



An
Bord
Pleanála

Inspector's Report PL29S.246978

Development	Two and half storey three bedroomed house to the side, single storey porch extension to rear and attic conversion with provision of new access.
Location	46 Beech Hill Drive, Donnybrook, D4.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	2511/16.
Applicant	Jonathan O' Connell.
Type of Application	Permission.
Planning Authority Decision	Grant.
Appellant	Margaret Prudy and Joseph Mulville.
Observer	None.
Date of Site Inspection	05 th of October 2016
Inspector	Karen Hamilton.

1.0 **Site Location and Description**

- 1.1.1. The two storey semi-detached dwelling is located within the Beech Hill estate, adjacent to the Dublin Bus Depo at Donnybrook. There is a large mix of house types within this estate where those directly adjacent to this site are semi-detached dwellings. The Teresian School grounds are located directly to the rear of the site. There is a large elongated rear garden and private off street parking which is accessed across a large footpath.

2.0 **Proposed Development**

- 2.1. There are two main elements of the proposal summarised as follows:
- Erection of a new two and a half storey two bed dwelling (101m²) attached to the side of the existing dwelling and provision of new vehicular entrance.
 - Alterations to the current dwelling to include a single storey front porch and two storey rear extension, attic conversion and attic dormer window.

3.0 **Planning Authority Decision**

- 3.1. Decision to grant permission subject to normal conditions.

3.2. **Planning Authority Reports**

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

- Application made following refusal of planning permission for a similar proposal.
- This proposal differs from the previous proposal as it has reduced the ground floor length by 3.25m and the first floor length by 0.5m.
- Following the submission of further information on compliance with minimum floorspace standards, shadow projection drawings and correct drawings it was

concluded that the proposal would not have a significant negative impact on the visual or residential amenities of the area.

3.3. Other Technical Reports

Drainage Division: No objection subject to conditions.

3.4. Third Party Observations

- 3.4.1. Three submissions were received from adjoining neighbours in relation to the design and overlooking, overbearing on their properties. The issues raised are covered in the grounds of appeal.

4.0 Planning History

PL29S.245806 (2511/16)

Refuse permission for two storey dwelling to side of and works to existing dwelling for reasons based on the pattern of development in the area, the extent and height of the proposed development in proximity to adjoining no 44 as it would cause overbearing and overshadowing.

4.1.1. In the vicinity.

1080/09: Grant permission at No 44 for demolition of side garage and erection on two storey side and rear extension

1243/1: Grant of permission at No 42 for demolition on rear single storey structure relocation of access, two storey extension the side and single storey extension to the rear.

5.0 Policy Context

5.1. Development Plan: Dublin City Council Development Plan 2011-2017

5.1.1. **Zoning Z1** objective to protect, provide and improve residential amenities

5.1.2. New dwelling

Policies QH18: Ensure that new houses meet the needs of family accommodation with satisfactory residential amenity.

Policy QH19: Ensure that new housing adjacent to existing reflects the character and scale unless exceptional circumstances.

Section 17.9.1: Residential Quality Standards for dwellings include but not restricted to separation distance of 22m to rear between first floor windows, open space provision of 15m² per bed space and a distance of 1.5m side space at end of dwellings.

Section 17.9.6: New dwellings in side gardens may be used to develop for additional dwelling although restricted side gardens should be used to extend a family home rather than a poor designed dwelling.

Section 17.9.7 Infill housing is permitted where it meets with the normal development management criteria and is in keeping with the surrounding area.

5.1.3. Extension to dwelling

Section 17.9.8 Extension and alterations to dwellings must have 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 Guidelines for Residential extensions.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal can be summarised as follows:

- The proposal must comply with the planning legislation with regard to the minimum room size and the attic space had to be disregarded. The planning authority was incorrect to require compliance with this as further information.
- This proposal is not consistent with any dwellings in the vicinity, it is only 3.5m in width and cannot be designed to respect the neighbours privacy, sunlight and space.
- New homes to provide the needs of family accommodation which cannot be achieved in this instance with the provision of two bedrooms with insufficient room standards.
- The submitted shadow analysis is misleading, does not represent the entire year and of extremely poor quality. The proposed development will lead to overshadowing.
- The proposed development will lead to overlooking and overbearing on adjoining property. The proposed distance from edge of house to boundary wall is only 300mm.
- Eight attachments were received with reference to photographs, 3D plans with relevant dimensions and additional shadow analysis.

6.2. Planning Authority Response

No further response received from the planning authority.

6.3. Other Party Responses

First party response may be summarised as follows:

- The surrounding area does not contain a homogenous streetscape
- Examples of infill granted within the area including PL29S.208223.
- The proposal complies with national and local policy with regards sustainable, low carbon development and in line with floorspace requirements.

- The proposal has been amended to address issues with the previous refusal by An Bord Pleanála. The length of the ground floor has been reduced from 7.23m to 4.0m and that of the first floor from 4.m to 3.8m.
- The principle of development is acceptable, the proposal can comply with standards and therefore no issue with overdevelopment.
- The development does not cause overlooking and there are already rear first floor windows. The conditioning of obscure glazing would be accepted.
- Overshadowing projections have been submitted with this proposal. Overshadowing will only impact No 44 in the morning and No 48 in the late evening.

6.4. **Observations**

No further observations.

7.0 **Assessment**

7.1. The main issues raised in the grounds of appeal can be dealt with under the following headings:

- Principle of development.
- Planning History
- Impact on Visual amenity on surrounding area
- Impact on Residential amenity
- Appropriate Assessment.

7.2. Principle of development

The proposal provides for an additional dwelling to the side of an existing semi-detached house, and an extension to the existing dwelling. The site is zoned for residential development in the current Development Plan and therefore subject to complying with other planning requirements as addressed in the following sections, the principle of the proposal is acceptable.

7.3. Planning History

The application has been resubmitted following a previous refusal, PL29S.245806, for a similar development. The reason for refusal related to the bulk and scale of the proposed new dwelling and its proximity to the adjoining No. 44. The applicant has amended the design in an attempt to address issues raised in a previous refusal. The length of the ground floor is reduced from 7.23m to 4.0m and the first floor reduced from 4.m to 3.8m.

7.4. Impact on Visual Amenity on the surrounding area.

The subject site consists of a two storey semi-detached dwelling with associated front, side and rear gardens and private off street parking. Dwellings within the immediate vicinity of the site consist of two storey semi-detached dwellings. No. 44, to the north has been successfully extended to the side and is 1.2m from the party boundary. The proposed development consists of two main elements, extension and alteration to existing dwelling and construction of new infill dwelling to the side of the existing semi-detached.

The appellant queries that the proposal is not consistent with other units in the vicinity. The finish and type of dwellings in the general Beech Hill estate range from apartment, terrace and semidetached, although those in the immediate vicinity are

semi-detached. There is no uniform style within the area although the majority are finished with dry dash or plaster.

The proposed works to the existing dwelling, being the porch and rear extension are in keeping with the guidance Section 17.9.8 and Appendix 25 of the Development Plan. The rear extension would not be visible from the front and would have no negative impact on the visual amenities of the surrounding area.

The proposed infill dwelling is extremely narrow as it is 2.2m in width and the current dwelling is 6m in width. The Development Plan requires a side space of 1.5m from existing dwellings at the end of a row. The proposal is located 0.4m from the party boundary and therefore does not comply with guidelines in Section 17.9.1.

Development Plan policy for infill in side gardens. Based on the restricted width of the side garden for the proposed dwelling and the proximity of the proposed infill to No. 44. I consider that the proposed development would lead to a cramped form of development and would be incongruous to the streetscape.

7.5. Impact on Residential Amenity

The appellant raises overlooking, overshadowing and overbearing as the main impacts on their residential amenity. These issues are addressed individually below.

Overshadowing: The applicant has submitted shadow projection drawings of the proposed and existing based on the Summer Solstice and Autumnal equinox. The appellant finds the drawings deficient. These drawing illustrate an increase of overshadowing on No 44 in the morning and No 46 in the evening. The applicant states that this element of overshadowing would be minimal and within normal range as per UK Building Research Establishment (BRE) Digest 209.

I note that the proposed development is located to the south of No 44 and No 46. I have assessed the shadow projection drawings and consider them accurate and readable. It should be noted that the spring equinox and winter solstice drawings are absent. This aside the summer solstice and autumn equinox shadow projections illustrate overshadowing on the living area of No 44. I consider overshadowing on the property in the morning will have a significant negative impact on the residential amenity.

Overlooking: The proposal includes first and second floor windows. Concern is raised in relation to overlooking from the proposal. There are currently bedroom spaces on the first floor rear for bedrooms. The proposed first floors would provide a similar amount of overlooking on the private amenity space of adjoining neighbours as existing. Whilst it is noted that the proposed dormer windows give the impression of increase overlooking this could be addressed by the removal of same or condition for obscured glazing for the study space. I do not consider the overlooking on adjoining properties would be significantly increased by this proposal.

Overbearing: The appellant argues that the location of the proposed dwelling close to the existing dwelling would cause overbearing. The applicant has amended the design to include a reduction in the length of the ground floor from 7.23m to 4.0m and the first floor from 4.m to 3.8m. The scale and mass of the ground floor has been reduced significantly. I would consider that the significance of impact of the proposal on adjoining properties relates to the first and second floor proposal.

The reduction of 0.5m for the first floor would not cause a significant reduction on the overbearing on the adjacent residential unit as it is located some 0.3 m from the party boundary. Therefore, this amended proposal for a new dwelling and rear extension, by reason of proximity to the adjoining dwelling, would have a significant negative impact on the adjoining dwelling.

7.6. **Appropriate Assessment**

Having regard to as 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 conservation objectives of a European site

8.0 **Recommendation**

I recommend that planning permission should be refused for the reasons and considerations as set out below.

Reasons and Considerations/ Reasons

Having regard to the pattern of development in the area, to the extent of the scale and bulk of the proposed development and its proximity to No 44 it is considered that the proposal would seriously injure the residential amenities of the property in the vicinity by virtue of overbearing and overshadowing and would result in a cramped form of development that is not in keeping with the existing character of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Karen Hamilton
Planning Inspector

14th of October 2016