



An
Bord
Pleanála

Inspector's Report PL29N. 247599

Development	Extension to house
Location	17 Oxmantown Road, Dublin 7
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3680/16
Applicant	Caitriona Finn
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellants	Paul Dunphy and Peter Wolohan
Observer	None
Date of Site Inspection	10 th February 2017
Inspector	Stephen J. O'Sullivan

1.0 Site Location and Description

1.1. The site is in Dublin's north west inner city. It has a stated area of 92m². It consists of the curtilage of a two-storey terraced house with a stated floor area of 58m². It lies in an area characterised by other Victorian terraced housing. The front of the terrace faces south-west. There is a small single storey rear return along the south eastern side of the site. The boundary with the appellants' house to the north-west is marked by a timber screen fence c1.8m high which runs from the back wall of the main houses. There is a kitchen extension to the rear of the appellants' house that extends for c5m from the back wall of the main house along the north-eastern boundary of that curtilage. It is set back c1.4m from the boundary with the appeal site. It is not consistently shown on the submitted drawings.

2.0 Proposed Development

2.1. It is proposed to build a single storey extension at the back of the house. The stated floor area of the extension is 16.8m². It would have a flat roof 3.5m high. The internal floor to ceiling height would match that of the existing ground floor rooms in the house at 2.8m. It would replace an existing kitchen return and shed. It would extend 4.8m across the full width of the site. It would extend 4.87m from the back wall of the main house. A yard of 16m² would remain at the back of the site.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant to 5 conditions. Condition no. 2 required the height of the extension to be reduced from 3.5m to 3m.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Previous grants of permission for single storey rear extensions in the area have established the principle of this type of development as acceptable cf Reg. Ref. 3816/15 at 31 Carnew Street and 5546/16 at 123 Oxmantown Road. The objection

from the neighbours at No. 15 was noted, as was the fact that their property has a rear extension whose eastern wall includes windows that face the boundary with the appeal site at a distance of 1m to 1.5m. The proposed extension would have a considerable impact on the objector's property, but this could be rendered acceptable by reducing its height to 3m. A grant of permission with a condition to this effect was recommended.

3.3. Third Party Observations

The appellants raised their concerns about the proposed development which were similar to those raised in the subsequent appeal.

4.0 Planning History

No previous planning applications on this site were mentioned by the parties.

5.0 Policy Context

5.1. Development Plan

The Dublin City Development Plan 2016-2022 applies. The area is zoned under objective Z2 as a residential conservation area. Guidance for residential extensions is provided at section 16.10.12 of the plan which states that applications for planning permission 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 and not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight. Appendix 17.6 states that large single storey or two-storey extensions to semi-detached houses can, if they project too far from the main rear elevation, result in a loss of daylight and sunlight received by adjoining properties.

6.0 The Appeal

6.1. Grounds of Appeal

- The appellants live in the neighbouring house to the north-east at No 15.
- The proposed extension would unduly reduce the light available at their property, blocking three main ground floor windows including one in the living room and two at the kitchen.
- The extension would be too close to the windows and door on the appellants' house. It would overbear their property and give it a claustrophobic feeling.
- The proposed extension would significantly devalue the appellants' property.
- An appropriate extension could be provided at No. 17 similar to that erected on the appellants' property or to the house on the opposite side of the lane. The extension should be no more than 2m high on the boundary, possibly rising to a pitch 2.5m high.
- The house on the site may be sold.

6.2. Applicant Response

- The applicant determined in consultation with her architect that a flat roofed extension running across the width of the back garden would be best, allowing an open plan extension that maintains the ceiling heights of the existing house.
- The extension authorised by the council would rise 1m above the existing trellis fence on the boundary. There are many precedents in the area for the type of extension which is being proposed. This is a very built-up inner city area with houses and extensions in very close proximity to one another. When extending it is extremely hard not to have an impact on one or more neighbouring houses. The applicant has been mindful of her neighbour's concerns and discussed her proposals with them.
- The alternative proposals for extension put forward in the appeal would be a narrow galley style kitchen and would not provide the main living area

required by the applicant. A lower roof height of 2m would not enable a proper internal floor to ceiling height.

- The applicant wishes to create a main living area in the extension precisely to make the house her long-term home

6.3. **Planning Authority Response**

- The reduction in the height of the extension contained in condition no. 2 of the planning authority's decision would address the planning issues raised in the appeal.

7.0 **Assessment**

7.1. The proposed extension would not affect the architectural character of the area. It would not overlook any other property. An adequate level of open amenity space would remain on the site. The parties' future intentions about the ownership of their houses and their prior discussions about the proposed development are not material to the current case. Given the orientation of the site and the position of the original rear returns to the houses, the proposed development would not be unlikely to interfere with the amenities of the adjoining property at No. 19.

7.2. Therefore issue in the current appeal is the impact of the proposed development on the appellants' property at No. 15. The proposed extension would significantly reduce the daylight and sunlight available through the window serving the living room at ground floor level at No. 15. It would also seriously impinge on the outlook available from that window. These impacts would not be significantly mitigated by the reduction in height of 0.5m required by condition no. 2 of the planning authority's decision. They would seriously injure the residential amenity of the house at No. 15. A window facing a side boundary of a residential property would not normally be afforded the same outlook and light as one at the front or back of a house. However the proposed development would also unduly overlook and overbear the kitchen window at the appellants' house, exacerbating its injury to residential amenity.

7.3. The house at No. 17 is not large. The applicant's stated motivation for the size and form of the proposed extension is understandable. However it fails to have proper regard to the impact of such an extension on the neighbouring property to the north-

west given the dimensions and orientation of the housing plots in this area. It is not considered that a rear extension whose width and height matched that of the ground floor of the existing house on the site could be designed that would protect the residential amenity of the neighbouring house as it currently stands, and so the impact of the proposed extension could not be adequately remedied by alterations required under a condition attached to a permission. Prior decisions by planning authorities are not generally regarded as precedents for the board to follow. To do so would undermine the utility of an appeal system, and the most pertinent decision by a planning authority in any case would be the one that is actually under appeal.

8.0 Recommendation

8.1. I recommend that permission be refused for the reason set out below.

9.0 Reasons and Considerations

The proposed development would unduly overshadow and overbear windows serving habitable rooms on the ground floor of the neighbouring house to the north-west. It would therefore seriously the residential amenity of property in the vicinity of the site.

Stephen J. O'Sullivan
Planning Inspector

13th February 2017