



An
Bord
Pleanála

Inspector's Report PL29S.248240

Development	Construct single storey rear & side extension and new rear dormer
Location	30 Durham Road, Sandymount, Dublin 4
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4316/16
Applicant(s)	Tim & Catherine Cahill
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Michael Henry
Observer(s)	None
Date of Site Inspection	1 st of June 2017
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1.1. The application site is located on the western side of Durham Road, opposite the cul-de-sac and to the south of the junction with Newgrove Avenue. Strand Road (R131) and Dublin Bay lies to the east. No.30, Durham Road, comprises a 2 storey, semi-detached dwelling on a corner plot of irregular shape. It has been recently extended with a two storey extension to the side and single storey extension to the rear (Reg.Ref.2708/14 refers). There is a high boundary fence that has recently been erected around the rear garden area.
- 1.1.2. There is a vehicular access to the site to an on-site parking space. There is on-street parking along Durham Road and the area is relatively heavily parked.

2.0 Proposed Development

- 2.1. This is to comprise of the construction of a single storey extension to the side and rear of the property and a new dormer window to the rear with internal modifications and all ancillary works.
- 2.2. The application for provides that the total site area is 374.92sq.m. the floor area of the buildings to be retained on site is 222.43sq.m, the proposed new floor area is 28.2sq.m giving a total floor area of 250.63sq.m. It also provides that there is an existing residential extension of 64sq.m. The proposed plot ratio is 0.4 and the proposed site coverage is 37%.
- 2.3. A Site Layout Plan, Floor Plans, Sections and Elevations have been submitted showing the existing and proposed development.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 14th of March 2017, Dublin City Council granted permission for the proposed development subject to 8no. conditions. These generally refer to infrastructural or construction related issues. The following are of note relative to design issues:
 - Condition no.2 provides that the dormer window be obscure glazed.

- Condition no.3 provides that external finishes match the existing house.

3.2. Planning Authority Reports

3.2.1. Planner's Report

This has regard to the location context, planning history and policy and to the submissions made. It is noted that the property was previously extended under Reg.Ref.2708/14. They were concerned given the orientation of the site and the irregular shape of the adjoining garden no.32 that the resulting single storey structure of approx.7m in length would have an overbearing impact on the neighbouring property. They considered that there may be a design response to reduce the impact such as a reduction in the length of the proposed off-setting from the boundary. They recommended that additional information be requested to consider how the impact of the extension to the rear of the neighbouring property can be reduced.

3.2.2. Further Information response

Revised drawings were submitted detailing revisions to the extension to the rear, resulting in a step back from the boundary and a reduction in width.

3.2.3. Planner's response

The Planner considered the revisions to be acceptable response to the concerns raised and recommended permission subject to conditions.

3.3. Other Technical Reports

3.3.1. Engineering Department Drainage Division

They do not object and recommend that the proposal comply with drainage standards and incorporate SUDS in the management of drainage.

3.4. Third Party Observations

- 3.4.1. A submission has been received from the neighbouring property (the subsequent appellant). This includes the following:

- The proposed extension, in addition to the recent extensions to the subject property will significantly impact on his amenities. It will further his loss of outlook and lead to overshadowing issues and devalue his property.
- A boundary fence erected on 30 Durham Road has already reduced sunlight to his property.
- It is suggested that a condition be included that the dormer window not be used for habitable purposes.

4.0 Planning History

4.1.1. The following is the recent history relevant to the subject property:

- Reg.Ref.2708/14 – The Council granted permission subject to 10no. conditions for the demolition of an existing outbuilding, construction of a new vehicular access and the construction of a two storey side extension and a single storey rear extension; resulting in an overall floor area increase from 89.5sq.m to 223sq.m. The application included all associated site works.

A copy of this decision is included in the History Appendix to this Report.

4.1.2. Adjoining Sites

There is no planning history on record relevant to no.32 Durham Road.

- Reg.Ref.2385/95 – Permission granted subject to conditions for part two-storey domestic extension to the side and part of the rear and front and widening of the existing entrance gateway at no. 28 Durham Road.

5.0 Policy Context

5.1. **Dublin City Development Plan 2016-2022**

This is the pertinent plan. As shown on Map F the site is within the Z1 Residential/Conservation Land Use Zoning where the Objective is: *To protect, provide and improve residential amenities*. It is also adjacent to but not within an ACA, Section 11.1.5.4 refers to ACAs and CAs i.e. *Architectural Conservation Areas and Conservation Areas have been designated in recognition of their special interest*

or unique historic and architectural character and important contribution to the heritage of the city. Policy CHC4 seeks: To protect the special interest and character of all Dublin's Conservation Areas (11.1.5.4). Development within or affecting all conservation areas will contribute positively to the character and distinctiveness; and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

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. A Third Party Appeal has been submitted by Brian O'Donoghue Architects Ltd on behalf of Michael Henry in the adjoining property no. 32 Durham Road, Sandymount. His concerns include the following:

- The previous permission Reg.Ref. 2708/14 allowed for a 2 storey extension to the side and a single storey extension to the rear. This proposal for a further single storey extension would be in addition to this and details are provided of the impact of the proposed development.
- Given the orientation of the site and the irregular shape of the adjoining garden no.32, there is concern that a structure of 7.3m in length albeit a single storey extension would result in an overbearing impact on the neighbouring property.
- They note the revised plans have resulted in the extension being stepped off the site boundary by 1.3m and the width of the extension reduced from 6.6m to 5.8m.
- They consider that while these modifications are to be welcomed they are still concerned that the extension will result in yet further reduction in available daylight to the rear garden of no.32 particularly in the afternoons and early evenings.
- At present, notwithstanding the already dominant extension side well of no.30 there is a small 'window' of sky and mature trees that can just about be seen from no.32. If this extension is constructed, this view will be eliminated and the view from no.32 shall be dominating and oppressive.
- The current proposal is unacceptable and they urge the Board to either refuse permission for the current rear extension proposal, or failing that have it sited 4.0m from the shared boundary that separates the respective rear gardens.

6.2. Planning Authority Response

- 6.2.1. Dublin City Council provide that it is not intended to respond in detail to the grounds of appeal as the PA considers that the comprehensive planning report deals fully with the issues raised and justifies its decision.

7.0 Assessment

7.1. Principle of Development and Planning Policy

- 7.1.1. As shown on Map F of the Dublin City Development Plan the subject site is within the Z1 zoning where the Objective is: *To protect, provide and improve residential amenities*. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the residential amenities of the area. Map F also shows that the site is just outside and to the south of the Sandymount Architectural Conservation Area.
- 7.1.2. 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.
- 7.1.3. The First Party provides that this extension is needed to provide extra family living space in the house and provide details of this. Regard is also had to the revised plans submitted at Further Information stage. The Third Party, who is the adjoining resident at no.32 Durham Road has regard to the previous recent planning history of the subject site where permission was granted for a sizeable two storey side and single storey rear extension (Reg.Ref.2708/14 refers), which has now been constructed on site. He is concerned that the current proposal albeit for a further single storey extension at the rear along with the existing permitted extensions will result in an extension that will be overbearing, cause overshadowing and devalue his property.
- 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 and Impact on Residential Amenities

- 7.2.1. Regard is had to the plans originally submitted which show the existing and proposed development. As noted above the house has recently been substantially extended (Reg.Ref.2708/14 relates). The current proposal seeks to create additional living space to the rear of the property as well as a new side entrance containing utility, storage and cloakroom. It is also proposed to provide a new dormer window in the attic.
- 7.2.2. The plans originally submitted show the proposed single storey extension to the rear of the existing single storey extension and the width of the extension is shown as c. 6.6m by c.4.4m in length. This would result in a single storey extension of c.7.5m along the boundary with no.32 Durham Road which is to the north of the subject property. The extension is shown with a flat roof marginally lower than the existing extension (i.e. 3.13m as compared to 3.48m). Regard is had to this extension, which is the issue of contention for the Third Party further below.
- 7.2.3. It is also proposed to provide a single storey side extension shown 3m in width at the front and in view of the boundary, narrowing to 1.36m at the rear and c.3.3m in length. This is shown with a flat roof c.3.25m in height. While this is an additional extension in view of the proposed set back it should not impact on the on-site parking area, or on the character of the street scape provided materials match that of the existing house. It is also noted that it will be seen as a further side extension to an already extended house. However, it is recommended that if the Board decide to permit that it be conditioned that it be set back a minimum of 1m from the boundary with no.28 Durham Road.
- 7.2.4. The plans also show that it is proposed to provide a large attic box dormer window at the rear. The sections show that the height achieved internally will only be 2.2m so it is proposed that this area be used for storage. It is noted that this area was proposed for habitable including bedroom accommodation, in Reg.Ref. 2708/14. However,

Condition no.2 of that permission provided that the attic shall not be used for habitable purposes.

- 7.2.5. Condition no. 2 of the Council's permission relative to the current proposal provides in the interests of privacy and amenity: *The dormer window on the rear elevation shall be permanently glazed with obscure glass to a height of 1.8 as measured from the internal finished floor level.* However as shown on the sections in view of the height this area can only be used for storage. While under a different remit, this is also the case having regard to Technical Guidance Document F(Ventilation) of the Building Regulations 2009. In the interest of the subordinate approach as per Appendix 17 of the current DCDP it is considered important that it be set below the ridge height of the roof. It is recommended that if the Board decide to permit that this be conditioned and that this window be obscure glazed and that the attic space be used only for storage.

7.3. Regard to the Proposed Rear Extension

- 7.3.1. Subsequent to the Council's request for Further Information, revised plans were submitted showing that the extension to the rear has been stepped off the site boundary with no.32 Durham Road by 1.3m and as a result the width of the extension has been reduced from 6.6m to 5.8m. The Council granted permission on this basis. However, regard is had to the issues raised in the subsequent Third Party appeal. It is considered that the combined length of the proposed and existing extensions is excessive and that it would be preferable in the interests of the amenities of the adjoining property at no.32 if the proposed extension were further reduced i.e. setback a minimum of 2m from the boundary with no.32 and to correspond more to the length of the existing single storey extension that it not exceed 3.5m in length.
- 7.3.2. As shown on the revised Site Layout Plan the resultant rear garden area is reduced to c.75sq.m. Section 16.10.2 of the DCDP 2016-2022 provides the Residential Quality Standards relative to Houses. This provides a minimum standard of 10sq.m of private open space per bedspace will normally be applied. The floor plans show 4 bedrooms, these appear as double bedrooms, therefore the rear garden area should be a minimum of 80sq.m. Therefore, it is considered that the proposed development will result in a reduction of the private open space amenity of the existing house in

that there will be substandard private amenity space for the existing property. However, this would be improved if the rear extension were to be further reduced as above. If the Board decide to permit it is recommended that this be conditioned.

7.4. Other issues

- 7.4.1. It is noted that the previous permission Reg.Ref.2708/14 included Condition no.10 regarding Development Contributions. This extension has since been constructed. Regard is had to the Dublin City Council Development Contributions Scheme 2016 - 2020. Section 12 provides for Exemptions and Reductions and this includes as exempt: *The first 40sq meters of extensions to a residential development (subsequent extensions or extensions over and above 40 square meters to be charged at the residential rate per square meter)*. It is noted that the Council's permission relative to the subject application did not include a development contributions condition. The Board maybe mindful to do so and it is considered that this is raised as a new issue. It is also noted that the issue of a development contribution has not been raised by the parties as an issue in this appeal.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the proposal, in a fully serviced suburban area, 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 submitted on the 27th day of February, 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 proposed rear extension shall be set a minimum of 2m off the side boundary with no.32 Durham Road and shall be reduced to 3.5m in length.
 - (b) The proposed side extension shall be set a minimum of 1m off the side boundary with no.28 Durham Road.
 - (c) The proposed rear dormer shall be set below the ridge of the roof, shall be obscure glazed and the attic space shall only be used for storage.

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 shall be the same as those of the existing extended 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

8th of June 2017