



An
Bord
Pleanála

Inspector's Report PL29S.247424

Development	Extension and raised deck on the upper ground floor to the rear of the dwelling.
Location	Florence House, 199 Strand Road, Sandymont, D4.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3460/16.
Applicant(s)	Brian Mc Gettigan.
Type of Application	Permission.
Planning Authority Decision	Spilt Decision.
Type of Appeal	First Party.
Appellant(s)	Brian Mc Gettigan.
Observer(s)	Rich and Una Crowe, Colm and Jeanne Whelan.
Date of Site Inspection	11 th of January 2017.
Inspector	Karen Hamilton.

1.0 Site Location and Description

1.1. The site is located on the west side of Strand Road, Sandymount, Dublin 4, opposite Merrion Strand. This section of Strand Road is predominantly residential and there is a range of house styles and heights situated on individual linear plots. Florence House is a substantial two storey over basement detached period residence with private off-street parking and large front and rear gardens. The site is bounded to the rear by the railway dart line, to the south by a single storey dwelling and to the north by a two storey dormer dwelling.

2.0 Proposed Development

- 2.1. The proposed development includes for the following:
- Extension to the rear at upper ground floor level (8m²),
 - Raised deck at upper ground floor level (35m²).

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission for the extension to the rear at the upper ground floor and refuse the elevated deck for reasons of impact on the residential amenity of the adjoining properties.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the spilt decision and may be summarised as follows:

- The upper floor extension for the bathroom is acceptable in scale and location.
- The proposed deck is raised and located directly adjacent to the party wall, therefore, causing a negative impact on 199B Strand Road, Knocknacura.

3.2.2. Other Technical Reports

Drainage Division- No objection subject to conditions.

3.3. Prescribed Bodies

None requested.

3.4. Third Party Observations

Two submissions were received from the adjoining neighbours and the issues are reflected in the grounds of appeal.

4.0 Planning History

29S.232521 (Reg. Ref. 1091/08)

Permission granted for a rear extension at Florence House. Condition No 2 required the removal of the first-floor proposal, to prevent overlooking on adjoining properties.

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*".

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

5.2. Natural Heritage Designations

The site is located 50m from the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by the applicant in relation to the refusal of the raised deck area and may be summarised below:

- An amended design has been submitted to reduce the width of the deck so it is located 2m from the boundary wall, rather than the original 1.6m.
- The staircase, initially indicated on the left-hand side of the deck, is now relocated to the rear of the deck.
- A 2m high opaque screen is included in the along the northern boundary of the deck to prevent overlooking.
- The decking area is required to allow outside access to a first-floor kitchen area.

6.2. Planning Authority Response

The planning authority refers to the planners report to justify the decision.

6.3. Observations

Two observations were received from adjoining neighbours in relation to the amended design and may be summarised as follows:

- The submitted amended design does not address any of the issues raised in relation to the original submission on the raised deck and it will still have a negative impact on the residential amenity of the adjoining residential properties.
- The increase in separation distance of the raised deck of 400mm is not significant enough to remove the negative impact on the residential amenity.
- There is no clear and unambiguous specification for the panels submitted, therefore there is still potential for overlooking on adjoining properties.

- A submitted report from a specialist on daylight and sunlight access, states based on the bulk and scale of the existing house the sunlight is already restricted to adjoining properties the proposed first floor deck will cause further removal of sunlight.
- Previous permission 29S.232521 restricted access to the flat roof on the first floor.
- The inclusion of the opaque glass will have a negative visual impact on the adjoining properties.

7.0 Assessment

7.1. The following assessment has regard to the revised plans submitted with the applicants' grounds of appeal and includes an amendment to the raised deck area to include a reduction in width of 400mm so it is 2m from the boundary, the inclusion of 2m high opaque boundary along the north of the deck, and relocation of the access steps from the northern side to the rear. No amendments were proposed for the 8m² rear extension, nor have any submissions related to this element of the proposal. I have assessed the small extension and do not consider it has a negative impact and therefore I will only address the issue of the raised deck. Observations on the amendments were received from both third-party objectors. The main issues of the appeal can be dealt under the following headings:

- Residential Amenity
- Visual Amenity
- Planning History
- Appropriate Assessment

Residential Amenity

7.2. Florence House is located between two detached dwellings, a two storey dormer to the north and a single storey bungalow to the south, there is little separation distance along the side of the dwellings. The location of the dwellings, along this section of Strand Road is not uniform and include linear plots with long front and rear gardens. The proposed development includes an 8m² extension for a toilet and deck area of

35m², both cantilevered to serve the living area on the rear first floor of the dwelling. The grounds of appeal argue that the amended design, 2m high opaque screening and relocated access stairs provide sufficient mitigation to prevent any overlooking or overshadowing onto adjoining properties. Observations submitted raised concerns that the submitted design remains unacceptable. I will address the impact of the proposed development on the residential amenity under separate sections below.

Overlooking: The raised deck, cantilevered up to the first floor, will be located 2m from the northern boundary and 5m from the southern boundary. The dwelling located to the north of the site in part directly abuts the northern boundary of the site and contains an internal courtyard with windows on the ground and first floor. I note the proposed increase in height of the boundary treatment along the side of the deck, the use of an opaque screen and the reorientation of the access stairs to the rear of the deck and I consider the amended design would prevent any overlooking onto the private amenity space of the dwelling to the north and the south of the site.

Overbearing: As stated above, the deck will be located on the first floor, 2m from the northern boundary. I note that location of the deck in relation to the courtyard and windows of the property to the north and I consider the amended design submitted by the grounds of appeal, increasing the height and materials of the screen along the northern boundary of the deck, whilst preventing overlooking, will cause a more permanent barrier. Therefore, based on the use of the deck, the amended design and the orientation of the dwelling to the north of the site, I consider the proposed development will have a negative impact on the residential amenity by way of overbearing.

Overshadowing: The proposed first floor raised deck is located 2m to the south of No 199B Strand Road. I note there has been no shadow projection drawings submitted although I note the information submitted from the sunlight and daylight specialist refers to a reduction in sunlight of approx. 161 hrs. Based on the location of the site and the orientation of the proposed development of the south of the adjoining dwelling, I consider the proposed first floor deck, and the inclusion of the 2m high opaque screening, will cause overshadowing on rooms facing onto the courtyard at No 199B Strand Road, therefore having a negative impact on the residential amenity of this dwelling.

Visual Amenity

- 7.3. The proposed development is located on the first floor to the rear of a three storey residential dwelling and based on the unique style and mix in orientation of surrounding dwelling, the proposed raised deck would be visible from the main living areas of the adjoining dwellings. Therefore, based on the elevated height of the deck and the pattern of development of the dwellings to the north and south, I consider the proposed development would have a negative impact on the visual amenity of the residents.

Planning History

- 7.4. PL29S.243273 included a grant of permission for two storey rear extension at the site. Condition No 2 required the omission of the first floor element of the extension to prevent overlooking, overshadowing and loss of daylight. I consider the impact of the first floor decking area a similar type of development which based on the above assessment will have a negative impact on the adjoining residential amenity.

Appropriate Assessment

- 7.5. The subject site is located 50m from the edge of South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA which runs the length of Sandymount coastline. I have assessed the conservation objectives of both sites and the nature of the site and having regard to the nature and scale of the proposed development within a serviced urban area it is considered that no Appropriate Assessment issues the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be REFUSED for the first floor deck, on the reasons and considerations marked (1) under and GRANTED for the first floor bathroom extension, subject to conditions marked (2), as set out under.

9.0 Reasons and Considerations (1)

Having regard to the location, use and design of the proposed first floor deck, it is considered that the proposed development would seriously injure the amenities of the property in the vicinity by reason of an overbearing impact and overshadowing of the property to the north, and would be contrary to the proper planning and sustainable development of the area.

10.0 Reasons and Considerations (2)

Having regard to the zoning objective, the design and layout of the first floor bathroom extension 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. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions (2)

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to An Bord Pleanála, 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 external finishes of the proposed extension, including roof tiles/slates, shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

Karen Hamilton
Planning Inspector

23rd of January 2017