



An
Bord
Pleanála

Inspector's Report PL29S.247098

Development

Demolition of an existing flat roof single storey rear extension and construction of a replacement pitched roof single storey rear extension plus a 10.5 sq. metre extension to the rear return at first floor level, SuDs drainage and all associated site development works.

Location

No.84, South Circular Road, Dublin.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

2980/15

Applicant(s)

Enda Claffey

Type of Application

Permission

Planning Authority Decision

Grant permission subject to conditions.

Type of Appeal

First Party

Appellant(s)

Enda Claffey

Observer(s)

none

Date of Site Inspection

28th October, 2016.

Inspector

Stephen Kay.

1.0 Site Location and Description

- 1.1. The appeal site is located on the South Circular Road in the south inner city. The site is located on the north side of the road in close proximity to the junction with Spencer Street South.
- 1.2. The site is occupied by a two storey mid terraced dwelling that has a current floor area of c. 159 sq. metres that has a two storey rear return. The dwelling has previously been extended at ground floor level to the rear of the return with a single storey flat roofed extension that runs the full width of the site. The property is served by an existing small area of open space that is located to the side of the original rear return and this area has a stated area of 11 sq. metres.
- 1.3. The property is stated in the first party appeal to currently be in four separate units and this was observed to be the case at the time of inspection. It is noted that the multi occupancy of the unit is not made clear in the report of the planning officer and that the conditions attached to the Notification of Decision to Grant Permission includes a requirement that the extension would not be separated from the main dwelling by lease or sale.
- 1.4. To the front, the site is open such that there is space for the parking of two cars in the front garden area.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing single storey extension that is located at the rear of the site and to the rear of the existing rear return and the reconstruction of this area (stated to be 36 sq. metres) with a new extension that would have a pitched roof.
- 2.2. The proposed development also provides for the extension of the two storey rear return to provide for an additional depth from the rear elevation of 3 metres. The effect of this change is that the two storey rear return would extend approximately half way down the existing rear extension.
- 2.3. The stated area of the proposed extension at first floor level is 10.7 sq. metres. The total additional floor area as per the planning application form submitted is 46.7 sq. metres.

3.0 Planning Authority Decision

3.1. Decision

The planning authority issued a notification of decision to grant permission subject to 7 no. conditions. The most significant of these conditions in the context of the current appeal are as follows:

- Condition No.2 requires that the proposed extension at first floor would be omitted from the development.
- ConditionNo.4 requires that the '*single storey extension hereby approved shall not be used as a separate dwelling and shall not be separated from the principal dwelling by lease or sale*'.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer notes the location of the site and the existing developed nature. The character of the surrounding sites and the existing extension to these proper ties are also noted. The contents of an objection received is noted and the planning officer expresses some concern regarding the impact of the proposed development on the visual appearance of the property and particularly the fact that the existing property and that to the west at No.86 read as a pair when looking at the rear returns. It is also considered that the additional development at first floor level would constitute further overdevelopment of the site. No objection to the proposed replacement of the existing single storey rear extension is raised. It is noted that the Planning Officer report states that the planning authority are not aware that the unit is in multi occupancy. A grant of permission consistent with the notification of decision which issued is recommended.

3.2.2. Other Technical Reports

Drainage Division – No objection to the proposed development.

3.3. Prescribed Bodies

No submissions on file.

3.4. Third Party Observations

An observation was received from one third party observer. This submission raised issues relating to the fact that the property is in multi occupancy, that there is inadequate open space on site, no car parking provision and that the development would overshadow neighbouring properties.

4.0 Planning History

There is no planning history recorded on file relating to the appeal site. The following planning history is referred to in the report of the planning officer or the first party appeal submission.

- Dublin City Council Ref. 2037/15 – permission granted for material alterations and change of use of the adjoining corner property at No. 82 from a convenience store to a café/ yoga studio. The permitted works include new railings to the front and side, new shop front and windows, landscaped outside seating area and a new raised height to the existing single storey extension to the rear. These works have been completed on site.
- Dublin City Council Ref. 3849/15 ; ABP Ref. PL29S.246041 – permission granted by the Planning Authority and decision upheld on appeal for the demolition of existing rear extension and construction of a part single and part two storey extension to the rear of No. 23 Portobello Road. Noted that the report of the inspector notes the Z1 zoning and states that it is not considered that the rear building line need be retained on conservation grounds.
- Dublin City Council Ref. 2360/16 – Permission granted by the planning authority for the partial demolition of an existing rear extension to a dwelling at No.8 Spencer Street South and the replacement with a larger single storey extension.

5.0 Policy Context

5.1. Development Plan

The site is located in an area that is zoned Objective Z1 under the provisions of the Dublin City Development Plan, 2016-2022. Under this land use zoning objective residential development is a permissible use.

Paragraph 16.10.12 of the Plan relates to extensions to residential properties and states that:

Applications for planning permission to extend dwellings will only be granted where the Planning Authority is satisfied that the proposal will:

- *Not have an adverse impact on the scale and character of the dwelling*
- *Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.*

Paragraph 16.10.12 also makes reference to the sub division of residential dwellings and states that where sub-division is being considered, factors such as the extent of open space within the site boundaries, landscaping schemes including the retention and planting of trees, the provision of on-site parking, the retention of existing railings and gates, and screened refuse storage areas will be evaluated as part of the assessment.

Appendix 17 of the plan provides guidance on residential extensions and states that new extensions, whether they are single or two-storey, have an effect on their immediate environment and accordingly the following general principles should be addressed in all proposals for extension. 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

The following are the most significant issues raised in the first party appeal against Condition No. 2 which omitted the proposed first floor extension to the property:

- That the proposed development is consistent with the Z1 zoning objective and the proposed development would not have an adverse impact on residential amenity.
- That all quantitative and qualitative standards set out in the development plan are met. The existing level of private amenity space will be retained and the overall quality of accommodation for residents will be improved.
- That the site is not located in any conservation zoning. The justification for refusal on visual grounds and architectural character is not agreed with. The development will not be visible from the public street including from Spencer Street to the east.
- Stated that the block in which the appeal site is located has been the subject of significant development and that Objective Z2 zoning is not merited.
- That there is precedent for development that impacts on the streetscape in the form of the permitted additional level to the Tesco store at 98-100 south Circular Road, (Ref. 2062/15). The current proposal is very minor relative to this permitted development.
- That the statement that the proposal is overdevelopment of the site is not accepted. The extension has been designed to remain subservient to the existing building and not to impact on residential amenity. There will be no increase in bedroom numbers and the open space requirement will not change. The existing site coverage will not change and the existing 80 percent is not considered excessive in this location or relative to the 80 percent at No.86 and the 100 percent at No. 82.
- That there is precedent for similar developments in the local area, including permitted two storey extension permitted by an Bord Pleanala on site zoned Objective Z1.

6.2. **Planning Authority Response**

There is no response on file from the planning authority to the grounds of appeal raised.

7.0 **Assessment**

7.1. In my opinion the main issues in the assessment of the proposed development are as follows:

- Scope of Appeal / Principle of Development
- Impact on visual and residential amenity
- Capacity of site to accommodate development.
- Other Issues

7.2 **Scope of Appeal / Principle of Development**

7.2.1 The appeal site is located on lands that are zoned Objective Z1 under the Dublin City Development Plan, 2016-2022. The site is not the subject of any form of conservation area designation or zoning and the building on site is not included in the recorded of protected structures. There is therefore in my opinion no basis on which the principle of the physical works proposed are not acceptable. The proposed works at ground floor level comprise the demolition of an existing single storey rear extension and the reconstruction of this extension with the same floor area and with a pitched roof. No additional accommodation would therefore be provided and I note the fact that the sites that immediately adjoin the extension are also developed. In view of this fact, the existing nature of the extension and the fact that no observations were submitted to the Planning Authority or the Board objecting to the single storey rear extension, I consider that this element would not have any adverse impact on visual or residential amenities of the area. For this reason, it is my opinion that the demolition and replacement of the existing single storey rear extension is acceptable and I propose to proceed to assess the appeal as it relates

to the imposition of Condition No.2 and the omission of the proposed extension at first floor level.

7.2.2 I note the fact that the report of the Planning Officer states that there is no record of the site being permitted to be in multi occupancy and the fact that Condition No.4 of the Notification of Decision to Grant Permission issued by the Planning Authority requires that the permitted extension would not be used as a separate dwelling and would not be separated by sale or lease from the rest of the dwelling. From the information provided by the first party appellant, my inspection of the site and having regard to the submission of the observers to the Planning Authority it is apparent that the property on the appeal site is in multi occupancy with two units stated by the first party to be on each floor. It is further stated by the first party that the multi occupancy is a long established arrangement. It is not possible to verify the planning status of the sub division of the property and any issue in this regard is in my opinion one for the Planning Authority. In making an assessment of the merits of the proposed development I have taken the fact that the property is in multi occupancy as given.

7.3 Impact on Visual and Residential Amenity

7.3.1 The basis of the decision issued by the Planning Authority to require the omission of the proposed first floor extension relates principally to the impact of that aspect of the development on the visual character of the dwelling and secondly on the capacity of the site to accommodate additional development. Firstly, with regard to visual character, the first party notes the fact that the site is not located within any designated conservation area or conservation area zoning and that the building on site is not included on the record of protected structures. The first party also notes the Objective Z1 zoning status of the site and adjoining properties and contends that the scale of first floor extension is small and would not have any negative impact on residential amenities such as would be contrary to the Objective Z1 zoning.

7.3.2 In terms of visual impact, I would agree with the first party that the impact of the relatively modest first floor extension sought is such that it would not have a significant negative impact on residential amenity. The developments undertaken on

the adjoining sites to the east and west are such that the additional depth of two storey return sought would not overshadow the rear amenity space of No.84 to the west. The configuration of the window serving the first floor room in the rear return is not proposed to be altered on foot of the proposed development and no additional issue of overlooking would therefore arise. Visually, as noted in the report of the Planning Officer, the existing rear return does form a pair with that on the adjoining property to the west, No.84. The proposed development would break this symmetry, however the basic form and proportions of the rear return would not change. I am also conscious of the fact that there are limited locations from where the existing rear elevation of these properties can be viewed and note the fact that no clear view of the rear elevation of the buildings at Nos. 82 and 84 are available from Spencer Street South to the east of the site. I also note the fact that the site is not located in an area that is the subject of a conservation area designation or zoning and would note and generally accept the comments of the first party regarding the original character of the block within which the appeal site is located being significantly altered by demolition and infill developments such that Objective Z2 zoning was not warranted. For all of these reasons I do not consider that on visual impact or residential amenity grounds there is a clear basis on which the proposed first floor extension should be omitted.

7.4 Capacity of Site to Accommodate Development.

7.4.1 As noted at section 7.2 above, the building on the appeal site is currently in multi occupancy and on the basis of the information submitted by the first party this arrangement would appear to be long established. The current layout is stated by the first party to comprise two units at both ground and first floor level and in my inspection of the site I noted that the first floor of the rear return in the area of the proposed extension is laid out as a single unit. The existing area of private amenity space is c.11 sq. metres and this is not to change on foot of the proposed development. An issue therefore arises as to whether the level of private amenity space existing is capable of supporting the level of development on the site and whether additional floorspace would contribute to overdevelopment of the site.

7.4.2 The first party state in their appeal submission that the proposed development will not lead to additional bedroom numbers on the site. This is correct, however the proposed development would lead to the room at first floor in the rear return increasing from c. 9.5 sq. metres to c. 20.2 sq. metres. It would therefore appear to me that the proposed development at first floor level would lead to potential increase in bed spaces in the building. Given the existing very limited private open space on site I consider that this potential increase in bed spaces would exacerbate the existing lack of private amenity space on site. In terms of private amenity space, paragraph 16.10.2 of the City Development Plan states that a minimum of 5-8 sq. metres of private amenity space per bed space should be provided in the inner city. The exact number of bed spaces in the existing dwelling is not clear from the information presented however the existing level of private amenity space provided is clearly very significantly below this standard.

7.4.3 The first party makes reference to a number of precedent cases including one (ref. PL29S.246041) where an Bord Pleanala granted permission for an extension at first floor level. As set out in 7.3 above, I do not have a particular objection to the proposed first floor extension on residential amenity or visual grounds. I would also accept the fact that in certain locations and sites the restrictions on site area are such that the only way that a good standard of residential accommodation suitable for family use can be provided is at the expense of private amenity space provision. In my opinion, however given the size of dwelling on site the appeal site is not such a location. The existing dwelling has a floor area of c. 159 sq. metres and is proposed to be increased to c. 170 sq metres. This floor area and the number of bed spaces accommodated on site is in my opinion excessive for a layout with a private amenity space of only 11 sq. metres and the overdevelopment of the site is reflected in the proposed plot ratio of 1.43 and site coverage of 80 percent. A plot ratio of 1.43 is within the indicative figure of 0.5-2.0 cited in the development plan for Objective Z1 lands however this encompasses a range of building heights. 1.43 is in my opinion excessive for a two storey dwelling and this is borne out by the fact that the site coverage at 80 % is very significantly in excess of the indicative figure of 45-60% cited in the development plan. As set out above, there may be certain instances where a strong case can be made for the exceedance of the development plan plot ratio and site coverage figures, however I do not consider that the circumstances of

this case and the appeal site is such a case and it is my opinion that to permit additional development on site would exacerbate the existing overdeveloped nature of the site and would lead to a further erosion of amenity for residents.

7.5 Other Issues

7.5.1 The proposed development comprises a limited additional extent of floorspace to an existing residential property. The potential impacts in terms of additional discharge to the public foul and surface water drainage networks is therefore likely to be minimal. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. In view of the above, it is recommended that permission be granted for the proposed development subject to conditions and that Condition No.2 requiring the omission of the proposed first floor extension would be retained in the schedule of conditions attaching to the Grant of Permission.

9.0 Reasons and Considerations

Having regard to the residential zoning objective for the area and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

Retain the following Condition No.2 in the schedule of conditions attached

to the grant of permission:

2. The first floor extension shall be permanently omitted from the development

Reason: In the interests of residential amenity and to prevent the further overdevelopment of the site.

Stephen Kay
Planning Inspector

3rd November, 2016