



An
Bord
Pleanála

Inspector's Report PL29S.247611

Development	Demolish extension and shed and erect 2 storey extension to side, convert attic, new door and canopy to side entrance.
Location	23 Lea Road, Sandymount, Dublin 4
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3655/16
Applicant(s)	Ronan & Claire Cormican
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	David Reddy Finola Cassidy
Observer(s)	Kathy Herbert
Date of Site Inspection	09 th February 2017
Inspector	Rónán O'Connor

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1.0 Site Location and Description

- 1.1. The appeal site is located on Lea Road in Sandymount, an area characterised by two storey predominately semi-detached dwellings. The site is occupied by a semi-detached dwelling located on a site of 511 sq. metres.
- 1.2. The existing dwelling has one off-street car parking space accessed off Lea Road and a small front garden and a large garden to the rear.
- 1.3. The surrounding area is residential in nature.

2.0 Proposed Development

- 2.1. The proposed development comprises the following elements:
 - Demolition of existing extension and shed to the side.
 - Construction of a new two-storey extension to the side, canopy over side passage, new part two-storey, part single-storey extension to the rear.
 - New entrance door and canopy to the front.
 - Conversion of the existing attic space to include dormer window to the rear and roof lights to the front and rear.
 - Widening of vehicular entrance onto Lea Road.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant permission – Conditions of note include:
 - Condition 3 – maximum width of dormer to be 2.2m, new master bedroom window to be reduced in width to 2.4m

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority. The following is of note:

- Planning Officer states that there will be an impact on late afternoon/evening sun at No. 22 but is not so serious that it would warrant a refusal of permission.
- Extension not considered to be excessive in scale.
- Context of the site allows for increased height.
- Recommendation was to grant permission.

3.2.2. Other Technical Reports

Drainage – No objection

Roads – No objection

3.3. Prescribed Bodies

3.3.1. None

3.4. Third Party Observations

3.4.1. Three submissions were received in relation to the application. The issues raised are covered in the grounds of appeal.

4.0 Planning History

Appeal Site

4.1.1. There is no recent planning history on this site.

Neighbouring Sites

4.1.2. 24 Lea Road – 3654/16 - Grant permission for extensions and dormer.

4.1.3. 15 Lea Road – PL29S.245820 (3612/15) Grant permission for extensions and dormer.

4.1.4. 25 Lea Road – WEB1181/13 – Grant permission for extensions.

- 4.1.5. 27 Lea Road - PL 29S.227990 – (6685/07) Grant permission for extensions and dormer.
- 4.1.6. 28 Lea Road - PL 29S.226501 – (4945/07) Grant permission for extensions.
- 4.1.7. 18 Lea Road - 2256/04 - Grant permission for extensions.

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 16.10.12 of the Plan relates to extensions to residential properties
 - Appendix 17 of the Plan provides guidance on residential extensions

5.2. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

- Soakaway system not suitable for the site as can lead to groundwater flooding.
- No consultation on proposals.
- Proposal is 125% bigger than the existing house.
- Extension should be viewed in the context of permission at No. 24 Lea Road.
- Design could have been amended to minimise impact on No. 22 Lea Road.
- Loss of light/overshadowing.
- Loss of light will leave outdoor areas damp and constitutes a safety risk.

- Appellant requires mobility aids due to health condition.
- Parapets are unnecessarily high.
- Discrepancy in ground level between sites results in greater impacts on amenity.
- Inclusion of a 'Plant Room' in the attic space is of great concern.
- Similar to extension at No. 27 Lea Road which has caused problems for No. 26.
- Proposal not in compliance with the Development Plan.
- Extension is closer to No. 22 than stated in Planning Officer's report.
- Permission should be refused and plans revised.
- Design changes would reduce impact on the amenity of No. 22.
- Extension would result in overlooking – windows to be side should be obscure glass – boundary wall not shown correctly.
- Not all windows are shown on the plans.
- Applications must be considered on their own merits.
- Condition in relation to materials should be more specific.
- The proposed canopy is not in keeping with the original design of the house.
- Hours of operation are inappropriate.

6.2. Applicant Response

- Disagree that amenities of No. 22 will be adversely affected.
- Set back the extension by 150mm following discussions with No. 22.
- Shadow analysis (submitted) shows extent of overshadowing.
- Cannot be compared to extension at No. 27.
- Floor area of the extension is 101.1% larger than the original house.
- This is consistent with other planning permissions.

- Plot ratio and site coverage percentage is relevant in this instance.
- Examples of other planning permissions in the area are included as an Appendix.

6.3. **Planning Authority Response**

No response.

6.4. **Observations**

Observation submitted from the occupant of No. 24a Lea Road. The issues raised are as follows:

- Detailed objection was ignored by the Planners.
- Size of the extension.
- Inaccurate and missing information.
- Overlooking.
- Overshadowing.
- Drainage and flooding concerns.

7.0 **Assessment**

7.1. 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 and visual amenity
- Residential Amenity
- Other Issues

7.2. **Principle of Development**

7.2.1. The site is located within Zoning Objective Z1 with the objective “to protect provide and improve the amenities of residential areas”. There is also an overriding objective to provide for sustainable residential neighbourhoods.

7.2.2. The development proposed is an extension to a dwelling within an established residential area in an area zoned residential. The principle of the proposed use is a use in accordance with the zoning provisions of the plan. The principle of extending the dwelling is therefore acceptable.

7.3. **Design and Visual Impact**

7.4. The site occupies a visually prominent site on Lea Road, as a result of its location on the bend in the road, which results in the side of the dwelling being more visible than would otherwise be the case.

7.5. The proposal for a two-storey side extension, and a part two-storey, part single storey rear extension and a dormer extension, is acceptable in principle, given the other examples of permissions for similar developments in the area. However, the side and rear extensions, as proposed, are excessive in scale, bulk and mass and do not demonstrate subservience to the existing dwelling, contrary to guidelines in Appendix 17 of the Dublin City Development Plan. This is exacerbated by the visual prominence of the site. However, I consider that there is scope to amend proposal as follows:

- Increase set back of side extension to 1m,
- Reduce height of side extension to 0.5m below the ridge level of the main dwelling.
- Rear and Side extension should be set in from the boundary by an additional 0.5m.
- Height of both the two-storey and single storey rear extensions should be reduced by 0.5m.

7.6. Subject to the above amendments, the proposed extension would then demonstrate subservience to the existing dwelling and the height bulk and mass of the side and rear extensions would be acceptable.

7.7. In relation to the dormer extension, this is acceptable in scale and appearance.

- 7.8. In relation to the appearance of the rear extensions, I do not consider the opening double doors and full height glazing to the first floor bedroom (bedroom 2) to be appropriate in appearance. These double doors should be replaced by a window of a more standard appearance, with a maximum width of 2m and a maximum height of 1.5m.
- 7.9. The proposed canopy is not a feature that is established in the surrounding area. However, I note that a smaller canopy has been consented at No. 24 Lea Road and that this is limited to an area over the entrance door. As such I consider it appropriate to allow a similar canopy in this instance. The scale of the canopy should be reduced by way of condition.
- 7.10. In relation to the visual impact from the public realm, subject to the side and rear extensions being reduced in height, bulk and mass, the impact of the proposed development on the appearance of the dwelling from the street is considered to be acceptable.
- 7.11. Residential Amenity**
- 7.11.1. The potential impacts relate to overshadowing of adjoining properties, loss of outlook, and overlooking/loss of privacy.
- 7.11.2. In relation to the impact on No. 24 Lea Road, the rear extension is set back sufficiently from the boundary so as to ensure that there is not a detrimental impact on the residential amenity of this property, having regard to overshadowing.
- 7.11.3. In relation to the impact on No. 22 Lea Road, this property has an existing single storey rear extension with windows facing towards the rear garden and also towards the appeal site. I note that this appellant has stated that her health issues means that she benefits greatly from the sun serving this rear extension. While the health issues noted are not a material planning consideration *per se*, the issue of overshadowing of this property is, and accordingly is assessed below.
- 7.11.4. I concur with the Local Authority's view that the late afternoon and evening sun will be impacted, affecting the side windows of the rear extension of No. 22 Lea Road. However, this room is also served by large south-east facing windows facing onto the rear garden and I do not consider the impact is sufficient to justify a refusal in this instance. In any case any impact on these windows will be reduced by the reduction in height and width of the side and rear extensions required by way of condition.

- 7.11.5. I note there are windows to the side elevation of No. 22 which are not shown on the existing or proposed plans. These serve a bathroom and landing area. Given the distance from these windows to the proposed extensions, I do not consider that overshadowing of these windows will occur.
- 7.11.6. Having regard to outlook, I consider that any impact will be reduced to an acceptable degree as a result of the amendments outlined above.
- 7.11.7. In terms of overlooking and loss of privacy, I note there are windows proposed to the side elevations facing No. 22. The windows on the first floor and attic level are proposed to be obscure glazed. The first floor window facing No. 24 is also proposed to be obscured. As such no overlooking will result from these windows.
- 7.11.8. I do not consider that the rear windows would result in an excessive level of overlooking of No. 22. The double doors at first floor level, serving bedroom 2, would lead to a level of overlooking of No. 24 that is in excess of that existing. These double doors should be replaced with a standard window of maximum width 2m and maximum height of 1.5m.

7.12. **Other Issues**

- 7.12.1. The issue of drainage and surface water disposal has been raised by the appellants with the location of the site close to the sea, the shallow depth to the water table and the influence of the tidal regime on these water levels noted as well as the history of flooding in the area. A recent decision at No. 15 Lea Road, for a side and rear extension (PL29S.245820) imposed a condition that precluded the use of a soakaway on the site. On the basis of the information presented in the appeals, and having regard to the recent decision above, I consider the use of a soakaway on the appeal site to be inappropriate and a condition should be imposed requiring the employment of a Sustainable Urban Drainage System, which shall include green roof and a rainwater harvesting system, with the excess surface water from the site to be drained to the public sewer, as per the recent consent at No. 15 Lea Road.
- 7.12.2. The proposed widening of the access to the dwelling is considered to be acceptable and the proposed width of 3.5 metres is appropriate.
- 7.12.3. Having regard to the nature and scale of the proposed development within a serviced 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.

8.0 Recommendation

- 8.1. The proposed development should be granted for the reasons and considerations hereunder.

9.0 Reasons and Considerations

- 9.1. Having regard to the zoning objective for the site, the pattern of development in the vicinity and the policies of the current Dublin City Development Plan 2016-2022, it is considered that, subject to compliance with the conditions below, the proposed development would not seriously injure the residential or visual amenity 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 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 in accordance with the agreed particulars.

Reason: In the interests of clarity.

2. The proposed development shall be amended as follows:
 - (a) The side extension shall be set back from the main front elevation by a minimum of 1m, the height of the side extension shall be reduced to a minimum of 0.5m below the ridge level of the main dwelling house and the width of the side extension shall be reduced by 0.5m.

(b) The ground and first floor rear extensions shall be set back from the boundary with No. 22 Lea Road by an additional 0.5m and the height of the ground floor and first floor rear extensions should be reduced by a minimum of 0.5m.

(c) The double doors serving the first floor bedroom (bedroom 2) shall be replaced by a window of maximum width of 2m and maximum height of 1.5m.

(d) The canopy to the front elevation shall be confined to the area above the entrance door and shall have a maximum width of 3m.

Reason: In the interests of visual and residential amenity.

- 3 A Sustainable Urban Drainage System, including green roofs and a rainwater harvesting system, shall be employed. Excess surface water from the site shall be drained to the public sewer and the proposed soakaway shall not be installed.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of preventing localised flooding.

- 4 The external finishes of the proposed extensions (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

- 5 The first and attic floor windows on the northern elevation of the side extension and on the first floor of the southern elevation of the rear extension shall be glazed with obscured glass.

Reason: To prevent overlooking of adjoining residential property.

- 6 Site development and building works shall be carried out only between the hours of 0800 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.

- 7 Subject to the requirement of condition number 2(e) above, water supply and drainage arrangements, shall comply with the detailed requirements of the planning authority for such works and services.

Reason: In the interest of public health.

- 8 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

27th February 2017