



An  
Bord  
Pleanála

## Inspector's Report PL29S.247968.

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<b>Development</b>	Refurbishment and internal alterations including demolition of conservatory and erection of extension to the side and rear, new roof and dormer windows, new gym and garden store to the front and rear and site works.
<b>Location</b>	No. 63 Nutley Road, Donnybrook, Dublin 4.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	4107/16.
<b>Applicant(s)</b>	Nikki Foley
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party.
<b>Appellant(s)</b>	Gerry and Berna O' Mahony.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	03 <sup>rd</sup> of May 2017.

**Inspector**

Karen Hamilton.

## 1.0 Site Location and Description

1.1. The subject site has a large two storey detached dwelling with large front and rear gardens and private parking which is accessed directly onto Nutley Road, Donnybrook, Dublin 4. The surrounding area is predominantly residential and the dwellings to the east of subject site are similar in size. The dwelling to the west of the site has undertaken extensive renovation recently.

## 2.0 Proposed Development

2.1. The proposed development includes the following:

- Demolition of a conservatory and construction of a single storey extension to the rear (26m<sup>2</sup>);
- Construction of single storey extension to the front;
- Removal of roof and construction of a new pitched roof with 2no dormer windows and 5no roof lights,
- Construction of a single storey gym and garden store to the rear of the dwelling (56m<sup>2</sup>);
- Construction of a garden store to the front of the dwelling (11.5m<sup>2</sup>),
- Construction of a new soakway in the rear garden;
- Internal refurbishment and externally insulated render.

## 3.0 Planning Authority Decision

### 3.1. Decision

Decision to grant permission subject to conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission and refers to the pattern of development in the area and compliance with the development plan.

### 3.2.2. Other Technical Reports

Drainage Division- No objection subject to conditions.

### 3.3. **Third Party Observations**

One observation was received from an adjoining resident and the main issues raised are summarised in the grounds of appeal.

## 4.0 **Planning History**

No 65 Nutley Road, to the west of the site.

### **PL29S.228051 (6350/07)**

Permission for the part demolition of an existing two storey detached dwelling and construction of an extended three storey dwelling part over basement with a condition that the flat roof of the extension shall not be used as a balcony.

## 5.0 **Policy Context**

### 5.1. **Dublin City Development Plan 2016-2022**

The site is zoned in Z 1 *"To protect and/or improve the amenities of residential amenities"*.

Extension to dwellings.

#### **Section 16.2.2.3: Alterations and extensions (general)**

- Extensions will be sympathetic to the existing building and adjoining occupiers,
- Alterations and extensions to roof will respect the scale, elevational proportion and architectural form of the building.

#### **Section 16.10.12: Extensions and Alterations to Dwellings**

Relates to alterations and extensions to dwellings and states that development will only be granted where it will not have an adverse impact on the scale and character of the area and will not adversely affect amenities enjoyed by occupants of adjacent buildings. In terms of privacy, access to daylight and sunlight.

**Appendix 17** of the Plan sets out design guidance with regard to residential extensions;

- 17.3: Residential amenity;
- 17.4 Privacy;
- 17.6 Daylight and Sunlight;
- 17.11 Roof extensions.

### **Section 16.3.3 Trees**

Trees make positive contribution to habitat and architectural setting. The removal of mature trees shall be justified by an Arboriculture impact assessment and method statement.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The grounds of appeal have been received from owners of the dwelling to the east of the site and the main issues are summarised as follows:

- The proposed development includes a significant element of overlooking from the dormer window in the attic and the flat roof which may be accessed from a door on the first floor, it should be conditioned that this is not permitted.
- The separation distance cannot be achieved and the extension is overbearing.
- The overshadowing is of concern.
- The proposed development is not consistent with the guidance in the development plan and will have a negative impact on the visual amenities.
- Submission of a drainage report to conclude the condition relating to the construction standards for the soakaway cannot be met and the raising of the garden will cause flooding on the adjoining property.
- There is no need for the chestnut tree to be removed immediately.

## 6.2. Applicant Response

The applicant responded to the appeal and the main issues are summarised as follows:

- A structural engineers report has been submitted to indicate there is no reported flooding evident in the OPW flood maps although instances of flooding have occurred from the Nutley stream running along the rear of the site. Condition No 5 includes further requirements for mitigation which will be included in the proposed development.
- The engineers report now proposes the inclusion of polythene sheeting along the eastern boundary of the rear garden to prevent any runoff from overflow of the soakaway.
- There will be no overlooking from the dormer as this room will be used as a bedroom and the applicant do not intend to use the first floor as a balcony, the Sedum floor will prevent this and the openings are windows, not doors.
- The increase in overshadowing is minor and inconsequential in comparison to the design and layout of the existing dwelling.
- The single storey structure in the rear of the garden will not cause any overbearing or visual impact.
- A tree report from Morrissey Tree services indicates the trees is in a state of decline and should be removed during construction rather than later when at risk to residents.
- The replacement dwelling at No 65 is much higher than the adjoining dwelling.
- There is no uniform design or character in the vicinity of the site.
- The proposal complies with the development plan standards.

## 6.3. Planning Authority Response

The planning authority response refers to the planner's report and the decision to grant permission.

#### 6.4. **Observations**

None received.

#### 6.5. **Further Response**

A further response has been received from the appellant in relation to the applicant's submission which may be summarised as follows:

- There is concern the use of the attic space as a bedroom is not compliant with building regulations and it is still requested the attic windows are high level or at minimum Velux windows.
- There is concern the Sedum roof will not be constructed and a condition to restrict the use of the area as a balcony is appropriate.
- The increase in overshadowing is not acceptable.
- The information submitted by the consulting engineers is still inaccurate, does not address the flooding and will increase the risk of flooding on the appellant's property.
- A report has been submitted to state the Chestnut trees shows no sign of disease.
- The large structure to the rear will be overbearing and have a visual impact on the rear garden space of the appellant.

#### 7.0 **Assessment**

7.1. The main issues of the appeal can be dealt with under the following headings:

- Residential and Visual Amenity
- Flooding and Drainage
- Other Matters
- Appropriate Assessment

##### **Residential and Visual amenity**

7.2. The proposed development includes the demolition of a rear conservatory and construction of a new two storey extension to the rear, two storey extension to the

front with elevation changes, increase in roof height and new roof profile and single storey gym/garden shed to the rear and store to the front of the dwelling. The grounds of appeal argue that the proposed works are excessive and will have a detrimental impact on residential amenity by way of overlooking, overshadowing and overbearing. I have assessed each of these issues individually below.

- 7.3. Overlooking: The rear extension protrudes an additional 0.3m on the first floor along the west of the dwelling. The flat roof, along the east of the first floor to the rear, includes a sedum roof and the grounds of appeal argue the use of this area as a balcony will cause overlooking on their rear garden. In addition to the sedum finish this part of the roof has rooflights for the living area below and there is no access proposed, therefore I do not consider it will be used as balcony. The dormer windows on the second floor accommodate bedrooms, face north and have a separation distance of over 22m from any property. An additional window for the master bedroom faces east towards No 61 and has a separation distance of approx. 10m, I consider a condition requiring the use of opaque glazing in this window would prevent any overlooking on the adjoining property. Therefore, based on the design and location of the windows to the rear I do not consider there would be an increase in overlooking from the proposed development on adjoining properties.
- 7.4. Overshadowing: The proposed development is located to the north west of No 61 Nutley Road and the first floor side elevation is extended by an additional 0.9m to the rear of the existing rear building line and there is an increase in 0.9m in the ridge height. I note shadow project drawings have been submitted from the appellants in the submission to the planning authority and I have assessed the proposed development in relation to the adjoining sites and consider that although there is a slight increase in shadow from the new dwelling, in late evening, I do not consider significantly alters the shadow projecting from the existing dwelling nor will it have a negative impact on the amenities of the adjoining residences.
- 7.5. Overbearing: The proposed extension, along the west, meets the existing front boundary line and extends 0.9m further along the west on the dwelling to the rear. Based on the removal of an existing conservatory, the footprint of the ground floor is not increased significantly. The increase in the height of the roof is approx. 0.9m. I consider the scale and mass of the proposed dwelling is similar to the existing



dwelling, therefore I do not consider the proposed development would have a negative impact on the adjoining property.

7.6. Gymnasium/ garden store: This proposed building is 58m<sup>2</sup>, 3.2m in height and located at the bottom of the rear garden. There is currently a 2m high block wall along the eastern boundary. The proposed increase in the height of the garden by 400mm will not significantly change the context of the site and I consider the height of the boundary should be retained. In addition, the inclusion of semi mature planting referred to above would provide additional screening along the eastern boundary. Therefore, based on a condition for the retention of a 2m high boundary wall along the boundary and planting, I do not consider the proposed development would have a negative impact on the adjoining property.

7.7. Visual Amenity: The proposed elevational changes to the front of the dwelling include the removal of two bay windows on the ground floor, two storey extension along the west extending in line with the existing front building line, an increase in the roof profile from a gable to a hipped roof and change of the window profile to a vertical emphasis. Section 16.2.2.3 of the development plan provides guidance for alterations of existing dwellings in particular they should respect the existing streetscape, not detract from the existing architectural features of the existing dwelling and roof extensions should be consistent with the roofline. Whilst the elevational changes are significant, I note the variation in design of dwellings along Nutley Road and range of roof height and style and I consider the contemporary design complies with the development plan guidance and does not detract from the existing streetscape.

#### **Flooding and drainage.**

7.8. The proposed development includes a rainwater harvesting tank to the rear of the property feeding into a new storm water soakaway in the rear garden, and an upgrade of the existing foul network to connect into the public sewer along Nutley Road. The existing rear garden has a lower FFL than the dwelling and it is proposed to raise it by 400mm to accommodate the soakaway as the rear of the site is subject to flooding. The side of the soakaway facing No 61 Nutley Road will be lined with a polythene sheet wrapping 300m to the underside. There is currently a block wall along the boundaries to the rear of the site and upon site inspection I noted the

height of the rear garden to the east was higher than the subject site. A supporting Engineers report refers to the OPW flood maps which state the site is not subject to coastal, pluvial or fluvial flooding and the rear garden is subject to flooding following sustained rainfall and a high water table.

- 7.9. The appellant has submitted an Engineers report stating the proposed works in the rear garden will cause flooding on other properties as the soakaway will be submerged during periods of prolonged rainfall and Condition No 7 cannot be complied with. I note the report of the Drainage Department has no objection to the proposed development subject to the inclusion of a separate drainage system designed to include a combined final connection discharging into the public combined sewer system, and other standard SuDS works. I consider the inclusion of the condition reasonable and based on the block wall boundary to the rear, the inclusion of the sheeting along the soakaway and the height of the surrounding area, I do not consider the proposed development cause any additional flooding on the surrounding properties.

#### **Other Matters**

- 7.10. The proposed development includes the removal of a large mature Chestnut tree in the rear garden. The applicant states that the tree is diseased and should be removed from the site. The grounds of appeal argue that the tree provides screening and a submission from a horticulturist states that the tree appears to be flourishing. There is no Tree Preservation Order on the site. Section 16.3.3 of the development plan refers to the importance of retaining trees, where they contribute to the streetscape and add a sense of maturity to the site. I note the location of the tree is central in the garden and there is a significant amount of mature planting in the vicinity. I do not consider the tree provides a significant amount of screening for adjoining properties.

#### **Appropriate Assessment**

- 7.11. Having regard to the nature and scale of the proposed development within a serviced urban 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. I recommend that planning permission should be granted for the reasons and considerations as set out below.

## 9.0 Reasons and Considerations

Having regard to the zoning objective, the design and layout of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenity of properties in the vicinity. 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 out in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The master bedroom window on the first floor, facing east, shall be fitted with opaque glazing and retained in perpetuity.

**Reason:** In the interest of residential amenity

3. Details of the materials, colours and textures of all the external finishes to

the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 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 attenuation and 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.

6. 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

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Karen Hamilton  
Planning Inspector

18<sup>th</sup> of May 2017