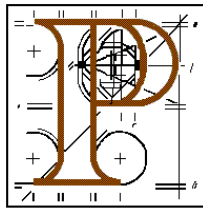


## An Bord Pleanála



## Inspector's Report

Development: Demolition of annex and detached store/boiler house, construction of a two storey extension to rear single storey extension to the front of house and associated site works.

Location: 27 Glen Brook Road, Navan Road, Dublin 7.

### Planning Application

Planning Authority: Dublin City Council  
Planning Authority Reg. Ref.: 2348/16  
Applicant: Emma and Michael Byrne  
Type of Application: Permission  
Planning Authority Decision: Grant Permission

### Planning Appeal

Appellant: John and Margaret McKeon

Type of Appeals: 3<sup>rd</sup> v Grant  
Date of Site Inspection: 29<sup>th</sup> June 2016  
Inspector: Dolores McCague

## **1 SITE LOCATION AND DESCRIPTION**

- 1.1 The site is situated at 27 Glen Brook Road, Navan Road, Dublin 7.
- 1.2 The site is occupied by a two storey terraced house, with an attic conversion (an existing bedroom is indicated at attic level served by a window in the plane of the roof).
- 1.3 The site area is given as 370m<sup>2</sup>.

## **2 PROPOSED DEVELOPMENT**

- 2.1 The proposed development comprises demolition of annex and detached store/boiler house, construction of a two storey extension to rear and a single storey extension to the front of house and associated site works.
- 2.2 The floor area of the development is given as 57m<sup>2</sup>; total floor area 152m<sup>2</sup>.

## **3 PLANNING AUTHORITY DECISION**

- 3.1 The planning application was lodged on the 28<sup>th</sup> January 2016.
- 3.2 **Technical Reports**
- 3.3 Engineering Department Drainage Division – 23/03/16 – conditions.
- 3.4 Transport Infrastructure Ireland – 23/02/16 – no observations.

- 3.5 Planning Report 19/4/16 – 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.

The extensions extend into the garden by 6.7m at ground level and by just over 4m at first floor level; the ground floor extension extends the full width of the rear wall of the house and the first floor extension sits adjacent the boundary with No. 29 and sits off the boundary with no. 25 to the south by 1.3m approx. Neighbouring properties have ground floor extensions projecting by just less than 4m. The proposed structure is to be flat roofed and modern, of 5.7m height. The first floor element meets the roof of the house over the eaves. Given that adjacent properties already have extensions to the rear and given the depth of the rear gardens, it is considered that these extensions (ground and first) by reason of its scale and location and design are acceptable in residential and visual amenities terms.

A single storey porch extension is proposed to the front projecting out by c1.5m and extending for practically the full width of the house. It is to have a flat roof modern appearance. The design and scale is in keeping with the house and the materials are to match the main dwelling house. An adjacent house has a similarly scaled extension (hipped roof) to the front. The development would leave an 8m deep garden to the front; sufficient for car parking.

A grant of permission is recommended.

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

Condition no 6

a) The site and building works required to implement the development shall only be carried out between the hours of:  
Mondays to Fridays – 7.00 am to 6.00 pm  
Saturdays – 8.00 am to 2.00 pm  
Sundays and Public Holidays – No activity on site.

b) Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from Dublin City Council. Such approval may be given subject to conditions pertaining to the particular circumstances being set by Dublin City Council.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

3.7 An observation on the file has been read and noted.

## **4 PLANNING HISTORY**

None stated

## **5 GROUNDS OF APPEAL**

5.1 RWN Consulting, on behalf of John and Margaret McKeon no. 29 Glenbrook, have appealed to decision to grant permission.

5.2 The grounds can be summarised as follows:

5.3 The development will increase the floor area from 105 sq m to 152 sq m.

5.4 The proposed development by its size, bulk and position would have an overbearing impact on no. 29. It would significantly impinge on the residential amenities of no. 29. It would massively impact in terms of loss of light due to the large bulky nature.

5.5 It is located south and against the existing boundary. It will extend into the garden by 6.7m at ground level and 4m at first floor level. The overall height will be 3.15m at ground level and 5.77m at first floor. It will extend 3m beyond the existing extension of no 29. It will impact in terms of bulk and loss of light, 92cm south of the third party's patio doors and exceeding the height of these doors by 60cm. These are fully glazed to permit light to enter the downstairs living area of the third parties' home. The third parties have concerns at the impact on their rear patio/garden. They request that the extension at ground floor be reduced into line with their extension. This building line has been established within the housing estate comprising Glenbrook, Glendhu, Glengariff Road, Park Road, Kinvara Road, Kinvara Drive, Kinvara Park and Kinvara Avenue; approximately 545 houses of the same style as No.s 27/29. Ground floor extensions throughout this estate have been constructed in the same configuration as the rear extension of No. 29.

- 5.6 At first floor the application proposes a master bedroom of 16 sq m. In order to provide light to the proposed downstairs extension the first floor extension is offset from the boundary with no. 25 by approx. 2 metres. It is located against the existing boundary of no. 29 at a distance of 84cm from the rear bedroom window and 150cm from a skylight in the ground floor extension. The first floor will comprise an overall height of 5.77m, c 2.77 m higher than the third party extension and extending 4m to the rear. This will result in a major loss of natural light at both ground and first floor levels to the third party property. The loss of light to the velux roof windows to the third party's living quarters would have a massive negative impact on the residential amenity of the property. The planned first floor extension at no. 27 is offset by 2m from the boundary with no. 25 to allow light from the south, through a skylight, to the proposed downstairs extension, but in so doing denies the same light to its neighbour.
- 5.7 The extension is at a distance of 84cm from a window to a third party bedroom where it will protrude 4m and be 5.77m in height. This bedroom is used throughout the day as a bedroom and study. The first floor bedroom will create a large and bulky wall that will reduce light entering the first floor third party bedroom for the majority of the day; reducing the residential amenity, by a significant reduction of sunlight entering the bedroom.
- 5.8 The third parties have concerns regarding overlooking from the large double windows at first floor. They request that the first floor extension be excluded.
- 5.9 RWN Consulting have carried out a walking survey and note that extensions in the estate comprise single storey extensions similar in scale, height, bulk and building line as that at no. 29. Where double extensions have been built they have been built to the side of end of terrace properties rather than at the rear of mid-terrace properties. There are no other double extensions is similar scale to the rear of any houses on the roads listed above and no recently constructed two storey extensions in the immediate area.
- 5.10 If it were to be permitted it would introduce a new and damaging element and create a planning precedent for similarly inappropriate development within the area.

- 5.11 It would devalue the third party's property.
- 5.12 The planner's report refers to adjacent extensions. All rear extensions in the immediate area comprise extensions that are small in nature and scale. The existing gardens consist of long narrow gardens that are located in close proximity to each other. Any extensions would result in considerable overlooking due to the close proximity and lack of width. The proposed development does not comply with the development plan.
- 5.13 The permission provides that building works take place from 7.00 on weekdays and 8.00 on Saturdays. Given the likely duration and residential nature of the location any approval should be subject to works commencing no earlier than 8.00 on weekdays and no works should be permitted at weekends.

## **6 RESPONSES**

### **6.1 Planning Authority**

- 6.2 The Planning Authority has responded to the grounds of appeal, referring to the planning report and stating that it has no further comment to make.

### **6.3 First Party**

- 6.4 Michael Friel Architects & Surveyors have responded on behalf of the First Party to the grounds of appeal.

- 6.5 The response includes:

- 6.6 The development was built in the early 1960s and is the lifetime place of residence of one of the applicants. Requirements have changed since the 1960's and younger families need to be able to modify and extend these older houses to accommodate reasonable, modern, living requirements.

- 6.7 It is their intention to build a rear extension 6.7m at ground level and 4m at first floor level, sitting between extensions of neighbouring properties.
- 6.8 A single storey flat roofed porch extension to the front of the house is proposed, projecting out by 1.415m and extending the full width of the front of the house to provide a lobby space and bay window.
- 6.9 The design provides for a relatively low rear extension to minimise any potential effect on light to neighbouring properties. Neighbouring properties have single and two storey extensions. The subject site has a deep rear garden, approx 30m, and can accommodate an extension. It would not be contrary to the land use zoning. There will be negligible loss of daylight to neighbouring properties and a slight, insignificant loss of sunlight to the third party's property. Nearly all extensions to the rear of terraced dwellings will have some affect on the amenity of neighbouring dwellings but these extensions have been designed to provide modern accommodation for a young family, while minimising any impact on neighbouring properties.
- 6.10 There are windows in the existing dwelling. The proposed windows, further back, will reduce any overlooking. The proposed rear extension will protect the residential amenity of the neighbouring dwelling from overlooking from the existing first floor bedroom. A photograph is attached to illustrate.
- 6.11 Regarding the statement that extensions should follow an established building line at the rear; to impose a building line would be inconsistent with good planning and inhibit reasonable modern extensions. Single and two storey rear extensions unconstrained by any building line, have already been constructed in this neighbourhood.
- 6.12 The proposed development will not erode residential amenities of neighbouring properties.

- 6.13 Undesirable precedent - it is unreasonable to suggest that because a dwelling is mid-terrace it cannot have rear extensions. The design has been careful to avoid adverse impact.
- 6.14 Building Works – all planning conditions will be complied with. There will be adherence to Building Control, Technical Guidance Documents and good building practices.
- 6.15 Annotated photographs are attached.

## **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; and 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.

Contemporary Extensions - although the general advice is to match the existing building and to fit in with the neighbourhood, Dublin City Council also supports good contemporary designs. A contemporary or modern approach, providing unique designs can offer a more imaginative solution to an unusual dwelling type or a contrast to a traditional building and are still required to take account of the design issues outlined in this document. Contemporary solutions should not detract from the character of

an area and undeniably, if well designed, can make a positive contribution to the streetscape and the character of the area.

- 7.4 **Site Planning for Daylight and Sunlight, A Good Practice Guide** (Building Research Establishment Report, 1991).
- 7.5 Daylight – for domestic extensions which adjoin the front or rear of a house, a quick method can be used to assess the diffuse skylight impact on the house next door: the 45<sup>0</sup> approach.
- 7.6 Sunlight – obstructions to sunlight may become an issue if some part of a new development is situated within 90<sup>0</sup> of due south of a main window wall of an existing building; and in the section drawn perpendicular to this existing window wall, the new development subtends an angle greater than 25<sup>0</sup> to the horizontal measured from a point 2m above the ground.
- 7.7 Gardens and open spaces – no more than two fifths, and preferably no more than a quarter, of any of the amenity areas should be prevented by buildings from receiving any sunlight at all on the 21st March.

## **8 ASSESSMENT**

- 8.1 The main issues which arise in relation to this development are overshadowing, privacy, visual impact and appropriate assessment and the following assessment is addressed under these headings.
- 8.2 **Overshadowing**
- 8.3 Exempted development could be carried out at ground level which would have an impact similar as that of the proposed ground floor extension.

- 8.4 The subject dwelling inclusive of the proposed extension would be 152m<sup>2</sup>, which is not an excessively large family dwelling.
- 8.5 Regarding daylight - a test (per the BER guidance) which can be used to measure the impact on daylight to neighbouring properties, is the 45 degree rule: if the centre of the affected window lies within a 45<sup>0</sup> angle in both plan and elevation, from the proposed extension, then the extension may cause a significant reduction in the skylight received by the window. A line drawn in plan from the centre of the adjoining bedroom window would strike the proposed first floor extension, but a line drawn in elevation would not.
- 8.6 Sunlight - The grounds of appeal refers to loss of sunlight. No shadow analysis has been submitted with the application or in response to the grounds of appeal.
- 8.7 In relation to the proposed first floor extension, the bedroom is not forward of the ground floor living room of the adjoining property, neither is it excessively large. I note that although it extends only over part of the width of the site, its proximity to the northern rather than the southern boundary increases the impact. The extension is along the boundary and close to the window of the adjoining property.
- 8.8 It is worth noting that the BER guidance refers to affected windows facing within 90<sup>0</sup> of due south and development which impacts an angle perpendicular to such windows. The windows of the adjoining dwelling appear to face due east; i.e. 90<sup>0</sup> of due north and 90<sup>0</sup> of due south. It is also worth noting that the proposed development will not impact an angle perpendicular to the window; nevertheless it is likely that there will be some loss of sunlight to the windows and roof lights. No details of the impact on sunlight have been provided with this application/appeal. In the absence of evidence of compliance with the BER guidance, the Board may consider that this part of the proposed development should not be permitted to proceed.
- 8.9 In terraced dwellings with such an orientation, for any extension to be developed it has to be accepted that dwellings to the north will experience a loss of sunlight and that the benefits to all houses, of

being able to extend to the rear, which will impose sunlight loss on adjoining houses, outweighs the loss.

8.10 The third party states that no two storey extensions have been built to the rear of mid terrace dwellings and that two storey extensions have only been built as side extensions to end of terrace houses. The third party house is such an end of terrace house with a two storey side extension. The rear gardens of these properties are long, with potential for extension of dwellings to the rear. If mid terrace dwellings are to be able to extend, development has to be carried out to the rear.

8.11 On balance, and taking into account the size of these dwellings and the opportunity to extend offered by the large gardens, the opportunity to densify inner suburban areas, and to satisfy the demand for larger homes, I am of the view that a first floor extension of the size proposed is acceptable and that shadow impact on the adjoining property should not be a reason to refuse permission.

#### 8.12 **Privacy**

8.13 The third party has raised as a concern, that the proposed development would impact on their privacy. The proposed development will take the rear building line further into the rear garden. It will not otherwise involve any additional overlooking of their property. An area immediately adjacent to the rear of the third party property will be created by the proposed development which will not experience any overlooking from the south. The impact on privacy should not be a reason to refuse permission.

#### 8.14 **Visual Impact**

8.15 The proposed development includes a single storey extension to the front, projecting forward by c1.5m and extending for almost the full width of the house. The proposed extension will have a flat roof; the front window will be wider than that existing and the front doorway will have a single sidelight and be narrower than that existing which has two sidelights. The materials will match the main dwelling house. Adjacent houses have front extensions of

various designs. The proposed development is acceptable in visual terms and would not reduce the availability of on-site parking.

#### **8.16 Appropriate Assessment**

8.17 The proposed development is the demolition of annex and detached store/boiler house, construction of a two storey extension to rear, single storey extension to the front of house and associated site works. The site is in a built up area with public piped water services.

8.18 The nearest Natura sites are South Dublin Bay and River Tolka SPA (004024) which is in excess of 6km distance away and separated from the subject site by large areas of Dublin City.

8.19 In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision on the proposed development. The process is known as appropriate assessment. In this regard a guidance document 'Appropriate Assessment of Plans and Projects in Ireland' was published by the DoEH&LG on the 10 December 2009.

8.20 Having regard to the nature and scale of the proposed development and proximity to the nearest European site, 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 RECOMMENDATION**

In accordance with the foregoing assessment, I recommend that planning permission be granted for the following reasons and considerations and subject to the following conditions.

## **REASONS AND CONSIDERATIONS**

It is considered that subject to the following conditions, the proposed extension would not impact on the amenities of the area or conflict with the County Development Plan; and would accordingly 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 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 developer shall pay to the planning authority a financial contribution 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. The contribution shall be paid prior to the 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

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

- 3 The external finishes of the proposed extension shall match those of the existing dwelling in respect of colour and texture.

**Reason:** In the interest of visual amenity.

- 4 Site development and building works shall be carried only out between the hours of 08.00 to 19.00 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.

- 5 Water supply and drainage arrangements, including 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.

- 6 During the demolition and construction, 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 for noise control'.

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

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Dolores McCague  
Inspectorate

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Date

Appendix 1 Map and Photographs

Appendix 2 Extracts from the Dublin City Development Plan  
2011 -2017