



An
Bord
Pleanála

Inspector's Report 29N.246968

Development	Demolition of the single storey extension to the rear and chimney to the side and construction of a two storey and part single storey extension to the side and rear, at 41 Stiles Rd, Clontarf, Dublin 3
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	WEB 1197/16.
Applicant(s)	Philomena Chambers.
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions.
Appellant(s)	Gerard and Niamh Creighton.
Observer(s)	Hilary Bates.
Date of Site Inspection	12/10/2016
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1. The site is located on Stiles Road, off Howth Road between Clontarf Golf Club and Clontarf Cricket Club about 1km south of Killester Dart Station.
- 1.2. The site is narrow but deep with a deep front garden and very deep rear garden. The site is occupied by a two storey semi-detached dwelling with side garage, which is currently unoccupied. The dwelling is attached to the dwelling to the south. The dwelling and garage occupy the full width of the site. To the rear of the garage there is a narrow side passage running alongside the dwelling.
- 1.3. The building line of the dwelling is in line with dwellings to the south, but behind the line of dwellings to the north.
- 1.4. Site area is given as 619 m².

2.0 Proposed Development

- 2.1. The proposed development involves the demolition of an existing single storey kitchen / toilet / shower room extension to the rear and of a chimney at the garage / dwelling interface and the construction, at ground level, of a large L shaped open plan living, dining kitchen area with several accesses onto an external patio area. The extension is the width of the existing dwelling, maintaining the side passage alongside. The maximum dimensions are 9.17m (wide) x 7.6m (deep). Natural daylight to the extension is provided by glazed doors and windows facing west and south to the patio area and by two roof lights. A smaller first floor extension, (4.6m (wide) x 4.6m (deep)), over part of the northern half of the extended ground floor, will provide an additional bedroom. A large window facing west will serve the new bedroom. New windows are also proposed in the northern elevation to serve a bathroom and an en-suite toilet/shower room. The proposed single storey extension has a flat roof, the two storey extension has a double pitched hipped roof at right angles and lower than the main roof. The description of the proposed development in the notices and application form include external insulation to match existing

facades. The drawings also indicate a proposed storage area in the existing attic space.

- 2.2. Floor area to be retained is given as 146.10m²; with additional floor area (of 47,30m²) the total floor area proposed is 193.40m².

3.0 **Planning Authority Decision**

3.1. Decision

The planning authority decided to grant planning permission subject to 6 conditions including condition no 6.

The developer shall comply with the following conditions from the City Archaeologist:

- a) Archaeological mitigation for any ground works must be agreed in advance of commencement with the City Archaeologist.
- b) If, during the course of site works and construction archaeological material is discovered, the City Archaeologist should be notified immediately. Further, it is obligatory under the National Monuments Amendments Act 1994 that such is brought to the attention of the National Monuments Service, Department of the Environment, Heritage & Local Government, and the National Museum of Ireland.
- c) In the event of an archaeological find on the site, the City Archaeologist (in consultation with the National Monuments Service, Department of the Environment, Heritage & Local Government) shall determine the further archaeological resolution of the site.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

3.2. Planning Authority Reports

The report of the area planner can be summarised as follows:

Refers to the Dublin City Development Plan 2011-2017:

- Zoning Z1: To protect, provide and improve residential amenities.
- 17.9.8 of - Extensions and Alterations to Dwellings
- Appendix 25 – Guidelines for Residential Extensions

Proposed development is acceptable and unlikely to have a detrimental impact on the site or surrounding area.

Single storey element is 3.1m high with a flat roof profile, the first floor extension has a maximum height of 7.3m. A number of properties along the Stiles Road have 2 storey rear extensions. Given that the two storey element is set back from boundaries it is considered that the proposal is unlikely to have an overbearing impact on adjoining property. Taking into regard the urban form of the neighbouring properties, the semi-detached nature of the existing dwelling and the orientation of the sun during day light hours, the extension is unlikely to have an adverse impact on the availability of daylight and sunlight to neighbouring properties.

The render finish will complement the existing dwelling.

Recommendation to grant permission.

3.3. Other Technical Reports

Engineering Department – Drainage Division – conditions.

City Archaeologist – the proposed development is within the Zone of Archaeological Constraint for the Recorded Monument DU019-013 Holy Well Site – conditions.

3.4. Third Party Observations

Two third party observations were received by the planning authority. The issues raised can be summarised as:

- Object to two storey extension.
- Light
- Privacy
- Precedent

4.0 **Planning History**

None given

5.0 **Policy Context**

5.1. Development Plan

Dublin City Development Plan 2016-2022 is the operative plan.

Relevant provisions include Chapter 16 and Appendix 17

Chapter 16 - Development Standards - Dublin City Council will seek to ensure that alterations and extensions will be sensitively designed and detailed to respect the character of the existing building, its context and the amenity of adjoining occupiers.

In particular, alterations and extensions should:

- Respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings
- Retain a significant proportion of the garden space, yard or other enclosure
- Not result in the loss of, obscure or otherwise detract from architectural features which contribute to the quality of the existing building
- Retain characteristic townscape spaces or gaps between buildings
- Not involve the infilling, enclosure or harmful alteration of front lightwells.

Appendix 17 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.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been received from Gerard and Niamh Creighton (43 Stiles Road).

The grounds of appeal can be summarised as follows:

- The scale and size in the context of the existing house and surrounding properties is very significant.
- The two storey extension is excessive and out of keeping with the rest of the house and surrounding properties.
- Disagrees with planner's report re. set back from boundaries and use of term unlikely.
- Overshadowing to the rear of adjoining house (No. 43 to the north).
- From extent of two storey section, it will directly overlook third party's adjoining patio area, a significant portion of their garden and will look back into the first floor rear windows to their bedrooms and bathroom.
- There are no properties on this side of Stiles Road in the vicinity with such extensions.

- Disagree with use of the term ‘unlikely’ – any potential concerns should be properly addressed prior to granting permission.

6.2. Planning Authority Response

The planning authority has responded to the grounds of appeal, referring the Board to the planner’s report on file.

6.3. First Party

A first party response to the grounds of appeal, was received outside the appropriate period and was returned.

6.4. Observations

An observation has been received from Hilary Bates (39 Stiles Road) which can be summarised as follows:

- The decision was made without asking for testing of impacts – sun path diagrams, seasonal sun shading modelling, physical or 3D models showing massing in context or even more detailed context information noting neighbouring windows, rooflights, neighbouring roof levels, patios and outdoor spaces; beyond the very basic level of information submitted.
- Negative impact on light to observer’s extension and garden.

Letter from observer’s architect, David Leech Architects, is attached, which includes:

- Overdevelopment
- No precedence for a two storey rear extension.
- Bulk and massing out of context.
- Single storey extension extends 8.4m beyond the line of the original house adversely affecting the amenity of No 39.
- Impact on mature trees. No tree survey has been carried out.

- Visual impact on No 39.
- Impact on daylight and privacy of No 39.
- No contextual drawings were submitted.

The letter is accompanied by a photomontage of the proposed development from the garden of No 39.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Visual Impact / Precedent
- Residential Amenity
- Mature Trees
- Appropriate Assessment

Visual Impact / Precedent

The grounds of appeal and observation raise as issues that there is no precedence for a two storey rear extension in the area and particularly on this side of Stiles Road in the vicinity of the site; that the bulk and massing out of context in the area and out of keeping with the rest of the house and surrounding properties.

Housing in the area is not uniform in appearance and this is not an area of building conservation. The proposed extension will be behind the existing dwelling and not visible from the public road. The proposed development, considered on its own merits is acceptable in visual terms and not out of keeping with the surrounding area.

Residential Amenity

The grounds of appeal and observation raise as issues visual impact and impact on daylight and privacy of adjoining property and particularly the extent of two storey section, it's overlooking of the adjoining patio area and garden. The third party considers that the extension will look back into the first floor rear windows to their bedrooms and bathroom. The windows facing the boundary with No. 39 serve an en-suite and a bathroom and will be glazed in obscured glass. The first floor west facing window to the proposed bedroom will be further west into the garden than the existing bedroom window. These windows are not considered to impact adversely on privacy. Impact from single storey windows is amenable to screening.

Mature Trees

The impact on mature trees was raised as a concern; and that no tree survey has been carried out. No trees protected by tree preservation order or trees of any particular amenity value will be impacted by the proposed development.

Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment 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.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations/ Reasons

Having regard to the provisions of the Dublin City Development Plan 2016 – 2022 it is considered that subject to the following conditions, the proposed alterations and extension to the dwelling would not impact on the amenities of the area or conflict with the City Development Plan; and would accordingly be in accordance with the proper planning and sustainable development of the area.

10.0 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. Finishes of the completed dwelling shall harmonise with the existing building and be in accordance with the details indicated on the drawings submitted.

- 3 Reason: In the interest of clarity.

Details of the external insulation shall be agreed with the planning authority

prior to commencement of development.

. Reason: In the interest of visual amenity

.4 The attic shall be used only for storage associated with the dwelling.

. Reason: In the interests of the safety of the occupants of the dwelling and to ensure an adequate standard of accommodation

.5 The first floor windows to the family bathroom and en-suite shall be permanently glazed in obscured glass.

. 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 The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street is kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the works shall be carried out at the expense of the developer.

. **Reason:** In the interest of clarity.

.8 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.
- .9 . 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.
- .10 . Archaeological mitigation for any ground works must be agreed in advance of commencement with the City Archaeologist.

If, during the course of site works and construction archaeological material is discovered, the V should be notified immediately. Further, it is obligatory under the National Monuments Amendments Act 1994 that such is brought to the attention of the National Monuments Service, Department of the Environment, Heritage & Local Government, and the National Museum of Ireland.

In the event of an archaeological find on the site, the City Archaeologist (in consultation with the National Monuments Service, Department of the Environment, Heritage & Local Government) shall determine the further archaeological resolution of the site.

- . Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

. Dolores McCague
Planning Inspector

Date

Appendix 1 Map and Photographs

Appendix 2 Extracts from the Dublin City Development Plan 2016 – 2022