



An  
Bord  
Pleanála

## Inspector's Report PL.29S.247969

### Development

Part demolition of existing single - storey rear extension and construction of a new three-storey extension to the rear of the existing terraced dwelling. Conversion of the attic space to include raising the existing ridge line by 350mm and incorporating velux type roof windows to the front elevation.

### Location

16 Somerset Street, Ringsend. Dublin 4.

### Planning Authority

Dublin City Council

### Planning Authority Reg. Ref.

4103/16

### Applicant(s)

Guy de Bromhead

### Type of Application

Permission.

### Planning Authority Decision

To Grant Permission

### Type of Appeal

First Party

### Date of Site Inspection

April 27<sup>th</sup>, 2017

### Inspector

Breda Gannon

## 1.0 Site Location and Description

- 1.1. The site is located on the western side of Somerset St. Ringsend Dublin 4. It comprises a two-storey mid terrace dwelling with a red brick front elevation. A single storey extension projects from the rear, beyond which there is a small area of private open space. A laneway running along the rear of the terrace provides access to the rear of the house.
- 1.2. The site is adjoined on the south by residential property and to the north by a building which has an office use on the ground floor with residential accommodation at first floor level. The area is primarily residential consisting of terraces of two-storey dwellings.

## 2.0 Proposed Development

- 2.1. The development as described in the public notices submitted with the application proposes the following;
  - (1) Part demolition of existing single-storey extension and the construction of a new three-storey extension to the rear of the existing terraced dwelling.
  - (2) Conversion of the attic space to include raising the existing ridge line by 350mm and incorporating velux type roof windows to the front elevation.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to grant permission for the development subject to 8 no. conditions, which includes the following conditions of note;

**Condition No 2** – Requires that the extension to the attic at roof level be permanently omitted from the scheme.

**Condition No 7** – External finishes to match existing.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The **Planning Officer's** report of 10/1/17 notes that a number of properties in the vicinity have constructed two and three storey extensions to the rear, with and without planning permission. It is noted that neighbouring properties on both sides appear to have constructed single-storey extensions over the open space to the rear and accordingly the issue of overshadowing neighbouring amenity space does not arise. It is also noted that a number of two-storey extensions of a similar scale have been constructed to the rear of neighbouring properties and this is considered to be acceptable in principle.

The proposal to convert the attic to habitable accommodation and to raise the ridge level is more problematic. It is not considered to be subordinate to the existing dwelling in scale or design. Increasing the ridge height in a mid-terrace property is also in conflict with the development plan as it does not respect the uniformity of the street and would have a significant and negative visual impacts on the streetscape of the Residential Conservation Area. It is also considered that a three-storey extension on such a constrained site represents overdevelopment of the site.

Notwithstanding the previous planning history for the area where ridge heights have been raised, it is considered that the proposed development would be visually obtrusive and would have a negative impact on the character of the streetscape of the Residential Conservation Area. It is recommended that the attic extension be omitted from the development.

Subject to planning conditions, the proposed development by virtue of its size, scale and location would not detract from the amenities of adjoining properties by reason of overlooking or overshadowing and is therefore considered to be acceptable.

### 3.2.2. Other Technical Reports

The **Drainage Division** in their report of 6/12/16 raised no objection to the development subject to compliance with conditions.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observation

A submission was received by the planning authority from the adjoining property owner No 18 Somerset St, who raised several issues regarding the proposed development;

- Planning permission was refused for a more modest two-storey extension (2132/14). The current proposal does not appear to address the concerns raised by the planning authority in that application. It is considered that the more substantial development now proposed will exacerbate the negative impacts on adjoining properties.
- The adjoining property is in mixed commercial/residential use with offices on the ground floor and a residential apartment at first floor level. It is considered that the proposed three-storey extension will impact negatively on the residential amenity of No.18 in terms of loss of daylight due to overshadowing. The application site is directly south of No.18.
- The images showing precedents in the area are not considered relevant to the subject site. These relate to end of terrace locations or consist of dormer extension. No 16 is in a mid terrace location and the proposed extension protrudes significantly at its rear.
- Having regard to the nature and scale of the proposed development on the restricted site and its proximity to No 18, it is considered that the proposed development represents overdevelopment of the site and would adversely impact on the amenity of the adjoining property and would be contrary to the proper planning and sustainable development of the area.

### 4.0 Planning History

**2132/14** – Planning permission refused for the part demolition of existing single-storey extension and the construction of a two-storey flat roof extension to the rear on the grounds that the proposed development would constitute overdevelopment on a restricted site and would adversely impact on the residential amenities of adjoining property by reason of overlooking. It was also considered that the proposal would result in a substandard level of residential amenity for future residents of the house

due to the lack of adequate private open space and limited daylight to the ground floor.

## 5.0 Policy Context

### 5.1. Development Plan

The operative development plan is the **Dublin City Development Plan 2016-2022**. The site is located in an area Zoned Z2 – Residential Neighbourhoods (Conservation Areas) with the following objective;

*‘To protect and/or improve the amenities of residential conservation area’*

Section 16.2.2.3 and section 1610.12 (Volume 1) and Appendix 17 (Volume 2) of the Plan are relevant to the consideration of the proposed development. Extracts from the Plan are appended to the back of the report for the information of the Board.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The appeal is against Condition No. 2 which requires that the extension to the attic at roof level be permanently omitted from the scheme. It is noted in the planning report that the proposed extension will not cause any impact in terms of overshadowing/loss of daylight to neighbouring properties. Neighbouring properties will not incur any greater loss of privacy as a result of the attic extension. It is noted that there are a number of properties in the vicinity that accommodate two and three storey extensions to the rear some of which have the benefit of planning permission and some that do not.

Issues have been raised regarding impacts on the uniformity of the street elevation. The proposed extension will not be visible from the street and as such it will not have an adverse impact on the scale and character of the dwelling. An extension of the same height and scale was approved under planning Reg Ref NO. 2913/15 and it is clear that the extended height of the roof to the rear is not visible from the street (Figure 2).

An extension 150mm higher than what is being proposed was granted planning permission under Reg Ref No 6889/06. The extension is not visible from Penrose Street.

It is vital to increase the height of the roof to the attic extension to obtain habitable accommodation in accordance with the building regulations. Whilst the planning officer notes that a dormer window at this level may be acceptable, the attic space would remain unsuitable as living accommodation due to the restricted head room.

The sole purpose of the attic extension is to accommodate a third bedroom and is an integral part of converting the house into a habitable home. The applicant intends to contribute to the overall improvement of the area by reinstating the timber sash windows and repairing the roof using natural slates to ensure that the character of the dwelling is preserved.

It is considered that the imposition of Condition No 2 is unjust for a number of reasons.

- Section 16.10.12 requires that extension will not have an adverse impact on the scale and character of the dwelling and will not adversely affect the amenities of adjacent buildings in terms of privacy and access to sunlight/daylight. It has been demonstrated that these impacts will not arise.
- There is a high level of precedent in the immediate area (Dwg No PL08).
- Removing the third storey will have an adverse effect on this dwelling and its functioning as a family home.
- The planning officer notes that the proposed extension is not subordinate to the existing building in scale or design. Appendix A includes a drawing reducing the scale of the attic extension in an effort to reach a compromise.

## 6.2. Planning Authority Response

The planning authority states that it is not intended to respond in detail to the grounds of appeal as it considers that the planning report deals fully with the issues raised and justifies its decision.

## 7.0 Assessment

- 7.1. The site is located in a Residential Conservation Area which are described in the development plan as having *‘extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such area, both protected and unprotected. The general objective for such areas is to protect them from unsuitable new development or works which would have a negative impact on the amenity or architectural quality of the area’.*
- 7.2. Section Appendix 17 recognises that there are a wide variety of house types and styles within Dublin city and that it is not possible to deal with every type of addition. It sets out the general principles that should be addressed in all cases such as residential amenity issues, privacy, relationship between dwellings and extensions, daylight and sunlight, appearance, subordinate approach and materials. The provisions of the development plan (section 16.10.12) require that extensions should not result in any adverse impact on the scale and character of the dwelling and that the amenities of adjacent buildings are not compromised.
- 7.3. The proposal is to demolish the rear wall of the existing single storey extension to the rear and marginally increase the development footprint and provide two additional floors of accommodation resulting in a three-storey extension to the rear. It is also proposed to convert the attic. To ensure the space is suitable for habitable purposes it will be necessary to raise the roof level above the ridge of the existing house. Two new velux roof lights will be incorporated into the roof of the front elevation.
- 7.4. I consider that the proposed extension at ground and first floor level is acceptable. The works proposed, together with internal alterations will result in a rationalisation of the living space, with more spacious accommodation. There are no windows proposed in the side elevations that would result in increased overlooking and the quantum of private amenity space is not substantially reduced, which addresses the concerns raised by the planning authority in the previous (2132/14). The houses on both sides have been extended and accordingly there are no issues regarding overshadowing.

7.5. I accept that the house is restricted in terms of the accommodation it provides and that site due to its restricted nature offers limited potential for extension to the rear. This being said, I share the concerns of the planning authority with regard to the extension proposed at attic level. Whilst I accept that it may not result in increased significant impacts on the amenity of neighbouring property, this element of the proposal is completely at variance with the guidance provided in the development plan. Arising from its height and scale it will dominate the existing dwelling, detracting from its established character. Raising the ridge line in an established uniform terrace as proposed will distort the uniformity of the streetscape and detract from the visual amenities and architectural quality of the Residential Conservation Area. Whilst the applicant refers to similar extensions to other dwellings in the locality, I accept that previous inappropriate development should not be used to justify the proposed development in this sensitive location.

The applicant has submitted a revised proposal (Appendix A of appeal), which reduces the floor area of the third floor of the extension and will reduce the mass of the extension as viewed from the north on Doris Street. However, it does not address the fundamental concerns raised regarding the overly dominant nature of the proposal and its impact on the visual amenities and architectural quality of the Residential Conservation Area. I concur with the conclusions reached by the planning authority that this part of the proposal would, if permitted, result in a development which is contrary to the provisions of the development plan.

## 8.0 **Appropriate Assessment**

Having regard to the location of the development within a built up area, the nature and scale of the development and the separation distance from Natura 2000 sites, I consider that the proposed development either alone, or, in combination with other plans or projects, does not have the potential to impact adversely on the qualifying interests of any Natura 2000 site. Appropriate Assessment is not therefore required.

## 9.0 **Recommendation**

9.1. Having considered the contents of the planning application, the decision of the planning authority, the provisions of the development plan, the grounds of appeal



and the responses thereto, my inspection of the site and my assessment of the planning issues, I recommend that permission be granted for the development for the reasons and considerations set out below.

## 10.0 Reasons and Considerations

Having regard to the pattern of development in the area and to the nature and scale of the proposed development and the Z2 zoning provisions for the site, it is considered that subject to compliance with the conditions set out below, the proposed development would not detract from the visual or residential amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 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 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 development shall be restricted to an extension at ground floor and first floor only. The proposed attic conversion and second floor extension shall be omitted from the development.

Prior to the commencement of development, revised plans incorporating these changes shall be submitted to and agreed in writing with the planning authority.

**Reason:** To ensure that the extension is subordinate to the dwelling and to protect the amenities of the residential conservation area.

3. The external finishes of the proposed extension shall match the external finishes of the existing dwelling in respect of colour and texture.

**Reason:** In the interests of visual amenity.

4. Water supply and drainage arrangements including the disposal of surface water shall be in accordance with the requirements of the planning authority for such works and services.

**Reason:** In the interests of public health.

5. Site development and building works shall be carried out between the hours of 0700 to 1800 hours Monday to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall be allowed only in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of adjoining property in the vicinity.

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Breda Gannon  
Planning Inspector

28<sup>th</sup>, April 2017