



An
Bord
Pleanála

Inspector's Report PL29N.248326

Development	Single-storey rear extension and revised rear boundary
Location	40 & 40a Rosemount Avenue, Artane, Dublin 5
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2154/17
Applicant(s)	Martin & Martina Griffin
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	Catherine O'Doherty
Observer(s)	None
Date of Site Inspection	14 th June 2017
Inspector	Colm McLoughlin

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1.0 Site Location and Description

The appeal site is located on a corner site within the Harmonstown residential area, a 500m walk west of the Harmonstown DART station and approximately 5.5km northeast of Dublin city centre.

It contains 2 no. two-storey dwellings, including a mid-terrace dwelling, No. 40 Rosemount Avenue, and a more recently constructed end-of-terrace dwelling, No. 40a Rosemount Avenue. Both dwellings are provided with vehicular access, off-street parking and garden space to the front. Both dwellings have rear gardens and the external finishes of both dwellings generally comprise a combination of red-facing bricks, dashed render and concrete profile tiles.

The surrounding area is generally characterised by rows of terraced dwellings of similar styles, fronting onto residential streets and backing onto lanes. Ground levels in the vicinity are relatively flat with a slight drop in levels towards the southwest.

The appellant's dwelling, No. 36 Brookwood Lawn, is directly adjoining and to the north of the appeal property, No. 40 Rosemount Avenue.

2.0 Proposed Development

The proposed development comprises a single-storey pitched roof rear extension to the mid-terrace dwelling and realignment of the rear boundary shared by the 2 dwellings on site. The proposed rear extension will comprise kitchen/living area measuring approximately 19.3sq.m (GFA) served by rear patio door, two rear windows and two rooflights. Internal alterations at first-floor level will result in the number of bedrooms reducing from three to two in No. 40.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to 7 conditions, most of which are of a standard nature, but also including the following requirements:

- Condition 2: rooflights to be permanent fitting and opaque.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer reflects the decision of the planning authority. The Planning Officer notes that:

- Use of a 45-degree rule indicates that there will be no unacceptable obstruction;
- Overlooking does not occur;
- Adequate quantum of private open space provided per dwelling.

3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) - no objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third-Party Submissions

A submission was received from 1 no. third-party and the issues raised are largely covered in the grounds of appeal listed below, but also included:

- Shadow study images showing significant loss of light to appellant's neighbouring property;
- Extension will be constructed over a drainage pipe which also serves the appellant's property and this will present problems in terms of servicing the pipe, which is frequently blocked.

4.0 Planning History

4.1. Subject Site

Recent relevant planning applications associated with the subject site, include:

- 1412/05 - Permission **granted** for two-storey end-of-terrace house and ancillary site works;

Condition 11 – removal of exemptions regarding extensions and outbuildings.

- 3210/05 - Permission **granted** for amendments to previously permitted development Ref. 1412/05, comprising relocation of vehicular entrance to No. 40a and addition of utility room and chimney to side of No. 40a;
- PL29N.247161 (DCC Ref. 2526/16) - Permission **refused** for part two-storey and part single storey rear extension to No. 40 Rosemount Avenue and realignment of shared rear boundary.

Reason No. 1 - It is considered that the proposed extension, by reason of its extent, height and location, would seriously injure the residential amenities of adjoining property, and particularly those of number 36 Rosemount Avenue¹, by reason of overshadowing and overbearing impact. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Reason No. 2 - When taken in conjunction with existing development on the subject site, including the additional dwelling constructed to the side of the original dwelling (that is, house number 40A), and having regard to the limited rear garden space available for both dwellings, and the configuration of these rear gardens, it is considered that the proposed development would represent significant over-development of the overall site, which would result in inadequate rear garden areas and a poor level of outlook and amenity, which would seriously injure the residential amenities of the occupiers of these dwellings. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4.2. **Surrounding Sites**

The following recent relevant planning application associated with the subject site, include:

¹ Review suggests that this should read No. 36 Brookwood Lawn i.e. the appellant's property.

- 103 Brookwood Avenue - PL29N.246278 (DCC Ref. 4263/15) - Permission **granted** for construction of a porch extension, new kitchen extension to rear, new garage and associated site works.

It was considered that these proposals including a rear extension over a public sewer would not present significant drainage difficulties.

5.0 Policy Context

5.1. Development Plan

5.1.1. The appeal site has a zoning objective 'Z1' 'Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022 with a stated objective "to protect, provide and improve residential amenities".

5.1.2. Under Section 16.10.12 of Volume 1 to the Development Plan it is stated that applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied that the proposal will:

- Not have an adverse impact on the scale and character of the dwelling;
- Have no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight;
- Achieve a high quality of design.

5.1.3. Appendix 17 (Volume 2) of the Development Plan provides guidance on residential extensions.

5.1.4. BRE Site Layout Planning for Sunlight & Daylight (revised 2011).

6.0 The Appeal

6.1. Grounds of Appeal

The principal grounds of appeal to the proposed development can be summarised as follows:

- Detrimental impact on appellant's adjacent property to the north, No. 36 Brookwood Lawn;

- Overdevelopment of the site when taking into consideration the previous permissions;
- Overshadowing of appellant's house and rear garden, including loss of daylight;
- Overbearing impact creating a sense of enclosure.

6.2. Applicant's Response

A response was received on behalf of the first party, which may be summarised as follows:

- The subject proposals provide for a much-reduced scheme from that which was refused planning permission by An Bord Pleanála (PL29N.247161), thereby reducing the impact of the extension on the adjoining property;
- Other properties in the area have been extended in a similar manner to the rear;
- Shadow and sunlight studies reveal that the extension will have minimal impact on the adjoining properties;
- Proposals result in a reduction in bedspaces;
- Proposals would not represent overdevelopment of the site, as the total building footprint will represent only 25% of site area. Open space minimum requirements would be met, while proposals do not exceed density standards;
- Proposals meet BRE standards relating to access to sunlight and daylight, and the shadow studies and 45-degree approach reveal there will be minimal impact on neighbouring property;
- The applicant refutes claims that drainage was made worse by the development of the new dwelling, No. 40a Rosemount Avenue, and the new proposals will enhance drainage by replacing and upgrading the existing pipes under the new extension.

6.3. Planning Authority Response

No response to the grounds of appeal.

6.4. Observations

None.

7.0 Assessment

The grounds of appeal submitted by the resident of the adjoining property, primarily relate to issues of residential amenity, and I consider this to be the main issue in this case.

7.1. Impact on Residential Amenity

- 7.1.1. The grounds of appeal argue that the proposed development will have an **overbearing** impact on their property at No. 36 Brookwood Lawn and will create a sense of enclosure within their rear garden. The appellant's property and the subject property have the same rear building line and are built on similar levels. The proposed single-storey rear extension will be constructed to a depth of 4m and will include a pitch-roof with eaves level 3.1m in height and roof ridge 4.2m in height. The proposed extension will be constructed slightly off the boundary and will also form the revised boundary with No. 40a. The design, size and scale of the proposed extension and its relationship with the neighbouring property is quite typical in terms of modern suburban development. I do not consider that the proposal would have an overbearing impact on neighbouring properties.
- 7.1.2. In relation to **overshadowing**, it is noted that the proposed extension is located to the south of the rear garden to No. 36 Brookwood Lawn. The grounds of appeal raise significant concerns with regards to the potential for the proposed development to overshadow the appellant's property. The application includes a series of 'Shadow Assessment' visuals and the applicant asserts that these visuals reveal that the proposals will have minimal effect in terms of overshadowing of neighbouring properties. While recognising that the proposed extension will to some degree result in overshadowing of the rear garden closest to the appellant's property, I do not believe that this will be significant given the existence of a 2m high timber fence along the boundary and the fact that sunlight from the south is from greatest heights. It is not considered that the proposed development will unduly affect third-party amenities in this regard.

- 7.1.3. The grounds of appeal raise concerns regarding the potential for significant loss of **sunlight and daylight** arising from the proposed development, and the applicant assert that the proposed extension has been designed based on BRE standards outlined in the document 'Site Layout Planning for Sunlight & Daylight'. The planning authority and applicant believe the proposed extension meets the '45-degree rule', as outlined in the BRE document. In my opinion the rule is not fully adhered to in this case. However, considering the positioning, size, design and height of the proposed single-storey extension, potential for the proposed development to excessively restrict sunlight and daylight is limited.
- 7.1.4. Considering the absence of windows and doors from the side elevations of the proposed extension, I do not consider that the proposal would result in an unacceptable level of **overlooking**.
- 7.1.5. It is noted that the revisions to the rear boundary will result in a slight reduction in the permitted rear **garden size** to number 40a Rosemount Avenue. The planning authority and applicant state that the size of the rear gardens for both dwellings as a result of the proposed development will be in compliance with Development Plan standards, requiring 10m private amenity space per bedspace. While I agree that the quantitative standards can be met and note that the current constraints of both gardens, in my opinion the subject proposals do not significantly impact on this.
- 7.1.6. Accordingly, the development would not give rise to unacceptable impact on residential amenity and should not be refused for this reason.

7.2. **Other Matters**

- 7.2.1. The grounds of appeal also argue that the proposal represents **overdevelopment** of the site. I note that the scale and nature of the proposed single-storey rear extension to No. 40 is relatively minor, and notwithstanding the new dwelling at No. 40a, in my opinion the proposed development would not result in an excessive quantity of development on the site.
- 7.2.2. Proposals provide for a reasonable scale extension, and on balance I do not consider there is merit or that it is necessary to alter the design or reduce the scale of the extension via condition. Furthermore, I note that the condition attached by the planning authority sought to only allow for opaque windows in the proposed

rooflights, to restrict views into the new kitchen/living area from the first floor of the neighbouring dwellings. Such a measure could be applied by the occupant if deemed necessary.

- 7.2.3. Within their submission to the planning authority, the appellant raised concerns regarding ongoing drainage and the potential impact of the proposed development on drainage. It is considered that a condition attached to the permission will suitably address same.

8.0 Appropriate Assessment

Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

I recommend that planning permission should be granted, subject to conditions, as set out below.

10.0 Reasons and Considerations

Having regard to the zoning, nature and scale of the proposed development, and the existing pattern of development in the vicinity, it is considered that subject to compliance with the conditions below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 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.

3. 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 and to ensure a proper standard of development.

4. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

5. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400

hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

Colm McLoughlin
Planning Inspector

20th June 2017