

# An Bord Pleanála



## Inspector's Report

**Appeal Reference No: PL29S.246396**

**Development:** Permission sought for demolition of single-storey extensions to rear and garage to side, for the erection of a part 2-storey and part single-storey extension to side and rear, conversion and extension of existing attic including dormer roof-light to rear, widening of existing vehicular entrance and all associated works.

**Address:** 21, Clareville Road, Harold's Cross, Dublin 6W

### Planning Application

Planning Authority: Dublin City Council  
Planning Authority Reg. Ref.: WEB1343/15  
Applicant: Gavin Wyley  
Planning Authority Decision: Grant permission subject to 8no. conditions

### Planning Appeal

Appellant(s): Patrick & Violet Short; Lucile Redmond  
Type of Appeal: Two third party appeals against decision  
Observers: None  
Date of Site Inspection: 01/07/16

**Inspector:** John Desmond

## 1.0 SITE LOCATION AND DESCRIPTION

The application site is located south of Dublin City, in Harold's Cross, c.1.3km south of the Grand Canal. The site fronts Clareville Road, c.160m west of Harold's Cross Road.

The immediate area is residential and is characterised predominantly by 2-storey residential dwellings, including redbrick terraced dwellings dating from around the end of the 19<sup>th</sup> and start of the 20<sup>th</sup> century, and later terraced dwellings and semi-detached dwellings dating from around the mid-20<sup>th</sup> century. The residential density is generally low and suburban, with dwellings on relatively large plots.

The subject dwelling is semi-detached of 122.6-sq.m stated floor area inclusive of extensions to rear and side and the attached garage. The site, which is rectangular in shape, has a stated area of 266.5-sq.m. The rear garden depth is c.11m from the rear of existing extensions to the rear boundary wall. The rear of the dwellings faces southeast and the front to the northwest. There is an existing vehicular entrance onto Clareville Avenue and the front garden accommodates a single off-street parking space, with the remainder set out as a lawn. The front boundary wall is c.1.2m high, but a timber fence has been erected above the wall to an overall height of c.2m.

To either side are similar residential properties, but neither of which appear to have been extended or materially modified since they were built. The subject dwelling is attached to the dwelling to the northeast, but is separated from the neighbouring dwelling to the southwest by a narrow gap (c.100mm) between the neighbouring garages. A number of similar dwellings within the vicinity have been extended to the rear and side, including the erection of dormer roof windows. To the rear the site is adjacent to a surface car park associated with a sports ground.

## 2.0 PROPOSED DEVELOPMENT

The proposed development comprises:

- Demolition of existing rear and side extensions and attached garage, a total of 42.6-sq.m stated area
- Erection of extension to dwelling comprising 2-storey extension to the side, part single and part 2-storey extension to rear
- Conversion of attic space for accessible use as a storage / office / attic area with dormer window to rear roof slope.
- Widening of existing vehicular entrance to c.5m (actual dimension not stated and site plan not to scale)

The proposed development was amended by **FURTHER INFORMATION** submission, including the submission of revised plans and drawings, as follows:

- Side extension setback 250mm from front, with eaves line to roof also set back, existing roof line retained, roof ridge to extension reduced and proposed hipped roof inclined parallel to existing.
- Reduction in height of single-storey extension adjoining no.19 Clareville Avenue by 750mm
- Setting back of rear 2-storey element of proposed extension adjacent no.23 Clareville Road by 750mm from boundary at 1<sup>st</sup> floor level.
- The proposed vehicular entrance width extension is omitted.

In addition, the following was submitted:

- Cover letter explaining the intended purpose of each of the proposed amendments, making a case in favour of the development proposal having regard to planning precedent in the vicinity and compliance with Dublin City Development Plan guidelines.
- A Shadow Analysis with 3D model

### 3.0 RELEVANT PLANNING HISTORY.

On site – None

In vicinity – I consider the following recent decisions to be relevant.

**Reg.ref.WEB1024/13:** Permission **GRANTED** by Dublin City Council (08/04/13) for alterations and extensions to existing part two storey / part single storey semi-detached three bedroom dwelling comprising, a) Demolition of existing single storey garage to side and partial demolition of single storey extension to rear, b) Construction of two storey extension to side, part two / single storey extension to rear, enclosure of existing external recessed porch, with total increase in habitable floor area from 99.1-sq.m to 186.3-sq.m, c) Conversion of existing and extended attic space with new dormer window to rear and 3 roof-lights, d) Internal and elevational alterations including repositioning of existing window opening on front elevation, e) Widening of existing vehicular entrance to 3600mm wide and off street car parking for 2no. cars, and, f) All associated site works. 68, Shanid Road, Harold's Cross, c.40m to the south of current application site.

**Reg.ref.0626/01:** Permission **GRANTED** by Dublin City Council (22/05/09) for construction of 2-storey extension to side of house and a single storey to rear,

with provision of 1no. velux roof-light to rear of main roof and all associated works. 66 Shanid Road, Harold's Cross, c.47m to the south of current application site. The development was amended by condition.

Condition no.2: *Development shall not commence until revised plans, drawings and particulars showing the following amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings:-*  
*a) the proposed two storey extension shall be recessed 0.5m from the existing front elevation. REASON: In the interests of orderly development and visual amenity*

#### **4.0 PLANNING AUTHORITY DECISION**

Decision to **GRANT** permission subject to 8no. standard conditions.

#### **4.1 Planning and technical reports**

**Planning Officer**– The report of 07/01/16 is consistent with the decision of the Planning Authority to seek further information concerning compliance of the design of the proposed development with the character of the area and with the Development Plan guidelines for such development and the resulting impacts of overshadowing and overbearing on neighbouring dwellings.

The report of 07/03/16 is consistent with the decision of the Planning Authority to grant permission subject to 8no. standard conditions.

**Drainage Division** – The report of 15/12/15 raises no objection subject to standard conditions.

#### **4.2 Observations**

Two observations were received, from Mr and Mrs Patrick and Violet Shortt (23/11/15), and from Lucille Redmond (07/12/15). The main grounds of objection are repeated in the grounds of appeal. Additional points raised are as follows:

- Risk of asbestos from demolition of garage.

#### **5.0 GROUNDS OF APPEAL**

Ms Lucille Redmond, no.23 Clareville Road, c/o Martin Lynch Architect (05/04/16) - The grounds of appeal may be summarised as follows:

- Design – serious negative effect on amenity of no.23, including aspect from windows to northeast of no.23, which predates no.21, not referred to by the applicant.
- Overshadowing – scale, bulk and location will block daylight to windows on northeast elevation to no.23, which predates no.21, not referred to by the applicant. The shadow projections supplied by the applicant does not address the concerns of the planning authority.
- Only minor changes made to proposed scheme to address concerns raised by the planning authority in its further information request.
- Policy – does not comply with section 17.9.8 of the City Development Plan 2011-2017 which states that extensions should result in ‘no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight’, and is contrary to the ‘Guidelines for Residential Extensions’ in Appendix 24 of the Development Plan.
- Precedent – the existing nearby approved developments referred to by the applicant are not relevant as none entail the construction of a 5m high blank gable wall 2.6m from the only windows to kitchen, hallway and bathroom

Mr and Mrs Patrick and Violet Shortt, no.19 Clareville Road (07/04/16) - The grounds of appeal may be summarised as follows:

- Design - proposed changed roof design does not improve the asymmetrical aspect of block (houses 12-21). Oversized and out of proportion and out of character with 1930’s built environment and diminishes and devalues adjoining dwelling.
- Overshadowing - loss of light to window in north-facing gable of no.23, and overshadowing of garden to no.19 in evening time.
- Precedent – no relevant example of similar extension on Clareville Road is given. Extensions to dwellings on Westfield Road (e.g. no.43) is a standard 3-bed house with small rear extension.
- Privacy – will loom over no.19 with serious detriment of privacy for residents.

## **6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL**

### **6.1 Planning Authority response**

No further comment (4/05/16 and 23/05/16)

## 6.2 First Party response

The main points of the response may be summarised as follows:

- Overshadowing - The proposed development is located due north and direct daylight cannot possibly be affected. The negligible impact on daylighting was demonstrated by the shadow analysis provided at application stage. It is submitted that a further technically accurate analysis attached to the response further demonstrated this.
- There is no special rights conferred on no.23 under the Planning Acts or Development Plan by reason of it predating no.21.
- The shadow diagrams illustrate the situation at 10.00am, 12.00 midday and 2.00pm on 20<sup>th</sup> March which is an accepted norm for such projections and in accordance with stipulated criteria and which demonstrated no adverse impact.
- Design - The further information submission addressed all points raised by the planning authority, with changes discussed and agreed in principle prior to submission and the changes were not minor.
- It has not been substantiated that the proposal is contrary to Guidelines for Residential Extensions, Appendix 24 of the City Development Plan. The development complies with the Development Plan on the following grounds –
  - Appendix 17
  - No adverse impact on scale and character of dwelling and no unacceptable effect on amenities enjoyed by occupants of adjacent buildings, and achieves high quality of design
  - No residential amenity issue
  - No significant loss of privacy
  - No overbearing effect, with all separation distances strictly adhered to for overlooking
  - No issue with daylighting
  - Front is visually subordinate to existing dwelling and rear extension is of contemporary design and represents high quality
  - Materials in keeping with existing on front elevation, with contemporary materials to rear entirely appropriate
  - Roof of dormer complies with fig.17 of Appendix 17 of the Development Plan

- No explanation as to why the precedents referred to by the applicant are no relevant.
- The applicant made reasonable attempt to engage with appellant prior to lodgement.

### **6.3 Appellant response**

The main points of the response from Mr Patrick Shortt (01/06/16) may be summarised as follows:

- Overshadowing – No.21 is to the northeast, not north of no.23; no.23 would be affected greatly in the mornings by the proposed side extension and no.19 in the evening by the rear extension.
- Design – substantial negative impact in terms of appearance and value of no.19.
- Overlooking – from massive windows to proposed dormer.

### **Observations on grounds of appeal**

None received to date

## **7.0 POLICY CONTEXT**

### **Dublin City Development Plan 2011-2017**

Land use zoning - The application site zoned Z1 Sustainable Residential Neighbourhoods *'To protect, provide and improve residential amenities'*

Section 15.10.1 Sustainable Residential Neighbourhoods – Zone Z1

Section 17.9.8 Extensions and Alterations to Dwellings

Appendix 25 – Guidelines for Residential Extension

## **8.0 ASSESSMENT**

I consider the main issues arising can be considered under the following headings:

1. Policy and standards
2. Overlooking / loss of privacy
3. Overshadowing / loss of light
4. Visual impact / intrusion
5. Traffic issues
6. Appropriate Assessment

## 7. Conclusion and recommendations

### 8.1.0 Policy and standards

8.1.1 The proposed residential development is permitted in principle within zone Z1 and is generally consistent with the provisions for extensions under section 17.9.8 and appendix 25. There is precedent for similar such development within the vicinity (e.g. at no.68 Shanid Road, Reg.Ref.WEB1024/13).

### 8.2.0 Overlooking / loss of privacy

8.2.1 The grounds of appeal include loss of privacy / overlooking. I am satisfied that the proposed design does not result in direct overlooking or otherwise materially impact on the privacy levels enjoyed by neighbouring properties.

### 8.3.0 Overshadowing / loss of light

8.3.1 The grounds of appeal include overshadowing and loss of light to neighbouring residential properties. I note the shadow diagrams submitted by the applicant with the application, as further information and in response to the appeal.

8.3.2 The proposed extension will extend c.4.65m beyond the main rear building line of the pair of semi-detached dwellings. Due to the orientation of the properties, the proposed extension will overshadow the rear of dwelling no.19 (to the northeast) from before midday. However the existing conservatory extension already results in some overshadowing of the said property. The potential impact of overshadowing on no.19 has been mitigated by a reduction in height of the parapet of the single-storey extension by 750mm to 3.2m above the rear garden level of no.19 through further information submission. The proposed two-storey element is setback 2.5m from the party boundary also mitigating the potential impact. Overshadowing of the rear garden to no.19 will increase after midday, but I do not consider that this will be significantly more than already occurs due to the existing buildings on site. I consider the likely level of overshadowing on no.19 not to be such as to seriously injure the residential amenities of that property.

8.3.3 The grounds of appeal of the owner of no.23, the property adjacent to the southwest, include loss of light to ground and first floor windows on the side elevation of that property. The windows concerned are oriented northeast and the level of direct sunlight received by those windows will therefore be low and limited to early morning during the summer months. Access to direct sunlight to the said windows will already be impeded the existing development within the application site.



8.3.4 The proposed extension may result in the loss of some direct sunlight, but this will be minimal. The proposal will have a more significant impact in term of loss of daylight, i.e. the area of sky visible from the side windows to no.23. The most significant effect will be on the ground floor window serving the kitchen, purported to be the only window to that habitable room. Given that the said kitchen window already faces onto the single and two-storey side elevation of no.21, I do not consider the proposed alteration to be such as to seriously injure the amenities of that window through loss of daylight or sunlight. The loss of light to the first floor landing and bathroom will be of a lower order and is of less of a concern in terms of amenity value.

8.3.5 The perceived impact may be mitigated through the use of a bright, light coloured, neutral render on the southwest facing elevations of the proposed extensions and will have the added benefit of reflecting light onto no.21 in the afternoon period. Should the Board decide to grant permission, I would advise that this issue should be addressed by condition.

#### 8.4.0 **Visual impact / intrusion**

8.4.1 The grounds of appeal include the visual impact of the proposed development on neighbouring properties and within the streetscape context. The proposed extensions will form a significant visual addition to the side and rear of no.21. The greatest impact will be on no.23. The potential impact on no.19 is reduced by the reduced height of the proposed single-storey extension through further information submission. I do not consider the impact to be excessive in the context and I do not believe it will be such as to seriously injure the residential amenities of the area.

8.4.2 The design of the proposed front elevation and roof extension, as revised by further information submission, are sympathetic with the style of the existing dwelling. The rear elevation is in contemporary style which I consider acceptable in its context.

#### 8.5.0 **Traffic issues**

8.5.1 The proposal to widen the vehicular entrance has been omitted. The hard surfaced area to the front is proposed to be extended to accommodate two off-street car parking spaces. I consider this to be acceptable.

#### 8.6.0 **Appropriate Assessment**

8.5.1 Having regard to the small scale of the proposed residential development, comprising an extension to an existing suburban dwelling within the built up area of Dublin, 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.

## 9.0 CONCLUSIONS AND RECOMMENDATION

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 of the site Z1 Sustainable Residential Neighbourhoods 'To protect, provide and improve residential amenities', to the provisions of the Dublin City Development Plan 2011-2017 regarding the extension of residential dwellings, and the nature and extent of the development proposal, it is considered that the proposed development would not seriously injure the amenities of residential property in the vicinity and would be consistent with the proper planning and sustainable development of the area subject to compliance with the following conditions:

### CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 16th day of February 2016, 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 southwest side elevation shall be finished entirely in a pale, bright neutral colour, the details of which shall be agreed with the planning authority prior to implementation of the external finishes to said elevation of the proposed extension.

**Reason:** In the interest of protecting the visual amenities of the neighbouring property to the southwest.

- 3 Water supply and drainage arrangements, including the provision of separate foul and surface water systems up to a combined final connection discharging to the public combined sewer, and the attenuation and 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.

4. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 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.

5. During construction and demolition phases the proposed development shall comply with British Standard 5228 “Noise Control on Construction and Open Sites Part 1. Code of practice for basic information and procedures on noise control.”

**Reason:** In order to ensure a satisfactory standard of development in the interest of residential amenity.

6. The developer shall pay to the planning authority a financial contribution of €3,158.78 (three thousand, one hundred and fifty eight euro) 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, as amended. The contribution shall be paid prior to 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, 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.

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John Desmond  
Senior Planning Inspector  
06/07/16