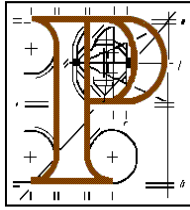


An Bord Pleanála



Inspector's Report

Appeal Reference No: PL29S.246650

Development: Demolition of a non-original single storey rear return and construction of a new two storey extension to side and rear at no.18 Downpatrick Road, Crumlin, Dublin 12

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: WEB1103/16
Applicant: Roslyn Collins and John Flashman
Planning Authority Decision: Grant with conditions

Planning Appeal

Appellant(s): Aisling Holland
Type of Appeal: Third Party
Observers: None
Date of Site Inspection: 9th of August 2016

Inspector: Angela Brereton

1.0 SITE LOCATION AND DESCRIPTION

The site is located on the northern side of Downpatrick Road. No.18 comprises an end of terrace two bedroom storey house. The pattern of development along this section of the street is for a series of terraced houses with a stepped building line. The subject site is at the eastern end of one such terrace of 4 houses and is sited c.3m forward of the adjacent longer terrace to the east. There is currently a small lean to bathroom extension at ground floor level and there is no upstairs bathroom. There is a gated access to the rear garden and on-site parking is available for one car. There is currently a 'For Sale' sign on the property.

No.16 Downpatrick Road is further set back to the north east and has a two storey rear extension. This has ground and first floor side windows facing the proposed side elevation. There is currently a timber fence along this boundary. There is a low wall along the boundary with no.20 (which has a single storey flat roofed rear extension) and this has one first floor rear bedroom window in proximity. There is also a two storey rear extension constructed further to the south on Downpatrick Road, visible from the site.

2.0 PROPOSED DEVELOPMENT

This is for the following:

- (a) the demolition of a non-original single storey rear return (6sq.m), and
- (b) the construction of a new two storey extension to the side and rear (G.F. 25sq.m, F.F. 26sq.m), 5no. velux rooflights and all associated works.

A Site Layout Plan, Floor Plans, Sections and Elevations have been submitted showing the existing and proposed development. A drawing has also been submitted relevant to the drainage layout in the area.

3.0 PLANNING HISTORY

Subject site

- Reg.Ref.3091/15 – Permission granted subject to conditions to Roslyn Collins and John Flashman by Dublin City Council for the demolition of a non-original single storey rear return (6sq.m), the construction of a new two storey extension to the side and rear (GF 25sq.m, FF 26sq.m), 5 no velux rooflights and all associated site works. Condition no.3 provided for some revisions/modifications to the proposed design and layout.

Adjacent sites

- Reg.Ref.6208/07 – Permission granted subject to conditions on the adjacent site to the east (no.16) Downpatrick Road, for a first floor extension to the rear, permission was sought for retention of alterations to a previous permission granted under Reg. Ref.2174/04.

Other sites

- Reg.Ref. 1129/04 – Permission granted for a house between no. 46 and 48 Downpatrick Road, effectively connecting two terraces.
- Reg.Ref.1863/05 – Permission granted for a two storey side extension and a single storey extension at no.131 Saul Road. The two storey extension is a timber clad structure with a flat roof.
- Reg.Ref.WEB1029/13 – Permission granted for two storey side extension to existing dwelling at no.338 Clogher Road (referred to by applicant).

4.0 PLANNING AUTHORITY APPLICATION

4.1 Planning and Technical Reports

Engineering Department and Drainage Division

They have no objection subject to compliance with standard drainage conditions.

Submissions

A submission has been received from the adjoining local resident which includes the following concerns:

- The conditions of the previous permission Reg.Ref.3091/15 have not been adopted in this new submission;
- Overshadowing issues (photographs included);
- The subordinate approach to extensions has not been applied;
- This proposal would appear overly dominant and have an adverse impact on their residential amenities.

The Planner's Report

This has regard to the locational context of the site, planning history and policy and to the submission made. The Planner considers that the proposed development would represent a modest extension to the existing house and would improve living accommodation for the applicants. They consider that it would provide an adequate setback to allow for a subordinate development. Also that the configuration of the building line and the set back from the eastern boundary would ensure that the proposal would have a minimum impact on the adjacent properties. They recommended that permission be granted subject to conditions.

4.2 Planning Authority Decision

On the 4th of May 2016 Dublin City Council granted permission for the proposed development subject to 6no. conditions. These are relatively standard conditions restricting hours of building works, having regard to drainage and to construction and demolition phases. Condition no.4 provides that the external finish shall match the existing house in respect of materials and colour.

5.0 GROUNDS OF APPEAL

A Third Party appeal has been submitted by Ashling Holland of the adjoining property no.16 Downpatrick Road which also refers to the points raised in her submission to the planning application. The grounds of appeal include the following:

- She asks the Board to take account of the conditions in the previous permission Reg.Ref.3091/15, having regard to compliance with Development Plan Policy.
- There are different parameters associated with each planning application made. To give a fair assessment, these parameters should reflect similar design, separation, boundary proximity, visual impact, overshadowing and the overall impact of the proposed design.
- A Table of Comparisons to highlight the Planning Officer's Assessments of the previous and current applications relative to Development Plan policies is included in Appendix A. Comments are also provided.
- There is no record of either a sun path or shadow analysis as regards the impact on no.16 Downpatrick.
- The conditions outlined in the previous application have not been included in the current application.
- Adequate consideration has not been given to the impacts of the design of the current proposal on her property at no.16 and she is concerned that it will lead to loss of residential amenity.
- The Development Plan should not be used as a guidance document only and the previous decision should have been considered relative to the current proposal.
- The Board is asked to either refuse planning permission or include conditions (as per previous Reg.Ref.3091/15).

6.0 RESPONSES TO GROUNDS OF APPEAL

First Party response

This includes the following:

- They have lived with their family in the area for some time and the only affordable option for them is to extend their dwellinghouse. This proposed extension would greatly improve their living accommodation.
- They consider that the proposal is in accordance with the residential zoning objective and development standards in the DCDP and do not consider that the proposed extension will injure property in the vicinity.
- These plans would provide an affordable sustainable 3 bed family home with off street parking and having ample garden size and fit in harmoniously with the surrounding area.
- They consider that the proposal complies with ABP mission statement – provision of sustainable development, including the protection of the environment.

- They include a photo no no.338 Clogher Road (Reg.Ref.1029/13) showing similar type development in the area.
- They consider that the plans which have been amended in the current application have taken the conditions of (Reg.Ref.3091/15) on board.
- Their proposed extension is subordinate to the original house.
- They include photographs to demonstrate the reduction in impact.
- They note some non-compliance with conditions in Reg.Ref.6208/07 and 2174/04 relative to the extension constructed at no.16 Downpatrick Road.
- They consider that claims regarding impact on sunlight and daylight have been exaggerated in the appeal and that this proposal would have minimal impact.
- They do not consider that the proposed design and layout will lead to an adverse impact or seriously impact on the residential amenities of no.16 Downpatrick Road.
- This proposal accords with planning policy and the proper planning and sustainable development of the area.
- Without this planning permission they will be effectively left homeless and be forced to move away from the city.

Planning Authority response

The City Council's response provides that they have no further comment to make and considers that the Planner's Report on file adequately deals with the proposal.

7.0 POLICY CONTEXT

Section 15.1 refers to the 'Zoning Principles' - land use zoning as shown on Map 'G' (residential i.e:- *To protect, provide and improve residential amenities*) objectives relative to the 'Z1' land use zoning refer to this site.

Chapter 17 provides the 'Development Standards' and regard is had in particular in this case to the following Sections:

Section 17.9.1 provides the Residential Quality Standards A3 refers to House only (in addition to A1 standards –all residential development).

Section 17.9.8 refers to Extensions and Alterations to Dwellings. This notes 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.

Appendix 25 provides Guidelines for Residential Extensions.

8.0 ASSESSMENT

8.1 Principle of Development and Planning Policy

Section 17.9 of the Dublin City Development Plan 2011-2017 provides 'Standards for Residential Accommodation' and S.17.9.1 refers to the 'Residential Quality

Standards' and Section 17.9.8 to 'Extensions and Alterations' to dwellings. This provides that well designed extensions will normally be granted provided that they have regard to the amenities of adjoining properties and that the design integrates with the existing building. Appendix 25 provides 'Guidelines for Residential Extensions' and the general principles include that the proposed extension should not have an adverse impact on the scale and character of the dwelling, or 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.

The impact on adjoining properties needs to be considered. The First Party submits that the proposed development represents an improved standard of accommodation for the family while also respecting the character, appearance and residential amenity of adjoining properties and the area. It is noted that concerns have been expressed by the Third Party in the adjoining property no.16 Downpatrick that the proposed development due to its mass, height, overshadowing and visual impact does not accord with the objectives of the Development Plan and if permitted would be out of character with the appearance of existing dwellings and would result in a negative and overbearing impact on their property.

Whereas a well-designed extension is normally permissible in this residential land use zoning in accordance with the criteria of Section 17.9.8, and Appendix 25 the issue in this case is whether the proposed extension would integrate well or have an adverse impact taking into account the locational context of the dwelling, the restricted nature of the site and the amenities of the adjoining dwellings and on the character of the streetscape. These issues are discussed further in the context of this assessment below.

8.2 Regard to Planning History

The Third Party refers to the application previously granted by DCC on this site Reg.Ref.3091/15 refers. While the plans differ the description of development is similar to that given in the current application. At that time the Planner recommended some modifications to the original proposal and the Council's permission included Condition no. 3 i.e:

The development shall be revised as follows:

- a. The first floor level of the proposed extension shall be set back from the existing front building line by 800mm to be consistent with the indicated ground floor.*
- b. The flank wall of the proposed extension, at ground and first floor level shall be set a minimum of 800mm from its boundary with the property boundary of no.16 Downpatrick Road.*
- c. The existing slate roof shall be retained and the roof of the proposed extension shall be finished in similar/matching slate.*
- d. The roof profile shall be modified to reflect the above.*
- e. The internal arrangement of the proposed development shall be modified to reflect the above.*

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.

The Third Party queries why in the interests of their residential amenity such a condition was not included in the DCC permission for the current subject application and request that if the Board decide to grant that such a condition be included. They have included a 'Planning Assessment Comparison Table', relative to the previous application Reg.Ref.3091/15 and the current application, and provide relevant comments.

8.3 Design and Layout

The plans submitted with the current application show the existing and proposed development. They provide for the demolition of a non-original single storey rear return and construction of a new two storey extension to the side and rear of no.18 Downpatrick Road, Crumlin. The planning application form provides that the total site area is 195sq.m, the floor area of the buildings to be retained on site is 56sq.m, the floor area of the proposed new build is 52sq.m giving a total floor area of 120sq.m. The floor area of buildings to be demolished is 6 sq.m. While there is some inaccuracy in these figures (it is noted that the drawings submitted show that the area of the ground floor is 62sq.m and first floor plan is 58sq.m) this represents almost a doubling in floor area from the existing more modest dwelling to provide improved living accommodation in a 3 bedroom family house. The proposed plot ratio is given at 0.7 and the proposed site coverage is 30%.

It is proposed to extend almost the full width to the side boundary with no.16. i.e a note on the floor plans provides that the extension will be built within the boundaries and there will be no overhanging of rainwater goods. As shown it is proposed that the side extension be c.9.8m in length i.e extend c. 3.7m further than the existing house at c.7.1m.

It is of note that this proposal differs from the drawings submitted with Reg.Ref.3091/15 where a pitched roof was shown i.e the proposed two storey extension now is shown with a flat roof. The First Party consider that this allows for improved lighting to the bathroom skylight of the western pitch of no.16. They also contend that overshadowing of no.16's rear garden will be minimised. No windows are proposed in the side elevation. Having regard to the side elevation a small recess of c.0.4m is shown which they consider along with the flat roof allows for the 'subordinate' approach. The fenestration is also different in that two narrower windows are shown in the front elevation rather than the wider window formerly shown.

8.4 Impact on the Amenities of Adjoining Properties

The Third Party has raised concerns over the impact of the proposal on sunlight/daylight to her property and is concerned that a sun path or shadow analysis has not been submitted. It is of note that Appendix 25 of the DCDP 2011-2017 provides the Guidelines for Residential Extensions and section (6) provides:

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.

No. 16 Downpatrick Road is further set back to the northeast of the application site. There is a landing window facing at first floor level and living room windows at ground floor level although these are for the most part screened by the boundary fence. It is also of note that no.16 has a large two storey rear extension (Reg.Ref. 6208/07 refers) that adjoins the boundary with no.18. However the side passage between the properties currently remains. The First Party response contends that the proposed flat roof rather than the pitched previously proposed will allow for improved daylight to no.16 Downpatrick Avenue. In view of the setback and as no.16 is to the north east of no.18 it is not considered that this proposal will significantly impact on light. However it will appear more dominant as it will be closer to the boundary than that previously permitted in Reg.Ref.3091/15 (condition no.3 refers to a set back of a minimum of 800mm). I would consider that provided the development can be built entirely within the application site boundaries and there is no overhang of roof, gutter etc, that such a setback, which would only allow for a very narrow side passage does not need to be included.

There will also be some impact on no.20 Downpatrick Road to the southwest. This has a first floor bedroom window in proximity. It is noted that it is proposed that the first floor extend c.1.36m along this boundary. It is recommended that in the interests of the amenities of no.20 that if the Board decide to permit that it be conditioned that this projecting first floor element be omitted.

8.5 Impact on the Streetscape and Character of the area

This is an area characterised by older two storey stepped terrace similar type former/ local authority housing. While there are some exceptions in general the properties have not had two storey flat roofed side extensions, and the concept of the original terraces has been retained.

The main difference between Reg.Ref.3091/15 and the current proposal is the inclusion of a flat roof rather than a pitched roof as previously proposed. It is of note that this will be the first two storey flat roofed side extension in this area. As such and particularly in view of the limited setback it will be visible in the streetscape and could set an undesirable precedent for such development. The applicant's response to the grounds of appeal has referred to and included a photograph of no.338 Clogher Road, Crumlin (Reg.Ref. WEB1029/13 refers). If the Board decide to permit I would consider that this type of roof profile to include a set back and pitched roof to the two

storey side extension, would be visually preferable to the flat roof currently proposed, which does not add to the character of the dwelling or the streetscape.

Having regard to the scale of extensions Section 8 of Appendix 25 of the DCDP 2011-2017 is of note, this provides:

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.

Taking this into consideration it is recommended that if the Board decide to permit that it be conditioned that the proposed two storey side extension be set back a minimum of 800mm from the front elevation of the existing house and that revised plans be submitted to include a pitched roof. This would allow for the proposed development to appear more in character with the existing house in the streetscape and for a more subordinate approach.

8.6 Appropriate Assessment

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

8.7 Development Contributions

It is noted that Section 12 of the Dublin City Council Development Contributions Scheme 2016-2020 provides for the following Exemptions and Reductions relative to residential extensions i.e: *The first 40sq meters of extensions to a residential development (subsequent extensions or extensions over and above 40 square meters to be charged at the residential rate per square meter).* Therefore in the interests of compliance with the Contributions scheme it would appear that having regard to the scale of the extension proposed that if the Board decide to permit that it would be in order to include a development contributions condition.

9.0 CONCLUSIONS AND RECOMMENDATION

Having regard to the Assessment above provided the revisions to the proposed extension as discussed are implemented it is considered that the proposed development will not unduly impact on the character of the existing house or on adjoining properties.

It is recommended that permission be granted subject to the conditions below.

10.0 REASONS AND CONSIDERATIONS

Having regard to the residential 'Z1' land use zoning of the site, and to the character of the area and to the design, nature and scale of the proposed extension, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the character of the existing house or the residential amenities of adjoining dwellings and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 received by An Bord Pleanála on the 22th day of June, 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 design of the proposed extension shall be amended as follows:
 - (a) The proposed two storey side extension shall be set back a minimum of 800mm from the front elevation of the existing house, and shall have a pitched roof to match the existing dwelling.
 - (b) The proposed first floor rear extension adjacent to the boundary with no.20 Downpatrick Road shall be omitted.
 - (c) The proposed extension including any roofing/guttering shall not overhang and be constructed within the application site boundaries.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. The external finishes of the proposed extensions (including roof slates) shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

5. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the dwellinghouse without a prior grant of planning permission.

Reason: In the interest of residential amenity.

6. 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.

7. Site development and building works shall be carried only out between the hours of 07.00 to 18.00 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.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

9. 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, 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. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

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.

Angela Brereton,
Planning Inspector,
11th of August 2016