



An
Bord
Pleanála

Inspector's Report PL29S.247540

Development	1 st floor extension over existing single storey dwelling and 2 storey extension to side.
Location	7 Willowfield, Sandymount, Dublin 4
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2477/16
Applicant(s)	Frank Crawley
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Damien Rutledge Deirdre Young WILF Ltd.
Observer(s)	Bernie O'Donnell
Date of Site Inspection	9 th January 2017
Inspector	Rónán O'Connor

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	3
3.3. Prescribed Bodies	4
3.4. Third Party Observations	4
4.0 Planning History.....	4
5.0 Policy Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations	5
6.0 The Appeal	5
6.1. Grounds of Appeal	5
6.2. Applicant Response	6
6.3. Planning Authority Response.....	7
6.4. Observations	7
6.5. Further Responses.....	7
7.0 Assessment	7
8.0 Recommendation.....	10
9.0 Reasons and Considerations.....	10
10.0 Conditions	10

1.0 Site Location and Description

- 1.1. The appeal site is located within the Willow Field housing estate, accessed off Park Avenue, Sandymount. On the appeal site is an end-of-terrace single storey dwelling. This single storey dwelling is part of a terrace of 6 properties, the remaining 5 of which are two-storey.
- 1.2. There is parking to the front of the properties with an area of communal amenity space to the rear. The dwellings in the terrace have no private rear garden area.
- 1.3. There is a gated side passageway which is included within the boundary of the appeal site which leads to the rear of the site and to the communal area. The communal area is also accessible from the rear of each property.

2.0 Proposed Development

- 2.1. The proposed development consists of the following elements:
 - Two-storey extension to the side of the property over the area of the existing side passageway.
 - First-floor extension over the existing single-storey property.
- 2.2. The existing single storey dwelling on the site principally comprises an open plan kitchen/dining/living room, one bedroom and a conservatory. The proposed development would result in a ground floor living room, a kitchen/dining area, as well as two bedrooms and a bathroom at first floor level.

3.0 Planning Authority Decision

3.1. Decision

Grant permission with conditions. There are no conditions of particular note.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Requested additional information in relation to (i) legal ownership of side passage (ii) status of rear garden i.e. is it private or communal (iii) plans showing how the proposed roof ties in with the adjoining property at No. 8 Willowfield.
- Report concludes that the issues above were satisfactorily addressed after receipt of additional information. Of particular note are the revised drawings received, showing an altered first floor extension which maintains the eaves overhang of No. 8 Willowfield.
- Planning Officer considered that the proposed extension would significantly improve the residential amenity of the dwelling and would not significantly impact on the residential amenities of the adjoining properties.
- Recommendation was to grant permission.

3.2.2. Other Technical Reports

Drainage – No objection.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

- 3.4.1. The Planning Authority received twenty letters of objection. The issues raised are covered in the grounds of appeal.

4.0 Planning History

- 4.1.1. There is no planning history on this site. Relevant planning history in relation to neighbouring sites is set out below.
- 4.1.2. No. 6 Willowfield - 2502/07 - Grant permission for construction of a ground floor extension to the side and rear of existing end of terrace single storey house.
- 4.1.3. No. 35 Willowfield - 3057/05 - Refuse permission for 2-storey extension at rear for one reason relating to standard of accommodation provided and a deficiency in open space.

5.0 Policy Context

5.1. Development Plan

5.1.1. 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.

5.1.2. Relevant sections of the Dublin City Development Plan 2016-2022 include:

- Paragraph 16.1.2 of the Plan relates to Residential Quality Standards
- Paragraph 16.10.12 of the Plan relates to extensions to residential properties
- Appendix 17 of the Plan provides guidance on residential extensions.

5.2. Natural Heritage Designations

5.2.1. None

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal as raised by the appellants (the immediate neighbour, leasehold owner of the common areas of the estate and the Park Lane Medical Centre) are as follows:

- Impact on Landscape Character
- Impact on Drainage/No drainage information
- Access issues
- Contrary to the conditions of Indenture
- Land ownership issues
- Impact on roof and wall of No. 8 Willowfield
- Inadequate consideration of the Development Plan
- Air and Noise Pollution

- Proposals are unsuitable to the area
- Impact on visual amenity
- Impact of construction
- Building regulation issues
- Proposal is effectively demolition and rebuild of the existing house and this is not mentioned in the application title.
- Any permission would be inconsistent with previous refusals on the estate
- Drawings have inadequate explanation of the treatment of the pillars and boundary wall.
- Object to foundation disturbance
- Will overlook the medical centre/treatment rooms.

6.2. Applicant Response

- Proposed development designed to match in with the adjoining development
- Not excessive in scale
- Information as submitted in the further information shows a revised relationship with the adjoining property at No. 8.
- 1st floor frontage is in line with the ground floor building line of No. 8.
- Gate existing which delineates ownership of side passage.
- Other entry and exit points to the rear communal gardens.
- No requirement to submit construction management details/SUDS for this type of development.
- Drainage division have no objection to the proposals.
- Previous refusal considered under previous development plan and was refused due to substandard accommodation.
- Planning Authority has no obligation to carry out a drainage assessment/No significant increase in runoff.

- Access will not be affected
- Provided evidence of land ownership/land ownership is a legal matter.
- Noise and air pollution issues have been addressed in the planning conditions.

6.3. **Planning Authority Response**

6.3.1. No further comment to make.

6.4. **Observations**

6.4.1. One observation was received from Bernie O'Donnell, 74 Willowfield. This can be summarised as follows:

- Original design of the estate has not been altered since construction.
- Proposal will distort the original design
- Residents wish to enjoy their homes without fear of disruption.
- Will open door to speculators.
- Owner should sell and buy an existing two-storey house.

6.5. **Further Responses**

6.5.1. A further response to third Party submissions was received from Delahunty and Harley on behalf of one of the appellants. This concurs with the grounds of appeal submitted by the two other appellants.

7.0 **Assessment**

7.1. In my assessment of the proposal I refer to the original application drawings as well as the revised drawings received as part of the further information submission.

7.2. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

- Principle of Development

- Design
- Residential Amenity
- Other Issues

7.3. Principle of Development

- 7.3.1. The proposed development refers to the extension of an existing dwelling located in an area zoned Zone Z1 'To protect and improve residential amenities'. In such zones residential extensions and alterations to an existing dwelling for residential purposes are permissible uses.
- 7.3.2. As such the proposed extensions are acceptable in principle subject to all other planning considerations being satisfactorily addressed.

7.4. Design

- 7.4.1. I note the existing layout of the estate and the existence of a single storey dwelling at the end of each terrace. However, I do not consider that the existence of these single storey properties precludes a first floor element above, subject to the appearance of the extension being acceptable. Furthermore, I do not consider that these single storey elements contribute substantially to the overall design quality or character of the estate. I consider that the additional storey would be more in keeping with the existing two-storey properties within this terrace. As such there is no design objection to the principle of a first floor extension in this instance.
- 7.4.2. In relation to the existing building line, the first floor extension sits forward by 1.1m from the main front elevation of No. 8 Willowfield but sits behind the line of the front porch of that dwelling. I note that the building line of this terrace of properties is already broken by the existing single storey property on the appeal site. As such I have no design objection to the extension's positioning in relation to No. 8 Willowfield and to the remainder of the terrace of properties.
- 7.4.3. The proposed first floor extension has the same ridge height as adjoining terrace and is set back from the ground floor element. The two-storey side extension is limited in its area and confined to the existing side passage. Overall the bulk, scale and mass of the proposed extension is in keeping with the existing properties within this terrace and is therefore considered to be acceptable.

7.4.4. In relation to visual amenity, I note the extensions will be visible from the public realm. However, the proposals are acceptable in terms of overall appearance and are in keeping with the existing two-storey properties on the estate and as such the visual impact of the proposed development is acceptable.

7.5. **Residential amenity**

7.5.1. The potential impacts relate to overshadowing of adjoining properties, loss of outlook, overlooking/loss of privacy and access to the rear communal space.

7.5.2. In relation to overshadowing, the orientation of the extension in relation to neighbouring properties is such that no loss of daylight or overshadowing will result.

7.5.3. The proposal sits slightly forward of the first floor window of No. 8 Willowfield. However, it is sufficiently set back from this window to ensure no loss of outlook will result.

7.5.4. In relation to loss of privacy/overlooking of neighbouring residential properties, the proposal replicates the existing window-to-window distances of the existing properties on the estate and as such is considered acceptable.

7.5.5. In relation to the access to the rear communal space, I note that the two-storey side extension is proposed for the area where there is an existing side access. The applicant has stated that this is within his ownership and evidence of title was submitted to Dublin City Council as part of a further information request. This includes a title map which appears to show the land in question as being within the ownership of the applicant.

7.5.6. Legal disputes in relation to land ownership are not a planning matter *per se* but the issue of access to the communal space is a material consideration. In this regard, I note that there is access to the communal area to the rear from each property. As such the development will not prevent access to the communal garden area.

7.5.7. In relation to the impact on the Park Avenue Medical Centre, I note that this building lies approximately 20m from the appeal site. I do not consider that the introduction of windows on the first floor would lead to overlooking of the medical centre given the distance involved.

7.5.8. In term of impacts arising from the construction period, it is noted that these impacts are temporary and are necessary to complete the proposed development.

Furthermore, given the relatively minor scale of development, I do not consider that these impacts would be significant.

7.5.9. Overall I conclude that the impact on residential amenity is acceptable.

7.6. **Other issues**

7.6.1. 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.

7.6.2. As noted above that the issue of ownership relative to third party lands/boundaries is a civil matter and I do not propose to adjudicate on this issue. I note here the provisions of S.34(13) of the Planning and Development Act and Chapter 5.13 'Issues relating to title of land' of the 'Development Management - Guidelines for Planning Authorities' (DoECLG June 2007).

8.0 **Recommendation**

8.1. In view of the above, it is recommended that permission be granted for the proposed development, subject to conditions.

9.0 **Reasons and Considerations**

9.1.1. Having regard to the residential zoning objective for the area, to the pattern of development in the area and to the scale and nature of the proposed development, it is considered that, subject to compliance with conditions below, the proposed development is acceptable having regard to design and would not seriously injure the visual or residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the

further plans and particulars submitted on the 28th day of September 2016.

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.

3. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

Rónán O'Connor
Planning Inspector

23rd January 2017