



An  
Bord  
Pleanála

## Inspector's Report PL29S.247081.

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<b>Development</b>	Retain and complete single storey extension to side of property with three Velux roof lights on southern elevation.
<b>Location</b>	37A Sibthorpe Lane, Lesson Park, Dublin 6.
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	2986/16.
<b>Applicant(s)</b>	Pat Finan.
<b>Type of Application</b>	Retention and permission.
<b>Planning Authority Decision</b>	Refusal.
<b>Appellant(s)</b>	Pat Finan.
<b>Observer(s)</b>	John Redmond.
<b>Date of Site Inspection</b>	21 <sup>st</sup> of October 2016.
<b>Inspector</b>	Karen Hamilton.

## **1.0 Site Location and Description**

The site is a bungalow located in what was formerly the rear garden of a protected structure at 37 Lesson Park, Dublin 6. The dwelling fronts onto Sibthorpe Lane with a pedestrian gate and a vehicular gate along a 2m high boundary wall. There exists a partly built single storey extension in the side garden. The attic has been converted for habitable space.

## **2.0 Proposed Development**

The proposed development as applied for consists of;

- Retention and completion is a single storey side extension.
- Permission for 3 no Velux roof lights in the extension.

## **3.0 Planning Authority Decision**

Decision to refuse the proposed development for reasons of negative impact on visual and residential amenity therefore contravening the zoning objective.

### **3.1. Planning Authority Reports**

The report of the area planner reflects the reasons for refusal and undesirable nature of the works.

### **3.2. Other Technical Reports**

Drainage Section- No objection subject to conditions.

### **3.3. Third Party Observations**

Two observations were submitted from adjoining land owners in relation to the intensification of development on site and are addressed in the observer's comments.

#### **4.0 Planning History**

Enforcement Notice: 30<sup>th</sup> of March 2016.

Action required to remove an unauthorised single storey structure currently under construction.

#### **5.0 Policy**

##### **5.1. Development Plan**

###### **Dublin City Development Plan 2016-2022**

Site Coverage Z2: 45%

Plot Ratio Z2 Inner city: 0.5-2.0.

Table 16.1: Maximum Car-parking standards for Z2- 1 per dwelling.

###### **Section 16.2.2.3 Alterations and Extensions to dwelling:**

The proposed development should be confined to the rear in most cases, subordinate to the existing building in scale and design and incorporate a high standard of thermal performance and appropriate sustainable design features.

- 5.2. The site is adjacent to No 37 Lesson Park which is a Protected Structure. The following policy and guidelines apply.

**Policy CHC4 & CH5:** Conservation Areas: Development will not harm the features of special interest in the conservation areas or involve harm to loss of traditional fabric.

## **Appendix 24: Protected Structures and Buildings in Conservation Areas.**

**Architectural Heritage Guidelines for Planning Authorities, 2004.** Guidelines for the development of Protected Structures and within Architectural Conservation Areas.

### **6.0 The Appeal**

#### **6.1. Grounds of Appeal**

The grounds of appeal can be summarised as follows:

- The current dwelling provides substandard accommodation and the area of the extension is 40 m<sup>2</sup> which would be exempt if not at the side.
- The proposed extension is obscured from view by the existing boundary walls and would not negatively impact on the streetscape.
- A new submitted Revision B, reduces the size from 40 m<sup>2</sup> to 26 m<sup>2</sup> and provides more amenity space (36.5 m<sup>2</sup>) to the front and side.
- There is no overlooking from the proposed development as 3 no Velux windows are proposed in the vaulted ceiling and the window on the first-floor western gable can be blocked up as it has no future use.
- Attic bedrooms are not part of the proposal and this space will be used as storage.

#### **6.2. Planning Authority Response**

Response from the planning authority requests the refusal to be upheld.

#### **6.3. Observations**

Observation received from Mr John Redmond and may be summarised as follows:

- Reference is made to the misleading application as it fails to include the spiral staircase into the roof, unauthorised habitable accommodation in the attic and window on the first-floor western gable.
- The presence of easement has been ignored and a door has been blocked up which is used as a right of way.
- The current dwelling is poorly built, in breach of Building Regulations and no photographs have been provided.
- The private open space has not been met and therefore over intensification of the site.
- Reference to a similar refusal for 0611/91.

## **7.0 Assessment**

7.1. The main issues in this appeal and can be dealt with under the following headings:

- Principle of development
- Visual Impact
- Residential Amenity
- Other matters
- Appropriate Assessment

### **Principle of development**

7.2. The proposed development includes the retention and completion of a single storey side extension to a 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.

## **Visual Impact.**

- 7.3. The existing dwelling on the site is a modest cottage type cottage, which was originally an infill development to the rear of a protected structure at 37 Lesson Park.
- 7.4. The applicant has submitted an amended design for a smaller (26 m<sup>2</sup>) single storey side extension as part of this appeal statement. The amended design informs this assessment. The height of the proposed extension is to be 4m in height, the current dwelling is 4.6m. The first floor eastern gable window requires removal to accommodate the proposed development.
- 7.5. The Planning Authority reason for refusal refers to the scale and depth of the proposed development as it would be overbearing and visually obtrusive. The grounds of appeal state that the amended design, to the Board, will overcome any issues relating to a possible negative visual impact.
- 7.6. The site is located within an area zoned "*To protect and/or improve residential conservation areas amenities*". In this regard, proposed development is required to have regard to the high-quality environment in the surrounding area. I note the existing dwelling does not contain any features of merit which contribute to the overall quality of the built heritage. Aside from no 37 Lesson Park to the west, there are no other buildings, of conservation merit, adjacent to this unit.
- 7.7. The amended design for the side extension has reduced the scale and bulk of the proposed development. The initial single storey extension, assessed by the planning authority, encompassed the majority of the rear garden and could have possibly dominated the streetscape. I consider the reduction in length of the proposed development by 2.5m and the floor area by 14m<sup>2</sup> to be more appropriate for this restricted site. The proposed extension is modest in scale and based on the set back from the boundary wall and the proposed height relative to boundary wall, I consider the proposed development will have no negative impact on the streetscape.

## **Residential Amenity**

- 7.8. The grounds of appeal refer to the amended proposal submitted. Reference is made to the increase in private amenity space. It is stated that the attic space will be used for storage and if required the window on the first-floor western gable can be blocked up. A submission from an observer raises concern as to the lack of inclusion of internal works to the current dwelling, namely the conversion of the attic space and windows on the gable walls. I will address the impact of both the extension and the attic conversion on the residential amenity below.
- 7.9. Overlooking: The proposed side extension is single storey and two Velux windows are proposed along the southern roof. Based on the height of the proposed extension and the vaulted ceiling, I do not consider there to be any possibility of overlooking into the adjoining residential properties from these Velux windows.

There currently exists a first-floor window on both the east and western gable walls. These windows serve bedrooms on the first floor on the dwelling. Submissions received in relation to the amended design refer to the conversion of the attic space and overlooking from the windows particularly to the west into No 37 Lesson Park where there is an absence of any separation distance. I note the applicant has not applied for retention of these windows nor has any reference been made to the use of the space in the attic. The grounds of appeal refer to the removal of the window on the western window and use of the attic as storage. I would consider that due to the location of first-floor window on the western gable on the boundary there is overlooking into the private living space of No 37 Lesson Park. The removal of this window and use of the attic space as storage would remove any overlooking. This can be addressed by condition.

## **Other Matters**

- 7.10. The observer has raised the validity of the attic conversion in relation to the Building Regulations. However Building control matters are the subject of a separate code. The appellant argues that the attic space will be used for storage once the extension

is complete with the windows reinstated to the original form. I have addressed the issue of the windows serving the attic space in the residential amenity section. The Board may consider it appropriate to include a condition restricting the use of the attic however the proposed development has not been submitted in relation to these works and is therefore not relevant to this current appeal.

- 7.11. Table 16.1 of the current development plan requires a maximum car-parking space of 1 per dwelling for sites in Z2. The proposed development cannot accommodate any car-parking on site. I note upon site inspection Sibthorpe Lane was used for parking. There are currently no traffic restrictions along the side adjacent to No 37a. Therefore, I consider the surrounding area can facilitate small scale domestic parking without having a negative impact on the surrounding residential amenity.
- 7.12. Development Plan standards: The submitted amended design increases the useable private amenity space to 31.5m<sup>2</sup>. The proposed development has a plot ratio of 0.5 which complies with the development plan standard for Z2 zoning. The site coverage including the proposed development will be 50% which complies with the minimum development plan standard for site coverage in Z2 (45%). Based on compliance with the standards in the development plan, the design of the proposed single storey extension and the location of the site I do not consider the proposed development would have any negative impact on the surrounding area.
- 7.13. I note that No 37 Lesson Park is a Protected Structure, however the proposed development would not be visible and would not otherwise affect the appearance or setting of this Protected Structure.
- 7.14. The submission from the observer makes reference to interference with a right of way. This landownership is not however a planning related matter and is not relevant to the proposed development nor does it have any bearing on my recommendation.



## **8.0 Appropriate Assessment.**

Having regard to the nature and scale of the proposed development within a serviced area and separation distance 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 the conservation objectives of any European site.

## **9.0 Recommendation**

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

## **10.0 Reasons and Considerations**

Having regard to pattern of development in the vicinity, the nature, form and design of the proposed development and compliance with the provisions of the Dublin City Development Plan 2016-2022, it is considered that subject to compliance with the conditions set out below, the proposed development would not adversely affect the residential or visual amenity of the area. The proposed development 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 11<sup>th</sup> of August 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. Prior to commencement of development the applicant shall remove the window on the first floor western gable wall and replace with block work and plaster finish to match the existing dwelling.

**Reason:** In the interest of the adjoining residential amenity.

3. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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.

4. Water supply and drainage arrangements, including the 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.

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Karen Hamilton  
Planning Inspector

28<sup>th</sup> of October 2016