



An
Bord
Pleanála

Inspector's Report PL29N. 248043

Development	Extend 2 authorised houses
Location	Sybil Hill Road, Dublin 5
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4245/16
Applicant	MKN Developments
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant	James C.Cahill
Observer	None
Date of Site Inspection	24 th April 2017
Inspector	Stephen J. O'Sullivan

1.0 Site Location and Description

1.1. The site is in a suburban area of north Dublin. It has a stated area of 0.15ha and is part of a building site. The northern and eastern boundaries of the site adjoin the curtilages of detached two storey houses in a cul-de-sac called the Meadows. They are marked by a brick wall c3m high.

2.0 Planning History

PL29N. 246250, Reg. Ref. 4242/15 – On 7th July 2016 the board decided to grant permission for a scheme of 68 apartments and 7 houses at Sybil Hill. The current appeal site is where the 7 houses were authorised. 8 houses were proposed there as Block C but condition no. 2 of the board's decision stated

The proposed development shall be amended as follows:-

(a) House no. 8 in Block C shall be omitted and the resultant space shall be incorporated into the private open space for the adjoining house, no. 7.

(b) Any rear rooflights in the proposed houses in Block C shall be not less than 1.8 metres above finished attic floor level.

(c) No areas, other than the designated balconies and terraces, and the roof garden of Block A, shall be used, or be made capable of use, as terraces or patios.

(d) All landing lights, WCs and bathrooms in the proposed development shall be permanently fitted with opaque glazing

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 interests of protecting the residential amenities of surrounding properties.*

3.0 Proposed Development

3.1. It is proposed to alter the authorised terrace of 7 houses by providing a single storey extension to the side of house No. 75 at its northern end with a floor area of 26m²

and a two storey extension to the side house no. 69 at its southern end with a floor area of 27m². The proposed development would provide a monopitch roof over the latter extension with a gable end in place of the hipped roof over the authorised house 69.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission subject to 7 conditions. Condition no. 3 required compliance with the conditions of the parent permission PL29S. 246250, Reg. Ref. 4242/15. Condition no. 5 required the ridge of the roof over the extension to the side of No. 69 to be lower than the ridge of the main roof.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The proposed extension to the authorised house 75 would have no undue impact on the amenities of neighbouring properties. The gable end on the main roof is authorised under the current permission. The proposed extension to house no. 69 would change the authorised hipped roof to a gable end which would create a more balanced roofscape. It would not materially increase the overshadowing or overlooking of the houses at the Meadows. The proposed use of a monopitch over the extension would add visual interest to the façade, but its ridge should be lower than that of the main roof over the terrace. The proposed extensions would be in keeping with the authorised dwellings and would not affect the amenities of neighbouring properties. A grant of permission was recommended.

4.3. Third Party Observations

Submissions were received which objected to the development on grounds similar to those raised in the subsequent appeal.

5.0 Policy Context

5.1. Development Plan

The Dublin City Development Plan 2016-2022 applies. The site is zoned for community and institutional uses under objective Z15.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed development would circumvent a condition applied by the board to the grant of permission it made under PL29N. 246250 whereby the land to be occupied by proposed house no. 8 must be used as open space.
- Block C has an abnormal height resulting in overshadowing and overlooking of the houses in The Meadows. The latest proposal would further increase the bulk of Block C and it should not be allowed.
- The roof profile at House. No. 7 should be hipped to keep in harmony with the houses at the Meadows and allow more light to penetrate to Nos. 25 and 26 to mitigate the overshadowing from Block C.

6.2. Applicant Response

- The proposed extension at house 75 would leave 166m² of private open space with that property which is well in excess to that required under development plan standards. The extension will be screened by the 3.5m boundary wall and will not be seen from adjacent property. It is not inconsistent with the purposes of condition no. 2a) of the board's grant of permission as the large area of open space beside house 75 lends itself to an appropriate extension that would not overbear the property at No. 27 of the Meadows. It would be set back 24m from the opposing property at No. 26 the

Meadows. It would not have a negative impact on the amenities of the properties at The Meadows because it would be a single storey structure.

- The two-storey extension at house 69 will match the height and roof line of the authorised houses. It would be 12.45m from the rear boundary of the site. A drawing illustrating the separation distances and sightlines from the Meadows is submitted.
- The roof profile of house 75 is as permitted under the existing permission and no alteration to it is being sought under the current application. The provision of a similar gable end at house no. 69 would be consistent with the authorised roof profile at the other end of the terrace. The hipped roof over the proposed single storey extension at No. 75 reflects the roof profile of the houses at the Meadows. If the board would prefer a different roof profile, it could be required by condition.

6.3. **Planning Authority Response**

None

6.4. **Further Responses**

The applicant's response was circulated for comment. The appellant responded as follows-

- It is clear from the applicant's response that the height of the terrace is much higher than that of the houses at the Meadows. Photographs of the rear of the appellant's property are submitted to illustrate the impact that a change of the roof profile of the authorised houses would effect the skyline visible from his kitchen and sunroom, so a hipped roof should be provided.
- The houses at Nos. 18 to 26 at the Meadows will lose so much daylight between March and October as the sun will settle behind the apartments under construction.
- To comply with the board's previous condition house no. 8 should be omitted and a hipped roof provided at both ends of Block C. The proposed development does not comply with this. The submission from the applicant

does not justify this, and the proposed development would increase the mass of Block C and exacerbate the overshadowing from it.

7.0 Assessment

- 7.1. The authorised terrace on the site has a gable end to the roof over house 75 at its northern end under condition no. 2 of the board's grant of permission PL29N. 246520, as implemented in agreement with the planning authority. The proposed development would not change this.
- 7.2. The proposed single storey extension at house 75 would be 2.7m high at the eaves and 4.8m high at the apex of its roof. It would be 3m from the northern site boundary and over 12m from the rear site boundary. It would not, therefore, have any significant effect on the amenities of neighbouring property either by overlooking, overbearing, overshadowing or otherwise.
- 7.3. The proposed gable end roof and extension to the site of the house 69 at the southern end of the terrace would be set back more than 12m from the rear boundary of the site. They would not increase the overall height of the authorised terrace and would only marginally increase the extent of its roof. They would not, therefore, have any significant effect on the amenities of neighbouring property either by overlooking, overbearing, overshadowing or otherwise.
- 7.4. The use, scale, form and design of the proposed alterations are in keeping with those of the authorised houses on the site. They would not have any negative impact on the character of the area. The provision of gables at both ends of the terrace would be appropriate.
- 7.5. The proposed development would not, therefore, interfere with the amenities of property in the vicinity of the site or the character of the authorised development or the surrounding area.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the conditions set out below.

9.0 Reasons and Considerations

The proposed development would be in keeping with the scale and form of the authorised development on the site and would not injure the amenities of property in the vicinity. It would therefore be in keeping 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, 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 interest of clarity

2. All conditions of the parent permission granted under PL29N. 246250, Reg. Ref. No. 4242/15 shall be complied with, except and only to the extent that they have been amended by the development herein authorised.

Reason: In the interests of orderly development and clarity

3. The monopitch roof over the authorised extension to the side of house 69 shall be amended so that its ridge is lower than the ridge of the roof over the main house. Revised plans showing this amendment shall be agreed with the planning authority.

Reason: In the interests of visual amenity.

4. 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

Stephen J. O'Sullivan
Planning Inspector

24th April 2017