



An
Bord
Pleanála

Inspector's Report PL29S.247478

Development	Erect a first floor extension over an existing ground floor rear extension along with a dormer window.
Location	21 Lauderdale Terrace, New Row South, Dublin 8
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB 1315/16
Applicant(s)	Peter Tansey
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Peter Tansey
Observer(s)	Fergal & Jai Bonner
Date of Site Inspection	08 th February 2017
Inspector	Karla Mc Bride

1.0 Site Location and Description

1.1. The appeal site is located in the Liberties on the south side of Dublin and the surrounding area is residential in character. The appeal premises comprises a 2-storey, mid-terrace, red brick house with small back garden. The existing house has been extended to the rear by the addition of a single storey, full width extension. Several houses in the terrace have single and 2-storey rear extensions. The site is bound to the rear east by a vacant development site with modern office and residential blocks beyond that front onto New Street.

2.0 Proposed Development

2.1. Planning permission is being sought to construct a first floor bedroom and bathroom extension over the existing ground floor rear extension along with a dormer window in the rear roof.

- The site area is c.126sq.m, the existing house is c.79sq.m and the proposed extension would be c. 21sq.m.
- The existing extension is 6.5m deep, 4.5m wide and 3m high.
- The proposed extension would be 6.5-6.7m deep, 4.5m wide & 5.8-7.7m high.
- The proposed dormer window would be located in the rear roof plane and incorporated into the design of the new roof.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse planning permission for one reason:

The proposed development would be contrary to the Guidelines for Residential Extensions as set out under Appendix 25 of the Dublin City Development Plan (General Principles, Daylight and Sunlight, Appearance, Materials Roof Extensions), having regard to the proposed design, materials and scale. The proposed development would have an adverse impact on the scale and character of the existing house and its neighbours while having an

unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of access to daylight and sunlight, contrary to paragraph 17.9.8. of the Dublin City Development Plan 2011-2017. Therefore, the proposed development would be seriously injurious to residential amenity and would set a precedent for similar undesirable development of this scale and character in the vicinity, contrary to the proper planning and sustainable development of the area

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

Planning Officer: Recommended the refusal of permission.

3.2.2. Other Technical Reports

Drainage Division: No objection subject to conditions.

3.3. **Prescribed Bodies**

Transport Infrastructure Ireland: No observations.

3.4. **Third Party Observations**

Two objections raised concerns in relation to excessive depth and height, overlooking/overshadowing/overbearance, visual impact, inadequate drainage information, devaluation and adverse impact on existing and neighbouring houses.

Planning History

Reg. Ref. 5218/07 Permission granted for the construction of 2-storey extension to rear at no. 25 Lauderdale Terrace.

Reg. Ref. 4689/08 Permission granted for the construction of new 2-storey pitched roof extension to rear at no. 18 Lauderdale Terrace

WEB1041/10 Permission granted to construct a 2-storey extension to rear of 26 Lauderdale Terrace.

WEB1016/13 Permission granted to amalgamate the 2 houses at 19 & 20 Lauderdale Terrace to NE of site and construct a single and 2-storey rear extension.

4.0 Policy Context

4.1. Development Plan

The proposed development would be located within an area covered by the Z1 zoning objectives in the Dublin City Council Development Plan 2016 to 2022 which seeks to “To protect, provide and improve residential amenities.”

Extensions and Alterations to Dwellings (Section 16.10.12):

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. Applications 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.

Guidelines for Residential Extensions (Appendix 17):

Guidance is provided in relation to residential amenity, privacy, the relationship between the dwellings and extensions, daylight and sunlight, appearance, subordinate approach, materials, contemporary extensions, roof extension, sustainable design and solar panels. The following items are relevant:

Privacy: windows overlooking adjoining properties should be avoided.

Daylight & Sunlight: two-storey rear extensions to terraced dwellings can result in a loss of daylight to neighbouring houses.

Appearance: the extension should not dominate the existing building and the materials used should ideally be the same as those used on the existing building.

Subordinate Approach: the extension should not be larger or higher than the existing dwelling.

Materials: new extensions should integrate with the original building.

Contemporary Extensions: should not detract from the character of an area.

Roof Extensions: the following principles apply:

- The design of dormers should reflect the character of the area and buildings
- Dormer windows should be visually subordinate to the roof
- Any new window should relate to the shape, size, position and design of the existing doors and windows on the lower floors.
- Roof materials should match or complement the main building
- Dormer windows should be set back from the eaves level.

Solar Panels: should not unduly dominate the roof and should be sensitive to the character, colour and style of the existing roof.

4.2. Natural Heritage Designations

The following NPWS designated areas are located within a 5km radius of the site:

- South Dublin Bay SAC (Site code: 000210)
- South Dublin Bay & River Tolka Estuary SPA (Site code: 004024)
- South Dublin Bay pNHA (Site code: 000210)

5.0 The Appeal

5.1. Grounds of First Party Appeal

Third bedroom:

- Additional bedroom required to accommodate a growing family and neighbouring extensions do not provide a third bedroom.
- The depth of the extension to the rear of no.18 was reduced to 4m which had consequences for design and space and the 2 houses at nos.19/20 have been amalgamated into a single 3-bedroom house.

Plot size:

- Long rear gardens allow for generous extensions which do not constitute overdevelopment and the plot size could accommodate a 3-bedroom house.
- The proposed extension would have little or no impact on Nos. 19 and 20 as:
 - the shadow will mainly fall on the roof of the flat roofed extension and not the first floor bedroom window;
 - the large double height S facing window provides light to the ground floor which will not be affected.
 - The double height window to the N will not be affected.
 - Additional sunlight diagrams submitted.

Design:

- The wall would drop below the eaves level to reduce the size and impact of the extension on its neighbours.
- The roof line drops and rises to reduce the mass of the extension and to provide articulation of the dominance of the main house over the extension.
- The glazing at first floor level comprises 2 layers of glazing c.400mm apart, to allow for plants to grow c. 700mm above the FFL of the first floor.

- The Douglas fir construction will sit on the existing parapet walls, the structure will have a “rainscreen” covering in cedar wood which will mellow to silver.

Proposed modifications:

- The roof vertices heights can be lowered in places (drawing attached)
- The rear window can be setback 300mm and the overhang by 500mm.
- The cedar cladding could be replaced with zinc.

5.2. Observations

One observation received from Fergal and Jai Bonner:

Response to First Party appeal:

- Drawings do not show a 3rd bedroom and the space is shown as workspace.
- The houses were originally 3-bed current space standards are not relevant to old houses and should not be used to justify inappropriate extensions.
- The 4m depth condition imposed on no.18 may not have led to the inadequacies in the internal layout, it was simply a poor design response, and there are significant overlooking and overshadowing problems at no.17.
- It is not necessary to build an extension beyond 4m in length to achieve an extra bedroom and design solutions should be found within this constraint.
- The proposed internal layout at nos.19/20 is different from that described by the applicant and the bedroom will be affected by loss of light and overshadowing (Shadow Analysis attached).
- Proposed extension does not comply with the criteria in Appendix 25 (17) and more detailed design drawings are required.
- The proposed 300mm and 500mm set backs are insufficient in terms of planning, overlooking, overshadowing, light amenity and overbearance and more detailed drawings would be required.

- The applicant has given incorrect dimensions for the other permitted 2-storey rear extensions in the area.
- The proposed extension breaks the existing eaves level, the design has no regard for the existing roof pitch along the terrace and it is too high.
- Proposed extension would give rise to excessive overshadowing and overlooking of neighbouring properties and overbearance.
- Natural slate has been used in to refurbish neighbouring roofs, adverse visual impact on the integrity of the terrace and the proposed roof is out of character with the area, surrounding buildings and the age and appearance of the existing building, and it is not subordinate to the roof slope.

5.3. Applicant's Response

- The application is based on providing a family dwelling.
- Limiting the depth to 4m puts pressure on the existing house.
- The amendments include a break between the terrace roof and the extension.
- Additional drawings submitted to describe proposed amendments to design.
- The neighbouring bedroom at nos.19/20 is lit by two windows.
- The design has regard of the neighbouring properties.
- No noticeable impacts on no.19/20 in terms of light and spatial amenity.
- Proposal has been modified and clarified in the appeal submission.
- Design complies with Development Plan standards to provide a contemporary family home in the city centre.
- High quality design enhances the house and responds to the plot and context.

5.4. Planning Authority Response

- No response.

6.0 Assessment

The main issues arising in this case are:

- Principle of development
- Visual amenity
- Residential amenity
- Other issues

6.1. Principle of development

The appeal site is located within an area covered by the “Z1” zoning objectives in the current Dublin City Council Development Plan which seeks to “To protect, provide and improve residential amenities.” The proposed development would be compatible with this objective subject compliance with the criteria set out in Appendix 17 of the Development Plan in relation to Residential Extensions.

6.2. Visual amenity

The appeal site is located in the Liberties area of Dublin. Lauderdale Terrace is not covered by any sensitive heritage designations although there are a number of Protected Structures in the vicinity. The surrounding area is characterised by small 2-storey, red brick, terraced houses with rear gardens. Several of the houses to the NE and SW of the appeal premises have the benefit of single and two storey extensions. The SE section of Lauderdale Terrace backs on to a vacant development site with commercial and residential blocks beyond.

The appeal premises at no.21 has an existing single storey rear extension which is c.6.5m deep. The neighbouring houses to the NE at nos.19 and 20 have been amalgamated into a single house although both front doors were retained to protect the character of the streetscape and these houses have been extended to the rear. There is a single storey extension to the rear of no.19 and a 2-storey extension to the rear of no.20. The SW facing elevation of the 2-storey extension is defined a

large window at first floor level with a double height window in the rear SE facing elevation at ground and first floor levels. The neighbouring house to the NE of nos. 19/20 at no.18 has a 2-storey pitched roof rear extension. The single and 2-storey extensions to the rear of no.18 and nos.19/20 are c.4.5m deep.

The existing single storey, flat roofed, full width extension to the rear of no.21 is c. 6.5m deep, 4.5m wide and 3m high and the remaining c.47sq.m. garden is c.10.5m long and c.4.5m wide. The proposed c.21sq.m. first floor extension would be located over the existing ground floor extension and it would comprise a bedroom and small bathroom. The proposed extension would be c. 6.5m to 6.7m deep, 4.5m wide and 5.8 to 7.7m high.

The proposed extension would have a contemporary design. The proposed roof would be a similar height to the roof ridge of the existing house and it would extend eastwards to partially overhang the SE elevation of the proposed and existing extensions. There would be a small gap between the existing and proposed roofs and a dormer window would be inserted into the existing roof plane at this point. The proposed roof would comprise a series of geometrical shapes which would rise up from the NE and SW elevations to a maximum height of c.7.7m. The external materials would comprise a mix of timber and aluminium cladding with extensive glazing along the rear elevation. A solar panel would be installed on the SW facing roof. The applicant proposed some minor modifications to the scale of the roof during the course of the appeal process which are not considered to be significant.

Section 16.10.12 of the current Development Plan states that residential extensions should not have an adverse impact on the scale and character of the dwelling, and Appendix 17 requires that extensions to existing houses comply with a list of criteria related to appearance, residential amenity and the relationship to the existing house although it does not prohibit contemporary designs.

The appeal premises is not a protected structure and it is not located within a conservation area. The proposed extension would have a contemporary modern design. It would be located to the rear of a mid-terrace house and it would not detract from the appearance of the house or the terrace, and it would not be visible from the public domain. Although it would be visible from the neighbouring commercial and residential blocks to the E, any future building on the intervening vacant development site would block the structure from public view.

Notwithstanding the above, the proposed 2-storey structure would be highly visible from the neighbouring rear gardens to the NE and SW. The structure would extend beyond the established rear building lines of the neighbouring extensions by more than 2m. Having regard to the narrow plot widths and small rear gardens, taken in conjunction with the proposed height, scale and bulk, the proposed development would be unacceptably overbearing when viewed from the neighbouring gardens.

6.3. Residential amenity

The proposed development would provide for an acceptable level of residential amenity in line with Development Plan standards and the existing rear garden would not be reduced in size as a result of the proposed works which is acceptable.

Section 16.10.12 and Appendix 17 of the Development Plan states that residential extensions should not have an adverse impact on the amenities of adjacent buildings in terms of privacy, access to daylight and sunlight, and appearance.

The proposed first floor extension would not have any windows in the SW facing elevation and it would be located to the NE of the neighbouring houses which would not be overlooked or overshadowed to any significant extent.

The appeal premises and its relationship with the neighbouring houses to the NE is described in detail in section 6.2 above. The contents of the various shadow analysis drawings submitted by the applicant and the observers are noted, as are the proposed minor modifications to the scale of the proposed roof.

The proposed extension would be located to the SW of the neighbouring amalgamated house at nos.19/20 which has a single storey extension to the rear of no.20 and a 2-storey extension to the rear of no.19. The proposed first floor extension would not have any windows in the NE facing elevation and the neighbouring house and extensions would not be overlooked which is acceptable. Having regard to the design and bulk of the proposed structure, the first floor extension would be higher in close proximity to the site boundaries with no.19/20 than the neighbouring extensions are to their site boundaries with no.21 and no.18. The proposed extension would also extend beyond the rear building lines of the existing single and two storey extensions at nos. 19/20 and no.18 by more than 2m.

Having regard to the pattern of development in the area, including the narrow plot widths and short rear gardens, and to the bulk, height, and depth of the proposed first floor extension, and its orientation to the SW of the neighbouring properties, I am satisfied that the proposed development would cast any additional shadow over the neighbouring sites for a large part of the day. The proposed development would therefore have an adverse impact on the residential amenities of the area by way of overshadowing and loss of daylight, in addition to the aforementioned overbearance.

This impact could be minimised by reducing the scale and depth of the proposed extension so that it would not extend beyond the established rear building line. However, the applicant has indicated an unwillingness to reduce the depth of the extension for internal functional reasons. Furthermore, having regard to the unusual design of the roof, the entire structure would probably have to be redesigned which could be beyond the scope of a planning condition.

Having regard to the foregoing, the proposed development would seriously injure the residential amenities of neighbouring properties by way of overshadowing and overbearance, in contravention of section 16.10.12 and Appendix 17 of the Plan. The proposed development would therefore be contrary to the proper planning and sustainable development of the area

6.4. **Other issues**

Appropriate assessment: Having regard to the long established built up character of the area and the separation distance with the nearest European site, the proposal would not have an adverse effect on the integrity of any sites in the wider area.

Environmental services: The proposed arrangements are considered acceptable subject to compliance with the requirements of Irish Water, the planning authority.

7.0 **Recommendation**

I recommend that planning permission should be refused for the following reasons and considerations.

8.0 Reasons and Considerations

1. Having regard to the provisions of the Dublin City Development Plan 2016-2021, including section 16.10.12 and the criteria contained in Appendix 17 (Guidelines for Residential Extensions); the pattern of residential development in the surrounding area; the relationship with adjoining residential sites; and the scale, bulk, height and depth of the proposed first floor extension; the proposed development would have an adverse impact on the residential amenities of neighbouring properties by way of overshadowing and overbearance. The proposed development would also set a precedent for similar undesirable development of this scale and character in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Karla Mc Bride

Senior Planning Inspector

10th February 2017