



Development	Extension to side, rear and front of house, attic conversion, widen vehicular access and all associated works.
Location	58 Villa Park Gardens, Navan Road. Dublin 7
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1054/17
Applicant(s)	Paul and Sharon Hurley
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	Daire O'Brien and Paola Ugoletti
Observer(s)	None
Date of Site Inspection	18 th July 2017
Inspector	Suzanne Kehely

1. Site Location and Description

1.2. No 58 is the more western house of a pair of two storey semi-detached houses in a mature residential area in Cabra off the Navan Road. The houses along the road all feature hipped roofs with little departure from this prevailing roof form. The plot is, as are other plots generally along the road, 9.35m wide and almost 60m in depth. The house is approx. 121 sq.m. and has a modest single storey annex to the rear which appears to be original and the house is fairly much in its original form as viewed externally. No 60 which adjoins the house to its eastern side similarly is fairly much intact with only a modest shed/annex to the back of the house. A pair of patio doors replace the original ground floor window to the dining living area in the rear elevation of no.60 on near the boundary wall of the subject site. A party garden boundary wall extends about 2m from the houses before stepping down to a much lower fence and hedge below eye level at about 1.4m. The gardens gently slope down from the houses.

2.0 Proposed Development

2.1.1. It is proposed to alter and extend the property by

- Extending the ground floor level across the width of the house at a depth of 8.5m along the eastern boundary and 6m along the western boundary. The height at the western and eastern boundaries is boundary rises to 2.97m and 2.995m respectively rises to 4.58m in an asymmetrically slope roof. The single storey extension incorporates a 1.3m wide chimney to a height of about 6m
- Converting the garage to a habitable area and extend over for the depth of the original houses
- Extending the attic level to the side up to the boundary and extending by way of a large stepped dormer to a height just below the existing ridge and width consistent with the original roof width (as measured at eaves)

- Extension forward of the front building line by 1.3m and across the existing front door and garage door. This incorporates a relocated front door and extended store room with picture window to the front.
- Roof lights are proposed to the front and rear; two in the new roof to the side and one is proposed in the roof of the dormer extension to the rear.
- The roof profile is proposed to be altered from a hipped roof to a gable roof profile to the side
- Total new build is stated at 114.8 sq.m. with total accommodation of 231 sq.m.

2.1.2. It is also proposed to widen the vehicular entrance from 2.86m to 4.5m

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 11 conditions.

- Condition 3 requires
 - a hipped roof profile that is stepped down .4m from the existing.
 - a reduction in the dormer window width to 3m and set back of least 1m from boundary with no. 60
 - a stepping back of the first floor by .5m
- Condition 10 requires a maximum entrance width of 3.6m

3.2. Planning Authority Reports

3.2.1. Planning Reports

By reference to the development plan assessment criteria for domestic extension it is considered that:

- Extension of 114 s.qm does not reflect the scale and character of the row of semi-detached houses with hipped roofs
- The front building line above ground level should be set back

- Dormer is not visually subordinate and does not retain sufficient area of original roof in elevation.
- Extension is not considered to unduly impinge on neighbour due to orientation and scale height and layout,
- No justification is given for increasing vehicular entrance beyond the upper limit specified in the development plan (3.6m) and this width should be therefore a condition of permission

3.2.2. Other Technical Reports

Drainage: No objection

3.3. **Third Party Observations**

- Overbearing and overshadowing impact on neighbour

4.0 **Planning History**

None

5.0 **Policy Context**

5.1. **Development Plan 2016-2022**

The site is in an area governed by the objective to protect and/or improve residential amenities (Z1) under the current 2016-2022 development plan. There is little difference from the previous plan as used by the planning authority in its assessment in respect of the site and development proposed

Section 16.10.12 refers generally to extension approach. Appendix 17 also refers. Appendix 17.11 notably refers to roof profile and treatment. 'dormer windows should be set back from eaves to avoid visual impact.

- The design of the dormer should reflect the character of the area, the surrounding buildings and the age and appearance of the existing building.

- Dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible.
- Any new window should relate to the shape, size, position and design of the existing doors and windows on the lower floors.
- Roof materials should be covered in materials that match or complement the main building.
- Dormer windows should be set back from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties.

5.2. Natural Heritage Designations

Not relevant

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The residents of the adjoining semi-detached house object to the scale of the extension to the rear in that it is 'very big, imposing and extremely close' to their home. More precisely:
- It is long and high compared to almost all surrounding properties. The other large extension in the area impinges on the area and should not be a precedent but even in that case the height is in the order of 3-3.5m and the two storey element is stepped back from the adjoining house
 - Object to a 3m high wall over 8.5m with a rise to 4.5m. This is 850mm from the patio door which is source of amenity being the main source of natural light. It would block out western sunlight and detract from the enjoyment of their home particularly as the front of the house is in the shade due to its north eastern orientation.
 - Do not object in principle but consider that the impact in visual and residential amenity could be lessened.

6.2. Applicant Response

- The single storey extension, if considered in isolation, is within the parameters of what could be classed as exempted development
- Careful consideration was given in design to minimising impacts with scale and massing of the ground floor extension and with the height being lowest at the boundaries
- The roof is low pitched and within boundary as opposed to constructing on party wall.
- The floor steps down rather than continuing the floor level though from existing house
- The large rear garden with a depth of 41.5 and southerly orientation permits ample daylight to the rear.
- It is disputed that no.60 enjoys westerly sunlight.
- There is a precedent for similar extensions.
- Impact on patio doors of the appellants' property is an impact on works consequent on the recent works by the owners

6.3. Planning Authority Response

- Nothing further

6.4. Planning and Development Regulations exempted development

- 6.4.1. Class 1: The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

Conditions:

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

- (b), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.
- (c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.
2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.
- (b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres. (c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.
3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.
4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.
- (b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.
- (c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.
5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.
6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.
- (b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.
- (c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.
7. The roof of any extension shall not be used as a balcony or roof garden.

6.5. Further Responses

None invited

7.0 **Assessment**

7.1. **Issues**

- 7.1.1. The subject development relates to a large extension of over 100 sq.m. and alternations to a property comprising a large ground floor extension substantially to the rear and side and a large dormer extension at attic level. There is no substantive objection to the principle of development. The core issue in the appeal relates to the overbearing impact on the adjoining semi-detached house and impact on residential amenity. The planning authority in its decision also raises issues relating to the scale of the dormer and, the vehicular access and the front building line.

7.2. **Residential Amenity**

- 7.2.1. It is proposed to extend to the rear at ground level by a depth of up to 8.5m alongside the boundary wall and fence and this is objectionable to the neighbours. The extension will rise to almost 3m.
- 7.2.2. The applicant makes the case that the floor level in the extension will step down to reflect the site contour however this is not replicated in section A-A drawings or side elevations and are therefore somewhat misleading in this regard. The extension along the boundary will in fact rise by up above ground level by an additional 510mm. There is also the added bulk of the chimney stack at 1.6m wide and rising to about 6m above eaves level.
- 7.2.3. The appellants are concerned about the impact of the sheer scale and extent of this wall on the enjoyment of their property by virtue of its proximity at 850mm from their patio doors which allow high level of daylight and sunlight into their home. TI is pointed out that this is significant source of light as the front of the house is north/north east facing. The applicant disputes the loss of sunlight on grounds of orientation and further holds the view that the patio doors were a later addition. Having inspected the site and examined the drawings I am of the opinion that the proposed extension would have an overbearing impact and would obscure sunlight in the late afternoon evening and the combined impact would detract from the enjoyment of the property. The question is – is this justified?

- 7.2.4. The applicant states that as this element along the boundary would in fact be exempted development it is in effect unreasonable to not permit it. I accept that this exempted status is theoretically the case however this proposal has to be looked at in the context of being part of much larger extension in the order of 115 sq.m, which has a cumulative impact. The planning authority has attempted to ameliorate the overall impact by reducing the massing at roof level and also in the front whereas the appellants seek to minimise the direct impact on the boundary.
- 7.2.5. The applicant also makes the case that the roof is sloped and profiled to minimise impact.
- 7.2.6. While I agree that the garden is extensive and loss of enjoyment of the garden is not a reasonable basis to refuse permission, I consider the impact on no 60 to a certain extent is unwarranted precisely because of the garden size and also because of the generous plot width at 9.3m. In such circumstances and in view of the forgoing, I consider it reasonable to modify the ground floor rear extension along the boundary such that it is stepped down and back from boundary by 800mm over a depth of 4.2m as measured from the rear building line at the eastern site boundary. I also consider the chimney flue should be modified to be slender and/or rotated 90 degrees on plan to reduce its shadow into neighbouring properties.

7.3. Impact on Visual Amenity

- 7.3.1. In respect of the proposed scale of the dormer, I concur with the planning authority that this excessive and top heavy ad should be modified to be more subordinate.
- 7.3.2. With respect to the street elevation I also share the view of the planning authority the hipped roof profile should be retained and this accords with the clear development plan guidelines in Appendix 17.
- 7.3.3. Similarly, I share the view that the front building line at upper floor level should be stepped in deference to the streetscape character of the semi-detached houses. While it is a pity to lose the arched door way - part of the defining characterise of the house style along the road I do not consider the relatively modestly scaled porch like extension to the front to be unduly obtrusive.

7.4. Vehicular Access

- 7.4.1. The planning authority has reduced the vehicular entrance from the proposed width of 4.5m to 3.6m and this accords with the development plan standards and is in keeping with the character of the area. As noted by the planning authority the applicant makes no case to justify this in the application details or response to the grounds of appeal. I concur with the planning authority assessment and recommend that condition 10 be retained as a condition in the event of grant of permission.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

8.0 Recommendation

- 8.1. Grant Permission subject to conditions

9.0 Reasons and Considerations

Having regard to the nature of the proposed development, the site characteristics and subject to conditions the Board is satisfied that the proposed development would be in keeping with the existing character and pattern of development in the immediate area and would not otherwise unduly detract from the existing residential amenity of the adjoining dwelling or of visual amenities of the area in which it is situated. The proposal 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, except as may otherwise be required in order to comply with the following conditions.
Where such conditions require points of detail to be agreed with the

planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
- a) The roof of the proposed side extension shall be hipped to match the existing roof profile and set down 0.4m from the existing ridgeline.
 - b) The dormer extension on the rear roof slope shall be reduced in width to 3m and set back by at least 1m from the boundary with the adjoining dwelling. Windows shall be reduced in size.
 - c) The first floor side extension shall be set back .5m from the existing front building line.
 - d) the ground floor rear extension shall be stepped down by at least 500mm in height and set back from boundary by 800mm over a depth of 4.2m as measured from the rear building line at the eastern site boundary.
 - e) The proposed chimney stack shall be either revised to a narrow flue or rotated 90s on plan.

- 3 Revised drawings showing compliance with these requirements and details of existing and finished ground level shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity and public safety.

- 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 and to ensure a proper standard of development.

5 Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6 The proposed vehicular entrance shall not exceed 3.6m in width and shall not have outward opening gates. Details shall otherwise be in accordance with the requirements of the Roads Streets and Traffic Department and details shall be submitted for written agreement with the planning authority prior to commencement of development.

Reason: In the interest of pedestrian safety.

Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

Suzanne Kehely

Senior Planning Inspector

18th July 2017