



An
Bord
Pleanála

Inspector's Report PL29S.248170

Development	Erect single storey extension to side, first floor extension to rear, alterations to existing internal layout, replace windows and new roof windows.
Location	15 Palmerstown Lane, Rathmines, Dublin 6
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4366/16
Applicant(s)	J & F Heavey
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	First V Conditions Third V Grant
Appellant(s)	J & F Heavey Heather Adair
Observer(s)	None
Date of Site Inspection	29 th May 2017
Inspector	Rónán O'Connor

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	3
3.3. Prescribed Bodies	3
3.4. Third Party Observations	4
4.0 Planning History.....	4
5.0 Policy Context.....	4
5.1. Development Plan.....	4
5.2. Natural Heritage Designations	4
6.0 The Appeal	4
6.1. Grounds of Appeal	4
6.2. Applicant Response	5
6.3. Planning Authority Response.....	6
6.4. Observations	6
6.5. Further Responses.....	6
7.0 Assessment.....	7
8.0 Recommendation.....	9
9.0 Reasons and Considerations.....	9
10.0 Conditions	9

1.0 Site Location and Description

- 1.1. The appeal site is approximately 1.5km south-east of Rathmines. On site is a mews dwelling on Palmerstown Lane, located to the rear of No. 15 Palmerstown Park. The existing dwelling is part-two storey and part-single storey.
- 1.2. Palmerstown Lane has a variety of mews dwellings from modern contemporary designs to more traditional mews dwellings.

2.0 Proposed Development

- 2.1. Erect single storey extension to side, first floor extension to rear, alterations to existing internal layout, replace windows and new roof windows.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant permission. A condition of note, and the subject of the First Party Appeal, is Condition 3 which limits the first floor bedroom annex to a maximum of 3m in depth.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority. Points of note include:

- First floor extension should be reduced in depth to 3m to limit the impact on daylight and sunlight to the dwelling to the east.
- Flat roof should not be used as a roof terrace.

3.2.2. Other Technical Reports

Drainage Department – No objection.

3.3. Prescribed Bodies

None

3.4. **Third Party Observations**

- 3.4.1. 2 submissions (both from 16 Palmerstown Lane) were received in relation to the application. The issues raised are covered in the grounds of appeal.

4.0 **Planning History**

- 4.1.1. No recent planning history on this site.

5.0 **Policy Context**

5.1. **Development Plan**

- 5.1.1. The site is zoned Z2 – To protect and/or improve the amenities of residential conservation areas.
- 5.1.2. Relevant policies and standards of the Dublin City Development Plan 2016-2022 include:
- Policy CHC4 – To protect the special interest and character of all Dublin’s Conservation Areas
 - Paragraph 16.10.12 of the Plan relates to extensions to residential properties
 - Appendix 17 of the Plan provides guidance on residential extensions
 - Appendix 24: Protected Structures and Buildings in Conservation Areas.

5.2. **Natural Heritage Designations**

- 5.2.1. None

6.0 **The Appeal**

6.1. **Grounds of Appeal**

First Party Appeal

- 6.1.1. The grounds of the First Party Appeal, as submitted by Micheál O’Drisceoil Architect, are as follows:

- The appeal relates to Condition No. 3 of the planning authority's decision relating to the first floor extension.
- No. 16 has a substantial two-storey extension which is estimated to be at least 5m deep.
- Planning Officer's report is contradictory - states the development will not have an impact on adjacent structures in terms of privacy or access to daylight but considers that a 4.5m extension at first floor level will have an impact on daylight sunlight.
- Roof of the proposed development is the same overall height as that at No. 16.

6.1.2. Amended plans have been submitted as part of the appeal which details the following amendments:

- Dropping the overall height of the proposed extension by 400mm.
- Amendment of the roof form to a hip at the southern end.

Third Party Appeal

6.1.3. The grounds of the Third Party Appeal, as submitted by Hamilton Young Architects, are as follows:

- Development as originally submitted was not acceptable.
- Condition No. 3 is reasonable but request that the roof be hip-ended as opposed to gable ended to reduce overshadowing.
- The gutter/fascia line of the proposed rear extension should be set at the same level of the original reducing the height and subsequent overshadowing and visual mass impacts.
- Proposed height of ground floor extension would result in overshadowing.

6.2. Applicant Response

6.2.1. A response to the Third Party Appeal was submitted by Micheál O'Drisceoil Architect, on behalf of the applicants and is summarised below:

- Amended design takes into account neighbour's concerns.

- Site visit is required to assess the actual scale of development at No. 16.
- Inaccuracies in the sun analysis diagrams and in their representation of the development – height is not as shown and is much lower.

6.3. **Planning Authority Response**

- Planning Authority was fully cognisant of the immediate planning context and of the development at No. 16 Palmerstown Lane.
- The development as whole is not unduly injurious but there are concerns in relation to the first floor extension.
- Concerns of the planning authority in relation to the first floor extension still stand.

6.4. **Observations**

6.4.1. None.

6.5. **Further Responses**

6.5.1. A response by the Third Party to the First Party Appeal was submitted by Hamilton Young Architects. This is summarised below:

- Ordnance survey and site map do not show the correct footprint at No. 16.
- The two-storey element at No. 16 is positioned in the centre of the house away from the boundaries.
- Space referred to as an 'Outdoor Utility/Storage Area' is used as a garden space/recreational space.
- A two-storey extension would have a detrimental effect on No. 16 in terms of overshadowing and mass.
- Windows facing the development that receive light from this aspect.
- Amended design submitted by the applicant does not alleviate concerns.

7.0 Assessment

7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. I have had regard to the revised drawing submitted to An Bord Pleanála on 20th March 2017.

7.2. The main planning issues in the assessment of the proposed development are as follows:

- Principle of Development
- Design and visual amenity
- Residential Amenity
- Appropriate Assessment
- Other Issues

7.3. Principle of Development

7.3.1. The site is zoned 'Z2' under the Dublin City Development Plan, 2011-2017. The stated objective for 'Z2' zoned land is "to protect and/or improve the amenities of *residential conservation areas*". The principle of residential development is generally acceptable on 'Z2' zoned land, subject to safeguards.

7.4. Design and Visual Amenity

7.4.1. The design of the two-storey rear extension is traditional in appearance. I note the scale of the extension has been reduced from the originally proposed development, with the height of the first floor extension reduced and the roof form amended to a hipped roof.

7.4.2. While the scale of the extensions is relatively large, I do not consider it excessive, having regard to the larger extensions on neighbouring sites.

7.5. The overall appearance of the extensions is acceptable and is in keeping with the objectives of the CDP.

7.5.1. The two-storey rear extension will not be visible from the streetscape and therefore its visual impact is limited accordingly.

7.6. Residential Amenity

- 7.6.1. There are two immediately adjoining properties, No. 16 Palmerstown Lane to the east (occupied by the Third Party appellant) and No. 14 Palmerstown Lane to the west of the property.
- 7.6.2. In relation to the impact on No. 16 Palmerstown Lane to the east, I note that this property has bedroom windows at ground and first floor level, adjacent to the site boundary and also has bedroom windows at ground floor level facing the appeal site within the single storey curved extension to the rear. There is also a larger two-storey extension with a secondary living room window at ground floor level and a secondary bedroom window at first floor level facing the appeal site.
- 7.6.3. Notwithstanding the slight reduction in height and the amended roof form set out in the revised plans, it is my view that the two storey element would negatively impact on daylight and sunlight levels to the first floor bedroom window adjacent to the site boundary and also impact on daylight and sunlight levels to the ground floor bedroom within the curved extension. I note the daylight and sunlight levels to the ground floor bedroom window adjacent to the boundary are impacted already by the existing extension on the boundary. The bedroom within the curved extension does have a smaller south facing window but the loss of daylight and sunlight reaching the larger west facing window would result in an unacceptable impact on this room.
- 7.6.4. In addition, the two-storey extension would result in a loss of outlook from the first floor bedroom window adjacent to the boundary and from the west facing bedroom window within the curved extension.
- 7.6.5. I note the planning authority has raised concerns in relation to the impact of the first floor extension and has imposed a condition requiring the depth of this first floor extension be reduced to a maximum of 3m from the existing rear elevation. This condition is the subject of the First Party Appeal.
- 7.6.6. I consider that the reduction in depth required at first floor level is reasonable and will ensure that impacts on daylight and sunlight levels, and impact on outlook, are reduced to an acceptable degree. I am also of the view that the roof form of the first floor extension should be hipped, as indicated within the revised plans submitted as part of this appeal.

7.6.7. I do not consider that there will be any adverse impact on the amenity of No. 14 Palmerstown Lane, given the limited height of the single storey side extension proposed on the boundary, which is similar in height to the existing built form at No. 14.

7.7. Appropriate Assessment

7.7.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the proximity to the nearest European Site, no Appropriate Assessment issues arise and it is not considered the proposed development 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. The proposed development should be granted for the reasons and considerations hereunder.

9.0 Reasons and Considerations

9.1. Having regard to the zoning objective for the site, the pattern of development in the vicinity and the policies of the current Dublin City Development Plan 2016-2022, it is considered that, subject to compliance with the conditions below, the proposed development would not seriously injure the residential or visual amenity of the area. 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, as amended by the further plans and particulars received by An Bord Pleanála on the 20th day of March, 2017, 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. The proposed development shall be amended as follows:

(a) The first floor extension (bedroom annex) shall be limited to a maximum of 3m in depth from the main rear elevation. In the interest of clarity, the roof form shall be a hipped roof.

Reason: In the interests of residential amenity.

3. Site development and building works shall be carried out only between the hours of 0800 to 1800 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.

4. The flat roof extension shall not be used as a roof terrace.

Reason: In the interests of residential amenity.

5. 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.

6. 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 order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling and in

the interest of the amenities of the area.

7. 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.

Rónán O'Connor
Planning Inspector

06th June 2017