



An  
Bord  
Pleanála

## Inspector's Report PL29N.247240

---

### Development

Demolition of existing extension,  
construction of new extension,  
renovation of existing house and  
associated site works.

### Location

51 Copeland Grove, Clontarf, Dublin 3

### Planning Authority

Dublin City Council

### Planning Authority Reg. Ref.

2596/16

### Applicant(s)

Áine Mulcahy and Dave Gilroy

### Type of Application

Permission

### Planning Authority Decision

Grant

### Type of Appeal

Third Party

### Appellant

Damien Bracken and Niamh Bracken

### Observer(s)

Imelda and Anthony Walsh  
Paschal Preston and Trish Morgan

### Date of Site Inspection

14 December 2016

### Inspector

Patricia Calleary

# Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	4
4.0 Planning Authority Reports .....	4
4.1. Planning Report .....	4
4.2. Other Technical Reports .....	5
4.3. Prescribed Bodies .....	6
4.4. Third Party Observations .....	6
5.0 Planning History.....	6
6.0 Policy Context.....	6
6.1. Dublin City Development Plan 2016-2022 .....	6
7.0 The Appeal .....	7
8.0 Assessment.....	10
8.1. Introduction .....	10
8.2. Compliance with Zoning Objective .....	10
8.3. Character of the dwelling and area .....	10
8.4. Residential Amenity .....	12
8.5. Other .....	14
9.0 Decision .....	14
10.0 Reasons and Considerations .....	15

## 1.0 Site Location and Description

1.1. The appeal site with a stated area of 740 sq.m comprises one of a pair of semi-detached houses located at the end of a cul-de-sac in a mature residential estate known as Copeland Grove which is accessed off Howth Road (R105) in Clontarf, Dublin 3. There is also a pedestrian access via a laneway which runs along the side of House No.54 connecting Copeland Grove with Malahide road. The dwelling on the appeal site (No.51) is positioned east of the turning circle at a 45-degree angle relative to the neighbouring house, No.53, to its north-east. No.49 consists of the adjoining semi-detached house. No.51 has a large garden which widens towards the rear and behind the garden lie the rear gardens associated with houses along Malahide road. The house has a sizeable single storey extension to its rear and side.

## 2.0 Proposed Development

- 2.1. The development would consist of the demolition of the existing single storey extension to the side and rear of the dwelling and the construction of a new two storey extension to the rear of the dwelling spanning the width of the garden available save where it is angled away from the party boundary with No.53. It also proposes a new single storey extension to the side of the front of the house as well as a new boundary wall 1 m high to the front driveway between no.51 and 49 and the refurbishment and renovation of the existing dwelling.
- 2.2. The original existing semi-detached house entity scales c.6.2m in length across the front and when taken in combination with the existing single storey extension cumulatively scales c.9.2m along the entire front of the house. The proposed two storey extension element would measure c.13.5m in length at its rear, stretching a maximum of 7.3m beyond the side gable of its host house. It would be c. 5m in width and c. 6m in height above existing ground level.
- 2.3. In addition to the normal planning drawings, the planning application was also accompanied by an infrastructure service report and a shadow study.

### 3.0 Planning Authority Decision

3.1. Following consideration of additional information submitted, the Planning Authority issued a decision to **grant permission** subject to nine conditions, the following of note:

- Condition No.4 – revised first floor windows shall be no larger than existing, no solar panels to be added to any flat roof area;
- Condition No.9 – During construction and demolition phase, 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'.

### 4.0 Planning Authority Reports

#### 4.1. Planning Report

The planning officer's **initial report** on file can be summarised as follows:

- The scale of the extension overwhelms the existing house and would be visually incongruous and obtrusive on the streetscape of Copeland Grove;
- Would result in indirect overlooking over the private rear garden of No.49, window would be required to be reduced in size and scale, roof terrace could be acceptable subject to a screening fin;
- Rear of No.49 would continue to receive an adequate amount of sunlight/daylight;
- There is considerably more impact in terms of overshadowing and overbearing given the orientation and extent of the two-storey gable onto the boundary with No.53;
- Rear extension proposed is overscaled; concerns exist about the height of the extension when viewed from the road;
- Single storey extension would not detract from the existing dwelling or streetscape;

- The alteration of one of the existing front facing first floor windows (not referenced in the public notice) would be highly incongruous and out of character.

The Planning officer recommended seeking additional information.

### **Additional information**

- A **request for additional information** subsequently issued, highlighting that while the PA considered a two-storey extension is acceptable in principle, the current proposal lacked due consideration for the amenities of the two adjacent dwellings in terms of overshadowing, overbearing and overlooking.
- A **response to the request for further information** including a cover letter prepared by Manahan Planners was received by the Planning Authority. The response states that a meeting was held with the Area Planning Officers at Dublin City Council offices and a revised design was then prepared. The key changes presented show the first floor extension stepped back by 1190 mm from the boundary wall with no.53, provision of a shadow gap detail at the eaves line, external terrace at first floor level is eliminated and changes to size and position of some of the windows.

### **Planning Officers Report on Additional Information**

- First floor landing ope was reduced;
- Front of the recessed extension will feature a shadow gap detail to replicate the alignment of the adjoining eaves lines;
- 2 narrow vertical opes are included which terminate at the 'eaves line' feature;
- Terrace omitted, changes to windows noted;

The planning officer put forward a recommendation to **grant permission**.

## **4.2. Other Technical Reports**

- Drainage Division – No objection subject to conditions.

#### 4.3. **Prescribed Bodies**

- No referrals

#### 4.4. **Third Party Observations**

One third party submission was received from Niamh Bracken and Damien Bracken, the occupiers of the house no.49 which is immediately adjoining the appeal site (house no.51). Issues raised include concerns regarding the excessive scale of the extension resulting in overlooking, overshadowing and overbearing impacts as well as concerns regarding the resizing of the front box bedroom which would be out of character with the streetscape. The Planning Officers report states that the submission raised has been considered in the assessment of the application.

#### 5.0 **Planning History**

5.1. None on **appeal site**.

5.2. Records of planning applications in the **immediate vicinity** have been brought to my attention and are on file. Two recent and relevant ones include the following:

- **3409/14 – No.47 Copeland Grove**

Permission granted for building an upper flat roof extension at rear and side;

- **3569/12 – No. 54 Copeland Grove**

Permission granted for a two-storey extension at the side and a single-storey extension to the rear.

#### 6.0 **Policy Context**

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

- **Zone Z1** – To protect, provide and improve residential amenities.
- Chapter 16: Development Standards, specifically **16.10.12 Extensions and Alterations to Dwellings**. - The design of residential extensions should have regard to the amenities of adjoining properties and in particular the need for light

and privacy. In addition, the form of the existing building should be followed as closely as possible, and the development should integrate with the existing building through the use of similar finishes and windows. Extensions should be subordinate in terms of scale to the main unit.

- Appendix 17 of the CDP – **Guidelines for Residential Extensions.**

## 7.0 The Appeal

### 7.1. Grounds of Third Party Appeal

An appeal was received from Niamh Bracken and Damien Bracken who occupy No.49 Copeland Grove. The following points are set out in the appeal.

- The subject extension is not an appropriate scale and the ultra-contemporary design is not in-keeping with the character of houses in the area;
- Results in a grossly excessive extension to a small scale semi-detached house;
- Would result in overshadowing, visual obtrusion and overlooking causing serious loss of residential amenity and depreciation in value of their house;
- Dark stained cladding and extent of extension onto boundary would be overbearing and cause loss of light into bedroom and living room of house no.49. Request that the wall would be set back by 2m from party boundary;
- Would be located too close onto the boundary and would not provide access for future maintenance;
- Extension bears little relationship with the character and form of No.49 and would overwhelm the house and private amenity;
- Shadow gap detail proposed at eaves level does little to reduce the impact of the development when viewed from the streetscape of Copeland Grove.

### 7.2. Applicants response

- Extension is appropriate scale for its splaying site and large rear garden;

- Parapet levels were amended;
- Extension as amended at additional information stage will not result in overlooking or overshadowing (located north of appellant's property) and will not result in an appreciable impact on terms of reducing light into No.49's added extension;
- Now propose to change materials of wall facing appellants house (no.49) with a light reflective finish and no maintenance is required and hence access to the neighbouring property will not be required;
- Appellants have a larger garden available to extend than that of No.49;
- Extension would be largely invisible from the streetscape of Copeland Grove;
- Proposal complies with the planning policy, objectives and development management provisions of the Dublin City Development Plan.

### 7.3. Planning Authority Response

- No response received.

### 7.4. Observations

Two observations are on file which are summarised under.

#### **Imelda and Anthony Walsh – No.53 Copeland Grove:**

- Site notice was misleading in that it inferred single storey only to the side;
- Extension would be grossly overscaled and would not play a supporting role to the original dwelling;
- Wood cladding and scale would result in a dominating and overbearing impact on the appearances of houses no.s 51 and 53 when viewed from the front;
- Would result in overlooking and overbearing onto the side and rear of No. 53 and its private amenity space;
- As positioned south, it would result in overshadowing impacts;
- Front facing windows proposed would overlook front garden of No.53.



### **Paschal Preston and Trish Morgan – No.54 Copeland Grove:**

- Extension would be excessive and overbearing with negative consequences for private amenity and sunlight;
- Exceeds reasonable understanding of ‘extension’ in a sub-urban property;
- Would set an undesirable precedent;
- Not objecting to an alternative extension which would be broadly in-keeping with the scale, form and visual environment or amenities of the neighbourhood.

### **7.5. Further Responses**

Three further responses were received from Niamh Bracken and Damien Bracken, appellants (49 Copeland Grove) and also from Paschal Preston and Trish Morgan (54 Copeland Grove) and Imelda Walsh (53 Copeland Grove) who are the observers. The following is put forward.

- No change in height was proposed in the revised design;
- Disagrees that the extension would not be visible from the public road, especially for pedestrians using the pedestrian lane which runs from the turning circle at Copeland Grove along by House No.54 to Malahide Road;
- Considers the applicant’s response does not address the concerns of the neighbouring residents;
- When occupants of No.49 purchased their house it has smaller garden as it currently exists;
- Design shows disregard for the streetscape and would result in negative visual appearance of the area;
- The proposal as amended by way of additional information would be inconsistent with the provisions of the Dublin City Development Plan, would be visually intrusive and would result in overlooking and overbearing onto

private gardens because of its height and scale relative to the host building and its context as a semi-detached house.

## 8.0 Assessment

### 8.1. Introduction

8.1.1. I have read and considered the contents of the planning application, grounds of appeal, responses and relevant planning policy. I have also attended the site and environs. The following assessment covers my considerations on the key planning issues which arise in this appeal and encapsulates my *de novo* consideration of the application. I consider the key issues in determining the application and appeal before the Board are as follows:

- Compliance with Zoning Objective
- Character of the dwelling and area
- Residential amenity
- Other

I outline my assessment on each of these issues below.

### 8.2. Compliance with Zoning Objective

8.2.1. The Dublin City Development Plan 2016-2022 came into effect on 21<sup>st</sup> October 2016, i.e. since the appeal was lodged. The site is located within an area which has a land-use zoning objective '**Z1** – **To protect, provide and improve residential amenities**'. Based on the applicable residential zoning objective, I am satisfied that the development proposal to extend an existing house together with other ancillary alterations is acceptable subject to satisfying applicable planning principles, each which I have dealt with in the following sections.

### 8.3. Character of the dwelling and area

8.3.1. The guidance provided in Appendix 17 of the recently adopted Dublin City development plan 2016-2022 advocate that a domestic extension should not dominate the existing building and should normally be of an overall shape and size

to harmonise with the existing house and adjoining buildings. It states that extensions should be sub-ordinate and play a supporting role to the original house entity and that in general the extension should be no larger or higher than the existing. It also states that in addition to the appropriate form and scale, care should be taken to choose materials which would harmonise with the existing building and assist the integration of the new extension with the existing house. Contemporary extensions are supported, however it is stated that these are still required to take account of the afforded design guidance such as to make a positive contribution to the streetscape and the character of the area.

8.3.2. The existing original house entity scales c.80 sq.m internal area over two floors. The current single storey extension which is proposed to be demolished is stated to have an area of 60 sq.m. The proposed new extension would be 140 sq.m. Having scaled the drawings, the proposed 2 storey element would be c. 53 sq.m at first floor level which would be almost one third greater in size than the first floor of the original house entity itself. This two storey extension would run across the width of the site to the rear of the host house and would be angled away from the boundary with No.53. The design presented shows the extension height would be c.1m higher than the existing eaves level of the houses on either side and it would project c.7m beyond the gable of the host house towards adjoining House No.53. The extension is proposed to follow a contemporary design with dark stained hardwood timber façade at first floor level and full height aluminium triple glazed sections. A timber fin screen is proposed to be fitted to the glazing section in bedroom 2 to mitigate against overlooking concerns. The ground floor element of the extension would be predominately glazed across its rear elevation, angled towards the centre from each end. The front single storey portion to the side of the house would be equally contemporary with dark stained hardwood cladding and full height aluminium glazed sections.

8.3.3. I note that contemporary extensions are supported as set out in Appendix 17 of the Dublin City Development Plan but the guidance (S17.10) clearly states that these extensions are still required to take account of the afforded design guidance in order to make a positive contribution to the streetscape and the character of the area. Figure 3 of the guidance offers an example of a minimalist contemporary box style extension which would be considered acceptable and it clearly reads as a sub-

ordinate and supporting role to the host house. The proposed two storey extension which is the subject matter of this appeal is very different, with its higher eaves and larger scale, it does not read as sub-ordinate or as a supporting role to the host house.

- 8.3.4. Given the scale of the current design proposal and taking into account the character of the area, I consider the development would be over dominant rather than sub-ordinate to the host semi-detached house. I have taken into consideration the revisions made to the design at additional information stage, however, the scale of the extension would overwhelm the existing house in my view.
- 8.3.5. In relation to the single storey element proposed, I note it would broadly cover the footprint of the front part of the existing ground floor extension positioned to the side of the host house. I consider that it would not detract from the existing dwelling or the character of the area when viewed from the front and would be broadly acceptable.
- 8.3.6. In conclusion, I consider that by virtue of its size, height and scale, the two storey element of the extension would be visually dominant and would not integrate with existing modest host house, resulting in an adverse impact on the scale and character of the dwelling itself and the dwellings in the immediate vicinity of Copeland Grove. Accordingly, I recommend that the development should be refused for reasons of its adverse visual impact on both the property itself and the immediate environment which lie contrary to the provisions of the Dublin City Development Plan 2016-2022 in relation to residential extensions and would therefore be contrary to the proper planning and sustainable development of the area.

#### 8.4. **Residential Amenity**

- 8.4.1. Points raised in the appeal include impact on adjoining residential amenity. Issues of overlooking, overbearing and overshadowing have been referenced. I have read and studied the information available on file and viewed the property and surrounding environment at first hand. I consider the single storey element would not give rise to adverse residential amenity issues and would be acceptable.
- 8.4.2. I note the two storey element of the extension would be positioned to the south of house No.53 and by virtue of its height, orientation and position close to the boundary would result in some **loss of light** to their rear garden proximate close to

their added single storey extension. The sun path diagrams submitted demonstrate that there would be some, albeit slight, increase in overshadowing experienced in March/September. **Overshadowing** or loss of light would not be an issue in respect of No.49 because if the extension would be positioned to its north.

- 8.4.3. In terms of **overlooking**, for the most part this is not an issue in my view as there are no windows positioned directly overlooking either of the neighbouring properties private amenity space to the rear. The extent of glazing shown in Bedroom No.2 is of some concern however due to its potential for indirect overlooking onto the rear garden of No.49. I note the applicant proposes to include a timber fin screen to address this overlooking issue and should the Board be minded to grant planning permission, I recommend that this provision be strengthened by attaching an appropriate planning condition to ensure the rear private garden is not overlooked. I note that there are two long narrow glazed elements proposed in the master bedroom located to the front of the extension but I accept that these are set back from the boundaries and do not overlook the private rear amenity space of No. 53. Overall, I consider that the design does not present unacceptable overlooking issues and the extension would not result in any significant loss of privacy to the residents of adjoining properties.
- 8.4.4. I have addressed the scale of the extension in terms of impact on the character of the house and area under Section 8.3 above. However, in terms of residential amenity, I share the concerns of the appellant and observers that it would be excessive and **overbearing**, most particularly relative to the modest extensions added to No.49 and 53. It would be particularly dominant when viewed from the site of house No.53 given its location relative to their extension and side garden and its height c.1m above eaves level.
- 8.4.5. In conclusion on this part of my assessment, I consider that the two storey element would be overscaled and would be unduly visually dominant and overbearing when viewed from adjoining properties. Accordingly, I recommend that permission should be refused on the basis that it would result in an adverse impact on residential amenity of the neighbouring properties, particularly No.49 and 53 and to a lesser extent No.54.

8.4.6. Note: I considered the alternative of recommending a condition to reduce the scale and extent of the extension in order to address concerns outlined in my assessment above as I accept that a two storey extension can be accommodated at this location. However, it would in my view require a fundamental change to the overall design and not simply minor amendments and therefore I did not pursue this option.

## 8.5. Other

### 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 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.

### Development Contributions

Section 12 of the Dublin City Council Development Contributions Scheme 2016-2020 provides for the following Exemptions and Reductions relative to residential extensions:

- *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 metre).*

Therefore, in compliance with the applicable contributions scheme, having regard to the scale of the extension proposed, if the Board decide to grant permission, it would be appropriate to include a development contribution condition in my view.

## 9.0 Decision

9.1. I recommend that **permission** should be **refused** based on the reasons and considerations set out below.

## 10.0 Reasons and Considerations

1. It is considered that by virtue of its size, height and scale, the two storey element of the proposed development would be visually dominant and would not integrate with its existing modest host dwelling, resulting in an adverse impact on the scale and character of the dwelling itself and the dwellings in the immediate environment, which in turn would lie contrary to the provisions in Chapter 16 the current Dublin City Development Plan 2016-2022 (Development Standards) and its associated guidance provided for residential extensions in Appendix 17 of the Plan which require such extensions to be subordinate in terms of scale to the main unit, to integrate with the existing and adjoining buildings and not detract from the character of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed two storey element of the development, by reason of its scale, height and proximity to site boundaries would seriously injure the residential amenities of adjoining properties, particularly those of No.49 and No.53 Copeland Grove, by reason of overbearing and visual obtrusion on the adjoining dwellings. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

---

Patricia Calleary

Senior Planning Inspector

14 December 2016