



An
Bord
Pleanála

Inspector's Report PL29S.248142

Development	Proposed partial single and two storey house extension, including roof replacement and associated site development works.
Location	420 Clogher Road, Dublin 12
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4314/16
Applicant(s)	Mark and Sarah Stapleton
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Paul Tully
Observer(s)	None
Date of Site Inspection	25 th of May 2017
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1.1. No 420 is on the eastern side of Clogher Road, close to the northern end and the junction with Parnell Road and the Grand Canal. This is a two storey mid-terrace dwelling that has been previously extended with a pitched roofed single storey extension at the rear. The houses on either side have flat roofed single storey rear extensions.
- 1.1.2. There is a long narrow garden at the rear which adjoins the rear of the gardens of the houses that face Parnell Road. Lands relative to the open space for Our Lady's Hospice accessed via the Harold's Cross Road are to the east, proximate (but not adjoining) to the site at the rear.

2.0 Proposed Development

- 2.1.1. This proposal is for alterations and extension to the existing dwelling at no.420 Clogher Road and is to provide for the following:
 - Partial single storey, partial two storey extension to rear,
 - Amendments to existing single storey extension to rear to include replacement of pitched roof with new flat roof and associated rooflights,
 - Proposed elevational alterations to include new windows to the front and rear of the existing house at first floor, interior alterations and associated site development works.
- 2.1.2. An Architect's Report has been submitted with the application. Drawings include a Site Layout Plan, Floor Plans, Sections and Elevations.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 13th of February 2017 Dublin City Council granted permission for the proposed development subject to 7no. conditions. These generally concern infrastructural and construction related issues. Condition no.2 has regard to compliance with floor area standards.

3.2. **Planning Authority Reports**

3.2.1. Planner's Report

The Planner had regard to the locational context, planning policy as per the current DCDP and to the submissions made. They considered that the proposed extensions to the rear would not unduly increase overshadowing of neighbouring properties and would not have an adverse impact on the character of the dwelling or on the streetscape of Clogher Road. They noted that the floor area of the proposed bedroom no.3 would appear to be below the minimum bedroom floor area standards and recommended that a condition be attached to require that the bedrooms comply with bedroom floor area standards. They considered the proposal to be acceptable and consistent with the DCDP 2016-2022 and with the proper planning and development of the area and recommended that permission be granted subject to conditions.

3.3. **Other Technical Reports**

3.3.1. Engineering Department Drainage Division

This Section of the Council has no objections subject to standard drainage conditions.

3.4. **Third Party Observations**

3.4.1. Phelim J Byrne, Planning Design & Surveying Services has submitted a submission on behalf of Paul Tully of no.422 Clogher Road. This includes regard to the following:

- The development is of a substandard design and is visually obtrusive and not in keeping with the established character of the area.
- Excessive height, scale and mass of the proposal on this site would be inappropriate.
- Discrepancies on drawings lodged.
- The recent suggested precedence stated is inappropriate.

- This proposal would set a precedence for development and projections of a similar nature which would negatively impact and devalue existing properties.
- The excessive scale and design of the development would have a negative impact on the amenities of the area.
- It would not comply with current standards and would impact adversely on daylight/sunlight to no.422.
- The proposal would not comply with general site development standards in the DCDP 2016-2022.
- It would be visually inappropriate and would not comply with the Z1 zoning objective to protect, provide and improve residential amenities. It would be contrary to the proper planning and sustainable development of the area.

4.0 Planning History

4.1.1. There is no planning history on record pertaining to the subject site.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

This is the pertinent plan. As shown on Map E the site is within the Z1 Residential Land Use Zoning where the Objective is: *To protect, provide and improve residential amenities.*

Section 2.3.3 refers to 'Promoting Quality Homes' and includes: *The provision of quality housing that is suitable for citizens throughout their lives and adaptable to people's changing circumstances is fundamental to creating a compact city with sustainable neighbourhoods.*

Paragraph 16.2.2.3 refers to Alterations and Extensions and provides that: *Works of alteration and extension should be integrated with the surrounding area, ensuring that the quality of the townscape character of buildings and areas is retained and enhanced and environmental performance and accessibility of the existing building stock should also be enhanced.* The criteria for extensions includes that they should

be confined to the rear in most cases, be clearly subordinate to the existing building in scale and design and be sustainable.

Section 16.10.12 provides that the design of extensions shall not have an adverse impact on the scale and character of the dwelling, or the amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

Appendix 17 (Guidelines for Residential Extensions) sets out the more detailed criteria. This includes regard to residential amenity issues, privacy, sunlight and daylight, the relationship between dwellings and extensions and the subordinate approach etc.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Phelim J Byrne has submitted a Third Party Appeal on behalf of Paul Tully of no.422 Clogher Road. The grounds of appeal include the following:

- The suggested precedence cases submitted are inappropriate and they provide reasons for this.
- This proposal would not satisfy the BRE recommendations and guidelines and fails the standard test when applied to no.422 thereby allowing substantial loss of daylight and sunlight to this property.
- The proposal would not comply with general site development standards in the DCDP 2016-2022. In particular, they have concerns relative to site orientation and access to daylight and sunlight and impact of this extension which is to the south of no.422 Clogher Road.
- The proposed extension does not integrate well and would be injurious and visually inappropriate and de-value adjoining property.
- It would have an unacceptable effect on the amenities enjoyed by the occupants of No.422 in terms of substantial loss of existing access to daylight and sunlight and would therefore be contrary to the proper planning and the sustainable development of the area.

6.2. Applicant Response

6.2.1. The Applicants Mark and Sarah Stapleton's response to the grounds of appeal includes the following:

- No.422 Clogher Road is occupied by tenants of the Appellant, who does not reside at the property.
- They note the extent of single storey extensions and the block built shed in the rear garden of no.422 and consider that the proposed first floor extension will not adversely impact. They include photos to support this contention.
- They refer to precedence and consider that these demonstrate an existing pattern of development in the vicinity.
- They refer to the BRE test and provide that the appellant has not demonstrated that there will be additional overshadowing and note that this was not an issue for the Council.
- They have regard to the separation distances between the properties and note that the current extensions at nos.420 and 422 already block daylight and sunlight and overshadow the passageway.
- They have regard to the nature and scale of the subject development and note that the appellant was refused planning permission in Reg.Ref.4357/16 for a larger scale development on land to the rear of nos. 404 -410 Clogher Road.
- The layout of the upstairs shows 3no. bedrooms that are close to the minimum requirements in the Planner's Report demonstrating that the size and scale are not excessive.
- This application is relevant to improved family living for established local residents.

6.3. Planning Authority Response

6.3.1. There has been no response from Dublin City Council.

7.0 Assessment

7.1. Principle of Development and Planning Policy

- 7.1.1. As shown on Land Use Zoning Map E of the of the Dublin City Development Plan 2016 – 2022 the site is located with the Z1 residential zoning where the Objective is: *To protect, provide and improve residential amenities*. Section 16.2.2 provides the Design Standards for Residential Accommodation and Section 16.2.2.3 refers specifically to ‘Alterations and Extensions’ to dwellings. This includes that sensitively designed extensions will normally be granted provided that they have regard to the amenities of adjoining properties and that the design integrates with the existing building. Appendix 17 provides ‘Guidelines for Residential Extensions’ and the general principles include that the proposed extension should not have an adverse impact on the scale and character of the dwelling, or on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight and achieve a high quality of design.
- 7.1.2. The Third Party considers that the size of the proposed extension which includes a two storey element is excessive and in view of the scale and orientation will cause overshadowing and impact adversely on their residential amenities including daylight/sunlight to their property. They consider that it would not integrate well, would be injurious and visually inappropriate, set an undesirable precedent and de-value adjoining property and does not comply with planning policy.
- 7.1.3. The First Party provides that the proposed development is a well-considered extension which will offer an improvement on the existing single storey extension and gain the amount of space they need for improved family living. They do not consider that additional overshadowing will occur and consider that the amenities enjoyed by occupants of adjoining properties particularly with regard to privacy and access to daylight and sunlight will not be impacted. Also that it will be in character with the existing pattern of development in the area.
- 7.1.4. Whereas a well-designed extension is normally permissible in this residential land use zoning in accordance with the criteria of Section 16.2.2.3, and Appendix 17 of the DCDP 2016-2022, the issue in this case is whether the proposed extension would integrate well or have an adverse impact taking into account the locational

context of the dwelling, the restricted nature of the site and the amenities of the adjoining dwellings and on the character of the area. These issues are discussed further in the context of this assessment below.

7.2. Design and Layout

- 7.2.1. This is a mid-terrace c.1940's two storey property, with an existing single storey pitched roof extension at the rear. These properties have long narrow rear gardens. The Architect's Report submitted with the planning application provides that the existing rear extension (approx. 25sq.m) was constructed under exempted development in 2012 (2007 is a date also given). As shown on the plans this is c.6.4m in length and 4.6m in width and 3.9m to ridge height.
- 7.2.2. It is proposed to construct a new part single storey, part two storey extension to the rear, to provide accommodation to service the applicant's family needs i.e. a new kitchen, dining, living areas and utility/wc on ground floor and a new bedroom and bathroom on the first floor. The application form provides that the total site area is 285sq.m, the area of buildings to be retained on the site is 82.8sq.m, the area of proposed new build is 21.8sq.m i.e the total floor area for new and retained is 104.6sq.m. The resultant plot ratio is 1:0.36 and the proposed site coverage is 21%.
- 7.2.3. It is proposed to further extend the existing ground floor extension by 3.9m in length and 3.6m in width i.e 9sq.m (internally) to provide lounge accommodation. Therefore, the single storey extension is now shown c.10.3m in length. Also to replace the pitched roof with a new flat roof extension, shown 3.3m to parapet height, to include rooflights. It is considered that this aspect of the proposal is acceptable and will not adversely affect adjoining properties, which have single storey flat roofed extensions.

7.3. Regard to the impact of the proposed First Floor extension

- 7.3.1. It is noted that having regard to the existing floor plans that this is currently a two bedroomed house with the extended living area at ground floor level. This proposal is to provide 3no. bedrooms. The plans show that there will be some reduction in the floor area of the existing bedrooms to provide for the first floor bathroom. The Council's concerns about the small size of bedroom no.3 are noted as is their condition that all bedrooms comply with the bedroom floor area standards of the

Department of Environment, Heritage and Local Government's Quality Housing for Sustainable Communities 2007. This is in accordance with Section 16.10.2 of the DCDP 2016-2022. It is of note that Section 5.3.2 and Table 5.1 of the Quality Housing document provides: *The recommended minimum unobstructed living room widths are 3.3 metres for one bedroom, 3.6 metres for two bedroom and 3.8 metres for three bedroom dwellings, and the minimum room widths for bedrooms are 2.8 metres for double bedrooms and 2.1 metres for single bedrooms.* It is of note that bedroom no.3 just complies with the minimum width standard for a single bedroom. It is recommended that if the Board decide to permit that this condition be included.

- 7.3.2. The main element of contention is the proposed projection of the first floor bedroom at the rear. Concerns about loss of light and overshadowing have been noted. Section 5.3.1 of the Quality Housing document referred to includes: *Care should be taken to minimise obstruction of daylighting to nearby windows by protruding extensions or outbuildings.*
- 7.3.3. Section 16.10.2 of the DCDP includes: *Living rooms and bedrooms shall not be lit solely by roof lights and all habitable rooms must be naturally ventilated and lit. Apart from rooms primarily served by windows in dormer extensions, glazing to all habitable rooms shall not be less than 20% of the floor area of the room. Development shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2011).* It is noted that a new window is proposed for bedroom no.3 appears to be marginally under the aforementioned 20%. Therefore, it is recommended that if the Board decide to permit that the size of this window be in accordance with standards.
- 7.3.4. Appendix 17 of the DCDP provides: *Large single or two-storey rear extensions to semi-detached or terraced dwellings can, if they project too far from the main rear elevation, result in a loss of daylight to neighbouring houses. Furthermore, depending on orientation, such extensions can have a serious impact on the amount of sunlight received by adjoining properties. Consideration should be given to the proportion of extensions, height and design of roofs as well as taking account of the position of windows including rooms they serve to adjacent or adjoining dwellings.*
- 7.3.5. These are terraced houses with narrow plots and it is noted that there are no first floor extensions to the rear of houses in the immediate area. The proposal includes

the provision of an extension at first floor level to incorporate an additional bedroom. This is to project c.4.3m in length and 3.6m in width i.e. as shown internally there will 12sq.m of additional accommodation. It is proposed that it be 6.7m to ridge height and that it not extend the full width. The drawings show a gap of c.1m at first floor to the boundary with no. 418 Clogher Road, the adjoining property to the south. The Appellant's rented house, no.422 Clogher Road is to the north of the site. There are first floor bathroom and bedroom windows of the properties on either side that are proximate to the proposed first floor extension. It is noted that a Shadow Analysis has not been submitted. There are concerns that the proposed first floor extension will lead to overshadowing and be overbearing for adjoining properties. The Board may decide to omit this first floor element, however, it is recommended that if they decide to permit that it be conditioned that the length of the proposed first floor extension be reduced by 1m to 3.3m. Also that there be no overhanging of the boundaries of adjoining properties.

7.4. Regard to Precedent Cases

- 7.4.1. The Architect's Report submitted with the application considers that there is a precedent for similar developments in the area, and provides a listing of such relevant to Clogher Road and Parnell Road. The Third Party considers that the suggested precedence is inappropriate bearing in mind the orientation of the properties and provide details of such relevant to Reg. Refs.WEB1245/16 (No.371 Clogher Road) and 2389/15 (No.373 Clogher Road). The First Party refutes this and notes the extent of the single storey extension and shed at the rear of no. 422 Clogher Road.
- 7.4.2. While regard is had to these cases, it must be noted that each case is considered on its merits in accordance with the proper planning and sustainable development of the area. Therefore, precedence is not necessarily a reason to grant permission.

7.5. Other issues

- 7.5.1. Clogher Road is a busy heavily trafficked main road and bus route. There is no on street parking and on-site parking for one car is provided. It is recommended that in

view of the proximity to adjoining dwellings and the busy Clogher Road, that if the Board decide to permit that a Construction Management Plan should be submitted.

7.6. **Appropriate Assessment**

- 7.6.1. The current proposal is for an extension to the existing residential property in a fully serviced urban area. Having regard to the nature and scale of the proposal, no appropriate assessment issues arise and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

- 8.1.1. It is recommended that having regard to the documentation submitted, the submissions made by the parties and to the site visit and assessment above that permission be granted for the proposed development subject to the conditions below

9.0 **Reasons and Considerations**

- 9.1.1. Having regard to the nature and scale of the proposed development and to the existing residential development in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of neighbouring dwellings or the amenities of the area and would 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, as amended by the further plans and particulars received by An Bord Pleanála on the 28th day of March, 2017, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) The length of the first floor extension shall be reduced so that it not project further than 3.3m. in length from the rear of no.420 Clogher Road.

(b) The extensions shall be constructed so as not to overhang the adjoining properties and such that water runoff does not flow into the adjacent properties.

(c) Floor plans shall be submitted to show that all bedrooms comply with the bedroom floor area standards of the Department of Environment, Heritage and Local Government's Quality Housing for Sustainable Communities 2007.

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 visual and residential amenity.

3. The external finishes of the proposed extension (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.

4. 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.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

6. Site development and building works shall be carried out only between 0700 hours and 1800 hours Mondays to Fridays, between 0800 hours and 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 the interest of protecting the residential amenities of adjoining properties.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

Angela Brereton,
Planning Inspector

29th of May 2017