



An
Bord
Pleanála

Inspector's Report PL29N. 248156

Development	Amendments to authorised extension to house
Location	26 Moy Elta Road, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4333/16
Applicant	Danut Botezatu
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant	Danut Botezatu
Observer	None
Date of Site Inspection	12 th May 2017
Inspector	Stephen J. O'Sullivan

1.0 Site Location and Description

- 1.1. The site consists of the curtilage of a one-bay Victorian terraced house in Dublin city. It has a stated area of 64m². The original house has been extended to the rear at ground and first floor level and a dormer inserted into the rear slope of the roof. The stated floor area of the house is 86m². The back of the site adjoins the back gardens of 20th century semi-detached houses.

2.0 Planning History

- 2.1. Reg. Ref. 2516/16 – the planning authority granted permission on 16th June 2016 to demolish an existing single storey extension at the back of the house on the site; and to replace it with a two storey extension and a dormer at the back of the roof. Condition no. 2 restricted the depth of the 2 storey extension to 3.4m from the rear wall of the main house. Condition no. 3 stated that the dormer should be no more than 2m wide and clad in slates/tiles and that the window be no more than 1m wide.

3.0 Proposed Development

- 3.1. The application seeks permission to retain amendments to a dormer roof extension at the back of the house from that authorised under 2516/16 including the mono-pitch roof and increase in dimensions. The drawings show the roof over the dormer rising somewhat from the ridge of the main roof, a depth of 3.2m from that ridge and its width extending to 2.69m. The stated floor area of the development is 1.25m².

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to refuse permission for four reasons.

Reason no. 1 stated that the development would injure the amenities of neighbouring properties due to overlooking.

Reason no. 2 stated that the development would be visually obtrusive and contrary to the Z2 zoning for the area.

Reason no. 3 stated that the development would contravene conditions no. 1,2 and 3 of permission 2516/16 and would adversely affect the scale and character of the house.

Reason no. 4 states that the development would set an undesirable precedent for similar development in the area.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The proposal seeks to retain some of the deviations from the authorised development relating to the height and depth of the dormer. It does not refer to others, including the width of the dormer, its use for habitable accommodation and the greater depth of the first floor extension of 3.9m. The reasons for the previous permission considered the visual impact of the development and its effect on the residential amenity of neighbouring properties. The development to be retained would result in excessive loss of privacy for the properties along Strangford Road. The expanded dormer and deeper first floor extension would dominate the rear of the house. It was recommended that permission be refused.

4.3. Third Party Observations

Submissions were made objecting to the proposed development on the grounds that it overlooked and overbore neighbouring properties, was bigger than that for which permission was granted, and that works were carried out outside the required hours. Third parties reported that they felt under pressure to withdraw their objections.

5.0 Policy Context

5.1. Development Plan

The Dublin City Development Plan 2016-2022 applies. The site is zoned as part of a residential conservation area under objective Z2. Section 16.10.2 of the plan states that extensions to houses should not have an adverse impact on the scale and character of the house or the amenities of occupants of adjacent buildings in terms of privacy and light. Section 17.11 says that dormer extensions should be visually

subordinate the roof and should be set back from the eaves level to minimise their visual impact and overlooking of adjacent properties.

5.2. **Natural Heritage Designations**

None.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- With regard to reason no. 1 of the planning authority's decision, the board are asked to note that there was no objection to this application or the previous permission from the adjacent properties. The dormer is 925mm from the boundary with No. 28 and 245mm from the boundary with No. 24. The dormer is 15m from the properties on Strangford Road. Opaque glazing fitted to the window of the dormer extension.
- With regard to reason no. 2, the board is asked to note the extent to which the size and height of the dormer extension was increased.
- With regard to reason no. 3, the depth of the extension is as per condition 2a), the constructed window of opaque glass has a combined width of 1m and is of similar shape to the existing rear windows as per condition 3a), and the external walls can be clad with tiles to comply with condition no. 3c).
- With regard to reason no. 4, there are similar dormer extensions on houses in the vicinity include two across the full width on the roof on the same road.
- The construction has taken into account the design of the dormer and adjoining buildings. It is visually subordinate to the existing roof slope, part of which is still visible. The new window has opaque glass and matches existing windows in shape, size and design. It is set back from the eaves to minimise visual impact.

6.2. **Planning Authority Response**

The response refers to the planner's report on the application.

7.0 Assessment

- 7.1. The original house is quite small, so a relatively large extension would be justified by the improvement to residential amenity that would be provided by additional living space. However the site is also small, so the scale of any acceptable extension is limited by the impact that it would have on the neighbouring houses which are in close proximity. In these circumstances the extension authorised by 2516/16, with the dimensions specified in condition no. 2, represents the biggest extension that could properly be built. The extension that has actually been built unduly overbears the neighbouring houses. It impinges on the privacy of those to the rear and the light available to those on either side. It is noted that the larger part of these deleterious effects arises from the first floor extension which was not addressed in the current application. However the dormer insertion is also excessive in scale and contravenes the permission governing the extension of the house. It is incapable of providing additional habitable accommodation for the house due to the limited floor to ceiling height and overlooks the houses to the rear. Reasons 1 and 3 of the planning authority's decision are therefore justified. The appeal does not provide sufficient grounds to overcome those reasons, even with the proposal to install obscure glass on the window. The proper planning of the area requires finalized planning permissions and conditions to be capable of implementation and enforcement. This would be rendered more difficult if incompatible permissions were in place for the site. Granting the current application would not be in keeping with the proper planning and sustainable development of the area, therefore.
- 7.2. The proposed development is unacceptable in itself. The reference to undesirable precedent in reason no. 4 of the planning authority's decision is redundant. The development has very little visual impact on the streets around the site. It would not injure the architectural character of the area, so reason no. 2 of the planning authority's decision is not justified.

8.0 Recommendation

- 8.1. I recommend that permission be refused for the reasons set out below.

9.0 Reasons and Considerations

1. The development whose retention is proposed is excessive in scale and would unduly overlook and overbear neighbouring properties. It would therefore seriously injure the residential amenities of property in the vicinity of the site.
2. The development contravenes conditions 2 and 3 of the grant of permission made under Reg. Ref. No. 2516/16 that were imposed to protect the amenities of neighbouring properties. It is therefore be contrary to the proper planning and sustainable development of the area.

Stephen J. O'Sullivan
Planning Inspector

12th May 2017