



An
Bord
Pleanála

Inspector's Report PI29S.247921

Development	Single storey extension to the front to comprise an extended lounge and hall, a first floor extension to the rear
Location	50 Derrynane Gardens, Sandymount, Dublin 4
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4053/16
Applicant(s)	Evelyn Syle
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Kevin and Linda McMahon
Observer(s)	R & M Harewood
Date of Site Inspection	29 th March 2017
Inspector	Rónán O'Connor

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1.0 Site Location and Description

- 1.1. The application site is a mid-terrace, two-storey property situated in Derrynane Gardens, a cul-de-sac road to the north of Bath Avenue, Sandymount, Dublin 4. The property is in a small cul-de-sac with a small rear south facing garden. There is an existing single storey rear extension.
- 1.2. The appeal site is located within 30m of the River Dodder to the east.

2.0 Proposed Development

- 2.1. Single storey extension to the front to comprise an extended lounge and hall and first floor extension to the rear.

3.0 Planning Authority Decision

3.1. Decision

Grant permission with conditions. A condition of note is condition No. 2 which requires the roof of the ground floor front extension to be hipped.

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 suggests that ground floor front extension could be reduced in depth to 1.5m in order reduce the impact on neighbours although this is not reflected in recommended conditions or on the decision notice.
- It is also recommended that the roof of the front extension be hipped and this is reflected in the recommended conditions and decision notice.

3.2.2. Other Technical Reports

Drainage – No objection

3.3. Prescribed Bodies

None

3.4. Third Party Observations

2 Third Party observations were received. The issues raised are covered in the grounds of appeal and observation to the appeal.

4.0 Planning History

3962/06 – Granted for demolition of single storey extension to rear, construction of part-single storey/part two-storey extension to rear, 5 velux rooflights to roof.

Policy Context

4.1. Development Plan

4.1.1. 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.

4.1.2. The site is within a Conservation Area.

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

- Policy CHC4 – To protect the special interest and character of all Dublin's Conservation Areas
- Paragraph 16.10.12 of the Plan relates to extensions to residential properties
- Appendix 17 of the Plan provides guidance on residential extensions
- Appendix 24: Protected Structures and Buildings in Conservation Areas.

4.2. Natural Heritage Designations

None

5.0 The Appeal

5.1. Grounds of Appeal

The grounds of appeal, as submitted by Brian O'Donoghue Architects, on behalf of the occupants of No. 49 Derrynane Gardens, are as follows:

- Dublin City Council have not imposed a condition requiring obscured/non-openable windows.
- Have not imposed a condition requiring that the depth of the extension be reduced to 1.5m.
- Precedents are cited on roads other than Derrynane Gardens i.e Malone Gardens and O'Connell Gardens.
- No ground floor front extensions in Derrynane Gardens.
- Extension as cited by Mr. Galavan is a side extension.
- Front extension is not justified in planning terms.
- Do not agree that the front garden is generous in area and do not agree that the front extension is modest in size.
- Front extension would lead to a slew of front extensions to the houses on Derrynane Gardens and this over time would negatively detract from the established character of this road and its cul de sacs.
- Neighbours were not consulted by the applicant.
- There are no precedents for front extensions in the area.
- Bulk and massing would be inconsistent with the established elevational treatment and the proposed front extension is incompatible with the established street pattern.

5.2. Applicant Response

None.

5.3. Planning Authority Response

None.

5.4. Observations

An observation was received from No. 51 Derrynane Gardens. This is summarised as follows:

- Front extension is physically and visually overbearing.
- Out of keeping with neighbouring properties.
- Loss of character.
- Will be insufficient private garden area left after the development is complete.
- No allowance made for storage of refuse, recycling bins, cycles.
- No allowance made to leave a gap at boundaries to allow access for maintenance works.
- Will result in overshadowing.
- Construction of the chimney will require access to the roof of objector's property.
- Front elevation drawings fail to show position of chimney.
- Bedroom and kitchen windows to the rear of No. 51 are not shown on the drawings.
- Parapet walls are not shown.
- Shed in rear garden of No. 51 is shown as 3m in height, should be 2.1m.
- Photographs are enclosed with the submission.

6.0 Assessment

6.1. 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
- Appropriate Assessment
- Other Issues

6.2. Principle of Development

- 6.2.1. 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. It is noted that this area of Derrynane Gardens is located within a Conservation Area which runs along the route of the Dodder but does not encompass the whole of Derrynane Gardens.
- 6.2.2. The development proposed is an extension to a dwelling within an established residential area in an area zoned residential. The principle of extending the dwelling is therefore acceptable, subject to normal planning criteria as set out below.

6.3. Design and Visual Impact

- 6.4. Given the limited scale and limited visibility of the proposed first floor rear extension, I consider the design and visual impact of this element to be acceptable. While the overhanging first floor element is an unusual form, it does allow the retention of the small garden area, maintaining this amenity for the occupiers of the dwelling house, while allowing some additional floorspace.
- 6.5. Having regard to the front extension, this is a full width extension which projects 2m from the front elevation of the property. I did not see any other examples of a full width front extension in Derrynane Gardens, although there are examples of some half width and smaller porch extensions. As such there is no precedent in the area for such an extension to front and it would disrupt the established character of the area and constitute a visually obtrusive form of development, contrary to the provisions of the Development Plan. I do not consider that a reduction in scale by way of condition is appropriate in this instance as, in my view, a reduction in scale would need to be substantial and is unlikely to provide sufficient additional floorspace over and above that provided by a porch. I consider therefore that it is appropriate to omit the front extension in its entirety.

6.6. I note that the applicant has pointed to examples of front extensions granted in the area. In relation to the application granted at No. 46 Derrynane Gardens, opposite the site, this is a two-storey side extension on a site which is relatively large and as such is not comparable to the development proposed here. The applicant also cites examples of front extensions in Malone Gardens and O'Connell Gardens. However, these are not within Derrynane Gardens and are not comparable, in my view.

6.7. Residential Amenity

6.7.1. The potential impacts relate to overshadowing of adjoining properties, loss of outlook, and overlooking/loss of privacy.

6.7.2. There are two immediately adjoining properties, No. 49 Derrynane Gardens to the east and No. 51 to the west. In relation to the impact on these properties, resulting from the front extension, I do not consider that there will be a loss of daylight to No. 49, given the location of the closest window to the extension. While there will be some loss of daylight to the window closest to the boundary at No. 51, I note that this appears to be one of two windows serving the living room. Furthermore, while there will be some impact on the morning sun, the sunlight for the remainder of the day will be unaffected, given the orientation of No. 51 relative to the appeal site.

6.7.3. In terms of outlook however I consider the 2m depth to be excessive to the front and would result in a loss of outlook to both 49 and 51. As noted above, the front extension should be omitted from the proposal.

6.7.4. In relation to the rear extensions, there will be no impact having regard to overshadowing or loss of outlook from the first floor rear extension, having regard to the limited depth of the first floor element (1.195m at the boundary) and the position of neighbouring windows at No. 51 Derrynane Gardens. I note that the first floor extension does not project beyond the first floor of No. 49 Derrynane Gardens and as such there will be no impact on this property, having regard to overshadowing or loss of outlook.

6.7.5. I note the first floor rear windows are now 1.2m closer to the rear windows of the properties at 56 and 57 Derrynane Gardens, located to the rear of the appeal site, and there are side facing windows proposed as part of the projecting bay windows. It is proposed to obscure the larger portion of the bay windows as well as the side

facing element. This can be secured by way of condition. Subject to this condition, there will be no impact on privacy levels over and above the existing situation.

6.8. Appropriate Assessment

- 6.8.1. Having regard to the nature and scale of the proposed development, extensions to an existing property, 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.

7.0 Recommendation

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

8.0 Reasons and Considerations

- 8.1. 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.

9.0 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 extension to the front of the house shall be omitted.

Reason: In the interests of visual and residential amenity.

3 The windows on the first floor rear extension shall be glazed with obscured glass as per drawing Nos. PL04, PL06, PL07 and PL08 submitted to the planning authority on the 2nd Day of November 2016.

Reason: To prevent overlooking of adjoining residential properties.

4 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.

5 Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

Rónán O'Connor
Planning Inspector

12th April 2017