIDERATIONS

1. Having regard to the provisions of the Dublin City Development Plan, 2011 to 2017, and to the elevated location of the development proposed for retention, which comprises an outdoor terrace to the rear at first floor level comprising decking, trellis and planting over a single storey rear extension, the development proposed for retention would seriously injure the residential amenities of neighbouring properties by way of overlooking, loss of privacy, noise and general disturbance. The development proposed for retention would be contrary to the Z2 zoning objective which seeks to “protect the amenities of residential conservation areas” which would therefore be contrary to the proper planning and sustainable development of the area.

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Karla Mc Bride

Senior Planning Inspector

30th May 2016