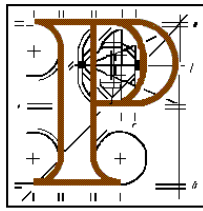


An Bord Pleanála



Inspector's Report

Development: Construction of an extension over existing single storey extension to rear of house with associated site works.

Location: 577 Carnlough Road, Cabra, Dublin 7.

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: 2331/16
Applicant: Michelle and Gary Behenna
Type of Application: Permission
Planning Authority Decision: Grant Permission

Planning Appeal

Appellant: Michelle and Gary Behenna

Type of Appeals: 3rd v Condition
Date of Site Inspection: 29th June 2016
Inspector: Dolores McCague

1 SITE LOCATION AND DESCRIPTION

- 1.1 The site is situated at 577 Carnlough Road, Cabra, Dublin 7
- 1.2 The estate is 1920s and comprises largely terraces of 4 to 8 houses with semi-detached pairs occupying corner locations. The subject dwelling is a two storey, north facing, end of terrace house. The subject garden is wider at the front and narrows by about 2m, half way along the gable. It adjoins a semi-detached two storey house which faces north-west on a triangular site: wide at the front narrowing to a point at the rear of the dwelling.
- 1.3 The site area is given as 190m².

2 PROPOSED DEVELOPMENT

- 2.1 The house was extended to the rear by 14m², since 2003, as exempted development. The proposed development comprises the construction of an extension over the existing single storey extension and, in addition, a cantilevered area extending westwards to the boundary wall. Currently the upstairs of the dwelling has two bedrooms and a bathroom; the smaller of the bedrooms facing southwards. The proposed development would see most of the smaller bedroom converted to a bathroom and access to the extended area being provided through the existing bathroom. The extended area would comprise two southwards facing bedrooms,.
- 2.2 The floor area of the development is given as 16 sq m, bringing the total floor area to 90m².

3 PLANNING AUTHORITY DECISION

- 3.1 The planning application was lodged on the 23rd February 2016.

3.2 **Technical Reports**

3.3 Engineering Department Drainage Division – 22/03/16 – conditions.

3.4 Planning Report 18/4/16 – zoning Z1 ‘to protect, provide and improve residential amenities’. Sec 17.9.8 and Appendix 25 of the City Development Plan – design of residential extensions.

It is proposed to located a 3.3m deep first floor extension to the rear of 577 Carnlough Road. The roof of the structure is to be set down from the ridge height of the main house and it is to have the same roof profile as the main house. The extension extends for the full width of the rear elevation of the house and then extends out over the side passage at first floor level, cantilevered for a width of just over 1m. The extension sits off both the eastern and western boundaries of the site.

There is some 6m at its nearest between the rear elevation of no. 579 and the extension. Any first floor extension to the rear of no. 577 would be located to the south east of the rear wall of no. 579 with the potential for overshadowing in the very early morning. It is considered that a standard first floor extension at a depth of 3.3m would be generally acceptable at no. 577 but that the proposed cantilevered element brings the extension that much closer to no. 579 which, given the separation distances involved, would seem excessive. It is therefore considered that the cantilevered element should be omitted from the scheme. It is not considered that the modified extension would unduly impact on the amenities of no. 575 adjacent to the east. It is noted that the garden of the house is sufficiently sized to cater for the development. It is not considered that the extension would result in undue overlooking of neighbouring property.

A grant of permission is recommended.

3.5 The planning authority decided - 22/4/2016 – to grant planning permission subject to 8 conditions, including:

Condition no. 2:

The cantilevered upper floor bedroom shall be permanently omitted from the development.

Development shall not commence until revised plans, drawings and particulars showing the above 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.

Reason: In the interests of orderly development and visual amenity.

4 PLANNING HISTORY

None stated

5 GROUNDS OF APPEAL

- 5.1 The first parties, Gary and Michelle Behenna, have appealed condition no. 2 attached to the decision to grant permission.
- 5.2 The grounds can be summarised as follows:
- 5.3 The need to extend the dwelling are stated, from its current size, which is below the minimum recommended size for a 2 bed 4 person house, per the Department of the Environment's publication Quality Housing for Sustainable Communities.
- 5.4 The effect of the condition is to reduce the extension to 3.9m internal width. Subdividing this into 2 bedrooms fails to meet the minimum standards set out in Technical Guidance L and good planning generally.
- 5.5 Responding to the statement in the planner's report that there is the potential for overshadowing in the very early morning, the first party submits shadow diagrams, prepared by Planning and Design Services, for the spring equinox. The side passageway between the properties and the fact that the houses are set at an angle of 45⁰ means that overshadowing of 579 never reaches the house and disappears from the back garden between the hours of 11 and noon.
- 5.6 There is no overlooking.

5.7 Re. overburdening – the proposal is set within the curtilage of the site and the roof is set down from the existing and hipped.

5.8 The first party states that neighbours were consulted prior to submitting the application and points out that no observations were made.

6 RESPONSES

6.1 Planning Authority

6.2 The Planning Authority has not responded to the grounds of appeal.

7 POLICY CONTEXT

7.1 **The Dublin City Development Plan 2011 – 2017** is the operative plan.

7.2 Relevant provisions include:

Zoned Z1 to protect, provide and improve residential amenities.

17.9.8 -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 dwellings will be granted 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.

7.3 Appendix 25 - Guidelines for Residential Extensions

Proposals should: not have an adverse impact on the scale and character of the dwelling, have no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight, achieve a high quality of design.

Residential amenity issues - it is important to make sure that any extension does not unacceptably affect the amenities of neighbouring properties. This includes privacy, outlook, daylight and sunlight.

Daylight and sunlight - large single or two storey rear extensions to semi-detached or terraced dwellings can, if they project too far from the main rear elevation, result in a loss of daylight to neighbouring houses. Furthermore, depending on orientation, such extensions can have a serious impact on the amount of sunlight received by adjoining properties. Consideration should be given to the proportion of extensions, height and design of roofs as well as taking account of the position of windows including rooms they serve to adjacent or adjoining dwellings.

Development shall be guided by the principles of Site Planning for Daylight and Sunlight, A Good Practice Guide (Building Research Establishment Report, 1991).

Subordinate Approach - the subordinate approach means that the extension plays more of a 'supporting role' to the original dwelling. In general the extension should be no larger or higher than the existing.

8 ASSESSMENT

8.1 This is an appeal against a condition. In accordance with Section 139 of the Planning and Development Act, having regard to the nature of the condition, I am satisfied that a determination by the Board of the application as if it had been made to it in the first instance would not be warranted.

8.2 The issue which arises is therefore condition no. 2.

8.3 Condition No. 2 states

The cantilevered upper floor bedroom shall be permanently omitted from the development.

Development shall not commence until revised plans, drawings and particulars showing the above 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.

Reason: In the interests of orderly development and visual amenity.

8.4 The grounds of appeal refers to the planning report in relation to loss of sunlight and submits a shadow path for 21 March for 9 am and noon to show that the adjoining dwelling is largely unaffected by the proposed development.

8.5 The grounds of appeal refers to the fact that there is no overlooking. The proposed upstairs windows face south. The existing upstairs window faces south. The extension will bring the dwelling closer to other rear gardens but will largely not affect the adjoining dwelling to the west; and will not involve any significant overlooking.

8.6 The grounds of appeal refers to overburdening: that the roof is set down from the existing roof level and is hipped. The proposed development is subordinate to the main house and will not

adversely affect the appearance of the dwelling or impose unduly on the adjoining dwelling.

8.7 The first party points out that the proposed development provides necessary accommodation to achieve the minimum floor area as recommended in departmental guidelines. The effect of the condition would be to reduce the number of proposed bedrooms from 2 to 1.

8.8 In my opinion the development as proposed provides necessary accommodation required to upgrade the existing dwelling to minimum standards; does not unduly impact on the residential amenities of the area or on the visual amenities of the area; and the condition appealed is unnecessary to safeguard the amenities of adjoining property or the area in general.

9 RECOMMENDATION

9.1 On the basis of my assessment, I recommend that the Board should determine as follows:

REASONS AND CONSIDERATIONS

The Board considered that the section of the extension referred to in the condition would not unduly impact on the residential amenities of adjoining properties or on the visual amenities of the area and would provide accommodation necessary to achieve recommended residential standards. The Board accordingly directs the planning authority to remove condition number 2 and the reason therefor.

Dolores McCague
Inspectorate

Date

Appendix 1 Map and Photographs
Appendix 2 Extracts from the Dublin City Development Plan
2011 -2017