



An
Bord
Pleanála

Inspector's Report PL 29S.247241.

Development	Demolition of existing extension, construction of a new extension with pitched roof to the rear of property.
Location	30 Kingsland Parade, Portobello, D8.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	1299/16.
Applicant(s)	Danielle Robinson.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	Jay Clements.
Observer(s)	None.
Date of Site Inspection	3 rd of November 2016 and 15 th of November 2016.
Inspector	Karen Hamilton.

1.0 Site Location and Description

1.1. The two storey mid terrace dwelling is located on a narrow plot along the eastern side of Kingsland Parade, Portobello. There is a two storey extension on the ground and first floor to the rear of the original dwelling with a small yard. Planning was recently refused for retention of the current first floor extension.

2.0 Proposed Development

2.1. The proposed development may be summarised as follows:

- Demolition of existing unauthorised first floor rear flat roof extension (11m²)
- Construct new first floor rear extension with pitched roof (5m²).

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission. Condition of note includes:

- C. 2 which requires obscure glazing on the lower glass pane of the first floor bedroom window.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report from the planner reflects the decision to grant permission and refers to the:

- previous refusal on the site;
- precedent for similar type developments along Kingsland Parade,
- inclusion of glazing on the lower half of the proposed first floor window to prevent overlooking into the rear yards of adjoining properties, and
- recommendation to grant permission.

3.2.2. Other Technical Reports

Drainage Report- No objection subject to conditions.

3.3. **Third Party Observations**

Four observations were received and the main issues raised have been summarised in the grounds of appeal.

4.0 **Planning History**

4.1. 29S.245541 (PA Reg Ref 3343/15)

Permission refused for retention of first floor rear extension. The reason for refusal related to the negative impact of the proposed development on the character and residential amenity of the area.

4.2. In the vicinity

4833/07- Permission granted for construction of first floor extension to rear to align with rear wall and additional ground floor works to No 33 Kingsland Parade.

5.0 **Policy Context**

5.1. **Dublin City Development Plan 2016-2022**

The site is zoned in **Z2** "*To protect and/or improve the amenities of residential conservation areas*".

5.1.1. **Extensions to dwellings.**

16.10.12 Extensions and Alterations to Dwellings: Extension's to dwellings must not have an adverse impact on the scale and character of the dwellings or adversely affect the amenities of the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

Appendix 17: Guidelines to extensions to dwellings

6.0 The Appeal

6.1. Grounds of Appeal

There have been two submissions received from the resident of No 5 and No 7 Martin Street. The issues raised may be summarised as follows:

- The planning authority have ignored the previous an Bord Pleanála reason for refusal for overlooking and the partial glazing is not sufficient to address this impact.
- The projection of the intended roof is still out of context with the neighbours and therefore overbearing.
- The roof profile and eastern wall project in forward of the neighbours which contributes to the massing effect.
- Section 17.9.8 of the development plan 2011-2017 refers to overlooking.
- The scale and height if the proposed development would cause overshadowing on the west facing rear patios.

6.2. Applicant Response

Response received from the applicant's agent may be summarised below:

- The proposed development has been redesigned to reduce the massing.
- The amended design allows for sufficient head room in the first floor extension.
- Adjoining extensions along Kingsland Parade have similar flat roof extensions.
- The proposed location of the first floor window sits in the same location as the original window albeit a different pane.
- Compliance with C. 2 would remove any potential for overlooking.
- The roof line has been amended along the eastern wall.

6.3. **Planning Authority Response**

No response was received from the planning authority.

6.4. **Observations**

None received.

7.0 **Assessment**

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

- Principle of development
- Residential Amenity
- Visual Amenity
- Appropriate Assessment

Principle of development

7.2. The proposed development includes the demolition and reconstruction of a first-floor extension to the rear of an existing terrace 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.

Residential Amenity

7.3. PL29S.245541 included a refusal for retention of a first floor extension for reasons of overdevelopment by way of overbearing and overlooking on adjoining dwellings. This proposal has been resubmitted with a new design to overcome these reasons for refusal. The proposed development includes demolition of an existing 11m² first floor extension to the rear of the property and the construction of a 5m² first floor extension which extends 1.7m from the rear of the current wall and has a pitched roof. The grounds of appeal argue that this amended design does not overcome any of the issues raised in the previous refusal for retention of the existing extension. I have addressed these issues separately below.

Overlooking: The first floor extension includes a window for the bedroom on the rear elevation and no windows along the side elevations. The proposed development includes the reduction in the length of the current first floor by approx. 2m. Section 16.10.12 and Appendix 17 of the development plan provides guidance on the extension and require the privacy of adjoining residents to be considered. The window is 8m from the opposing first floor windows to the rear at Francis Street. C. 2 included a condition that the lower glass pane on this first floor bedroom window is permanently fixed with obscure glass. The grounds of appeal argue that neither the amended design or C. 2 will remove the potential for overlooking. I note the tight urban grain, small plot sizes and location of the rear first floor windows of dwellings in the immediate vicinity and I consider the location of the proposed first floor rear window at a distance of 1.7m from the rear wall of the original dwelling and the inclusion of lower pane obscure glazing acceptable.

Overshadowing: The proposed extension is located to the south of No 31 Kingsland Parade, which has no windows along the side elevations and a small rear yard. The rear private amenity space of the appellant's dwellings are located east of the subject site. No shadow projection drawings have been submitted. The proposed first floor will extend 1.7m from the rear wall of the original dwelling. I do not consider there will be a significant amount of overshadowing to have a negative impact on the amenity of any residential properties on the vicinity.

Overbearing: The proposed first floor extends 1.7m from the rear elevation of the house which is a 2m reduction from the previously refused retention. It is argued by the appellants that the amended design will still cause overbearing on their property. The applicants refer to those extensions permitted in similar manner along Kingsland Parade. Whilst I note that those dwellings directly adjacent to the subject site do not have rear first floor extensions, there is a recent example of a first floor extension three dwellings north at No. 33 Kingsland Parade (4833/07). I consider this is a similar extension and I do not consider it has an overbearing effect on the surrounding area. Therefore, based on the pattern of development in the vicinity and the reduction in the size of the first floor extension I do not consider the proposed development would have an overbearing effect on the surrounding area.

Visual Amenity

7.4. The site is zoned as Z2 where it is an objective *“To protect and/or improve the amenities of residential conservation area”*. The grounds of appeal argue that by reason of scale and bulk the proposal will have a negative impact as it is out of context with the neighbours extensions. The applicant argues that there are extensions along Kingsland Parade which have similar type extensions. I note from site inspection that there was a similar type rear extension to the north of the site., I have discussed this in Section 7.3 with regards to overbearing on adjoining properties. I do not consider this out of character with the surrounding area nor do I consider it has a negative impact on the visual amenity of properties to the rear. I consider the amended design, which removes the bathroom and the additional projection on the first floor, will remove a significant amount of the bulk and mass whilst still allowing for renovation of the terraced dwelling to a modern standard. I note that the proposed development is not visible from the front of the building and therefore I do not consider it to have any significant effect on the character of the streetscape.

8.0 Appropriate Assessment

8.1.1. Having regard to the nature and scale of the proposed development within a serviced urban 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

9.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

10.0 Reasons and Considerations

Having regard to the zoning objective, the design and layout of the proposed development 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 amenities of the area or residential amenity of property in the vicinity. 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 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The lower pane of the bedroom window on the eastern elevation shall be glazed with obscure glass.

Reason: To prevent overlooking of adjoining residential property

3. 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

4. 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.

Karen Hamilton
Planning Inspector

01st of December 2016