

# An Bord Pleanála



## Inspector's Report

**Appeal Reference No:** PL29N.246465

**Development:** Part demolition to rear of existing house, construction of an extension and internal alterations, including change of use of workshop into habitable accommodation at No. 3 Prospect Court, Glasnevin, Dublin 9.

### Planning Application

Planning Authority: Dublin City Council  
Planning Authority Reg. Ref.: 2119/16  
Applicant: Gareth & Michelle Reville  
Planning Authority Decision: Refuse permission

### Planning Appeal

Appellant(s): Gareth & Michelle Reville  
Type of Appeal: First party  
Observers: None  
Date of Site Inspection: 8<sup>th</sup> July 2016

**Inspector:** Donal Donnelly

## **1.0 SITE LOCATION AND DESCRIPTION**

- 1.1 The appeal site is located within Prospect Court in Glasnevin approximately 2km north of Dublin City Centre. Access to the site is from Prospect Avenue, which continues north off Finglas Road and terminates at Prospect Square to the north of the site. The site is within the Prospect Square/ De Courcy Square and Environs Architectural Conservation Area.
- 1.2 Prospect Court comprises of 3 no. single storey dwellings with shared hipped roof arranged around a courtyard setting. The courtyard (c. 220 sq.m.) has cobble lock surfacing and is used for parking. There is a gated access onto Prospect Avenue.
- 1.3 The dwelling on the appeal site is situated within the south-eastern corner of the courtyard. There is a cross hipped roof over the main part of the dwelling with a flat roof element, accommodating a bedroom and workshop, to the side along the southern boundary. A single storey lean-to store sits to the front (west) of the workshop. To the rear (east) of the dwelling is a small enclosed yard measuring c. 5 sq.m. The stated site area is 175 sq.m. and the floor area of the existing buildings to be retained is 125.5 sq.m.

## **2.0 PROPOSED DEVELOPMENT**

- 2.1 The proposed development comprises of the following main elements:
- Part demolition to rear of existing house to form a private courtyard (27.5 sq.m.);
  - Change of use of an existing workshop to habitable accommodation;
  - Construction of a first floor extension for 3 no. bedrooms (63.5 sq.m.);
  - Internal reconfigurations;
  - Proposal with result in part single part 2-storey dwelling.

### **3.0 PLANNING HISTORY**

Dublin City Council Reg. Ref: 1510/00

- 3.1 Permission was granted for a bedroom extension to the rear of No. 3 Prospect Court in August 2000.

Dublin City Council Reg. Ref: 1730/87

- 3.2 Permission was granted for 3 no. apartments and a store/ garage in 1988.

### **4.0 PLANNING AUTHORITY DECISION**

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

- 4.1.1 Issues covered under the evaluation of the application within the Planner's Report include overlooking, overshadowing, parking, overdevelopment and private open space.
- 4.1.2 It is noted that this is a very tight site courtyard development with little amenity space available for each house. The existing development on site has nearly 100% site coverage. The design and overall height of the extension in itself is not considered to be out of character with the visual amenities of the area or the ACA.
- 4.1.3 The Case Planner considers that the proposed development will generally not result in any overlooking of neighbouring property as first floor windows will face westwards. Any overlooking can be ameliorated by condition.
- 4.1.4 The applicant states that a bedroom window of no. 2 Prospect Court and the shared car park will have some overshadowing. The Case Planner notes that surrounding properties have little amenity space to the rear and the front courtyard is an important space for these properties. It is therefore considered that the proposed development, by reason of its scale and location to the south of neighbouring properties, would result in undue overshadowing of the properties and courtyard that serves them.
- 4.1.5 The Development Plan open space requirement for the proposed development is 60 sq.m. and a total of 25 sq.m. is proposed. Having regard to the scale of the development and the inadequate open space provision, it is considered that the proposed development results in overdevelopment.

## **4.2 Planning Authority Decision**

- 4.2.1 The Council issued notification of decision to refuse permission for the proposed development for two reasons.
- 4.2.2 Under the first reason, it is considered that the proposal represents overdevelopment of a restricted site by reason of the scale of the proposed development and the inadequate provision of private open space. It is stated that the proposal is contrary to Policy FC41 and would give rise to an inadequate level of residential amenity for occupants of both the proposed development and existing dwellings in the courtyard.
- 4.2.3 It is considered under the second reason that the proposal would give rise to undue overshadowing/ overbearing effects and that it would be visually dominant when viewed from neighbouring property.

## **5.0 GROUNDS OF APPEAL**

- 5.1 A first party appeal against the Council's decision has been lodged by the applicant. The submission includes letters of support from estate agents, sun path diagrams and a photograph of the view from the rear of the property towards Botanic Road.
- 5.2 The grounds of appeal and main points raised in the first party appeal can be summarised as follows:
- Houses in courtyard do not have any meaningful private open space and the internal layout requires one bedroom to be accessed off the living room.
  - Neighbours did not have issues with the design and no observations were submitted on the planning application.
  - Design was revised after pre-planning to keep the overall massing as low as possible – final design was computer modelled to demonstrate overshadowing impact upon neighbouring houses.
  - Board are requested to consider appeal in the context of the particular limitations of appellant's existing dwelling, as well as the development standards of the Development Plan, and not in isolation of these matters.
  - Design of extension, its height, massing, appearance and materials were carefully considered to ensure it would be in accordance with the ACA.

- Planner's Report does not review the proposal in the context of Policy FC41; however, first reason for refusal states that proposal does not comply with this policy. Planner's Report states that the proposal is not out of character with the ACA.
- First reason for refusal states that the proposal would be out of character with the pattern of development in the area, which is also contrary to Planner's Report.
- Botanic Mews to the north comprises 8 no. 2-storey townhouses not untypical of other dwellings in the area – proposal is very much in keeping with the character of the area and is respectful of adjacent properties.
- 9m setback from bedroom windows of no's. 1 & 2 Prospect Court, which will not be overshadowed, is sufficient for the first floor extension not to be overbearing.
- Proposed development complies with stated requirements of BRE Guidance for the front shared parking space.
- Shadow encroachment has a limited impact in early to mid afternoon during the equinox and windows on adjacent dwelling are largely unaffected.
- Front space is a shared car park and is not used by any residents for amenity purposes.
- Residential quality standards apply to new dwellings – design approach was informed by Section 17.9.1 which states that *"in relation to proposals for house(s) within the inner city, a standard of 5-8sq.m. of private open space per bedspace will normally be applied, subject to the provision of a minimum of 25 sq.m. of open space per dwelling."* Site is several hundred metres north of the inner city boundary and there is zero open space for the existing dwelling.
- Private open space will be south-facing and both dining room and playroom have highly glazed external walls – this would be a major benefit to the amenity and quality of the family home.
- Plot ratio of 1.08 is comfortably within Development Plan standards – this excludes shared right of way to front.
- Estate agent letters state that the proposed development will not have a negative impact on the value of properties in the area.

- Developments that do not accord with Development Plan policies and specific qualitative requirements would set an undesirable precedent – proposal is in accordance with Development Plan standards.

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

6.1 No responses.

## **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.

7.4 The site is within the Prospect Square/ De Courcy Square Architectural Conservation Area.

7.5 Section 17.10.8 refers to development within Conservation Areas and Architectural Conservation Areas. Related policies are contained in Sections 7.2.5.2 and 7.2.5.3.

## **8.0 ASSESSMENT**

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

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

### 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.
- 8.3 The site is also located within an Architectural Conservation Area and Development Plan Policy FC41 seeks “*to protect and conserve the special interest and character of Architectural Conservation Areas and Conservation Areas in the development management process*”.
- 8.4 In considering proposals for development in ACA’s, it is a policy to have particular regard to the effect of the proposed development on buildings and the surrounding environment, and on the immediate streetscape in terms of compatibility of design, scale, height, plot width, roof treatment, materials, etc. These issues are addressed in more detail below.
- 8.5 The purpose of the Prospect Square/ De Courcy Square ACA designation is “*to identify areas of special character and architectural interest and to manage change in such a way as to preserve that special character.*” Prospect Court is referenced in the ACA document as being a small modern development of single storey houses. It is also stated that “*new development should combine positively with the historic fabric and be of a high design standard, using only materials and forms which complement the character of the ACA*”.
- 8.6 Prospect Court was granted permission in 1988 and does not contain any special character and architectural interest that is worthy of preservation. The development is set back from the Prospect Avenue street edge and while this is the primary entrance to the ACA, I consider that any new build should complement the character of Prospect Court itself, as the proposed development will be visually separate from surrounding historical buildings.

### Impact on the scale and character of the dwelling

- 8.7 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 building.

- 8.8 In my opinion, the proposed extension of the dwelling should be seen in the context of both the existing house and the adjoining two dwellings that make up Prospect Court. Thus, any extension visible from the courtyard should complement and harmonise with the Prospect Court development as a whole.
- 8.9 My main concern with the proposed development is that it dominates and sits out from the existing development. I have no objection in principle to a first floor extension and do not necessarily agree that an additional storey of the scale proposed would constitute overdevelopment of the site. It would appear, however, that the applicant's desire to create a private courtyard has the effect of pushing the bulk of the proposed extension westwards in a manner that will stand out within the courtyard from existing dwellings.
- 8.10 I am not therefore convinced that the proposed extension will not have an adverse impact on the scale and character of the dwelling and adjoining dwellings. The extension fails to integrate with the existing dwelling and there is little reference to the original appearance within the design of the new structure.
- 8.11 I consider that a more appropriate solution would be a first floor extension of the dwelling towards the rear (eastern) end of the site and the creation of an enclosed private open space or outdoor terrace to the front. Furthermore, a gable end roof treatment rather than a hip-end would be more compatible with the existing single storey gable end opposite.

*Impact on residential amenity*

- 8.12 It is considered under the first reason for refusal that the proposed extension would give rise to inadequate levels of residential amenity due to inadequate provision of private open space. The second reason for refusal states that the proposal would result in overshadowing/ overbearing effects and would be visually dominant when viewed from neighbouring properties.
- 8.13 As noted above, I would share the concerns of the Planning Authority that the proposed extension at this particular location would cause visual dominance within a small courtyard setting.
- 8.14 With respect to the impacts of overshadowing, the applicant has submitted a number of sun path diagrams to illustrate the effects of existing and proposed scenarios. It is apparent that whilst the proposed extension will overshadow the internal courtyard on 20<sup>th</sup> March, this shadow moves around and at no point between 10am and 6pm is the entire courtyard overshadowed and any given



time. In addition, it should also be highlighted that the shared space to the front of the dwelling is being used for access and parking cars rather than an amenity space. Notwithstanding, an amended design, as suggested above, would result in less overshadowing and overbearing impacts on this internal space regardless of how it is used by the residents of Prospect Court.

- 8.15 In terms of the inadequate provision of private open space to serve the extended dwelling, it should be noted that the existing dwelling has a small yard to the rear of no more than 5 sq.m. The proposal would see the provision of 25 sq.m. and in my opinion this represents an element of planning gain and an improvement to the overall amenity standards of the residents of No. 3. I do not consider that it is appropriate in this case to refuse permission on the grounds of overdevelopment and inadequate provision of private open space.

*Appropriate Assessment*

- 8.16 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**

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

## **REASONS AND CONSIDERATIONS**

The proposed development by reason of its overall appearance and projection at first floor level to the front of the existing dwelling would be out of character with the existing design, scale and character of development in the vicinity of the site and would, thereby, seriously injure the amenities of the immediately adjoining dwellings to the north by reason of its visual dominance and overbearing impact when viewed from courtyard to the front of these dwellings. The proposed development would, therefore, set an undesirable precedent for similar development and would be contrary to the proper planning and sustainable development of the area.

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Donal Donnelly  
**Planning Inspector**  
**Date: 11<sup>th</sup> July 2016**