



An
Bord
Pleanála

Inspector's Report PL29S.248533

Development	Retain first floor rear extension.
Location	153 Benmadigan Road, Dublin 12
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2393/17
Applicant(s)	Virginijus Sveikauskas
Type of Application	Retention permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Deirdre White
Observer(s)	None
Date of Site Inspection	25 th August 2017
Inspector	Karla Mc Bride

1.0 Site Location and Description

The appeal site is located in Drimnagh on the south side of Dublin and the surrounding residential area is characterised by small 2-storey terraced houses with rear gardens. The appeal premises comprises a 2-storey mid terrace house which has a 2-storey rear extension. Several other houses in the vicinity have been extended by the addition of single and 2-storey rear extensions.

Photographs and maps in Appendix 1 describe this relationship in more detail.

2.0 Proposed Development

2.1. Planning permission is being sought to retain a first floor extension located over an existing single storey extension to the rear of a 2-storey house.

- The existing ground and first floor extensions are c.12sq.m. at each level.
- They are c.4.7m wide and 2.6m deep and the entire structure is c.5.2m high.

The application was accompanied by a cover letter which stated that:

- The existing single-storey rear extension was exempt development.
- The applicant thought that the later first floor level was also exempt as it was less than 12sq.m. and was not aware of the minimum separation limitation.
- Several properties in the area have similar (permitted) 2-storey extensions.

3.0 Planning Authority Decision

3.1. Decision

The PA decided to grant planning permission to retain the first floor extension subject to 5 standard conditions.

Condition no.2 required the applicant to replace the existing flat roof with an “A” pitched roof located entirely within the application site, and that any damage to the neighbouring roof areas should be made good.

3.2. **Planning Authority Reports**

Drainage Division: No objection subject to conditions.

3.3. **Third Party Observations**

Submissions received from the adjoining neighbours who raised concerns in relation to an encroachment into the attic space of their houses without their permission.

3.4. **Planning History**

E0090/15: Warning Letter served on applicant in relation to the encroachment.

4.0 **Policy Context**

4.1. **Development Plan**

The proposed development would be located within an area covered by the “Z1” zoning objective in the Dublin City Council Development Plan 2016 to 2022 which seeks to “To protect, provide and improve residential amenities”.

Extensions and Alterations to Dwellings (Section 16.10.12):

The design of residential extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy and the development should integrate with the existing building.

Guidelines for Residential Extensions (Appendix 17):

Guidance is provided in relation to residential amenity, privacy, the relationship between the dwellings and extensions, daylight and sunlight, appearance, subordinate approach, materials, contemporary extensions, roof extension, sustainable design and solar panels. The extension should not dominate the existing building and it should not be larger or higher than the existing dwelling.

4.2. **Natural Heritage Designations**

The following NPWS designated areas are located within a 5km radius of the site:

- South Dublin Bay SAC (Site code: 000210)
- South Dublin Bay & River Tolka Estuary SPA (Site code: 004024)
- South Dublin Bay pNHA (Site code: 000210)

5.0 **The Appeal**

5.1. **Grounds of Third Party Appeal**

- Encroachment into the attic space of the neighbouring properties without the owner's permission.
- The PA conditions do not include any reference to the support plinth the applicant used or the damage incurred to the attic walls at nos.152 and 154 as a result of the installation of the plinth.
- Structural damage to neighbouring houses and fire risk.

5.2. **Applicant's response**

None received.

5.3. **Planning Authority Response**

The proposed development as amended by condition would be in accordance with the proper planning and sustainable development of the area.

5.4. **Observations**

None received

6.0 Assessment

The main issues arising in this case are:

- Principle of development
- Visual & residential amenity
- Other issues

6.1. Principle of development

The appeal site is located within an area covered by the “Z1” zoning objectives in the current Dublin City Council Development Plan which seeks to “To protect, provide and improve residential amenities.” The proposed development would be compatible with this objective subject compliance with the criteria set out in Section 16 and Appendix 17 of the Development Plan in relation to Residential Extensions.

6.2. Visual and residential amenity

The appeal site is located in the Drimnagh area of Dublin and the surrounding area comprises a mix of small two-storey terraced houses and several of the properties have single and two storey extensions to the rear. The site is not covered by any sensitive heritage designations and there are no Protected Structure in the vicinity.

The existing 2-storey mid terrace house has been extended by the addition of a 2-storey rear extension which is approximately 24sq.m. and 2.6m deep, 4.7m wide and 5.2m high. The extension has a flat roof and windows in the rear elevation at ground and first floor levels. The extension is located within c.0.25m of the site boundary with the neighbouring house to the W at no.152 and within c.0.34m of the site boundary with the neighbouring house to the E at no.154.

Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended) exempts the construction of an extension to the rear of an existing house subject to a number of the Conditions and Limitations. Condition and

Limitation no.3 states that any above ground floor extension shall be a distance of not less than 2m from any party boundary. The applicant is therefore seeking planning permission to retain the first floor section of the rear extension which is located less than 2m from the site boundaries with the neighbouring houses.

Section 16.10.12 of the Development Plan states that the design of residential extensions should integrate with the existing building. The extension is modest in scale and it is noted that several other properties in the vicinity have extensions of a similar scale and design. However, the flat roof over the first floor extension is a cause for concern in terms of visual and residential amenity as it extends above the height of the eaves of the existing and neighbouring houses. This concern could be addressed by way of a planning condition to require the replacement of the existing flat roof with a new "A" shaped roof which would integrate visually with the existing roof of the mid terrace house.

The extended house would provide for an acceptable level of residential amenity in line with Development Plan requirements and the rear garden would continue to provide for an acceptable level of private amenity space. Having regard to the small scale of the extension, which extends for c.2.6m along the site boundaries, and the absence of windows in the site elevations, it is unlikely that the development proposed for retention would injure the amenities of adjoining houses by way of overshadowing, overlooking or loss of privacy.

The Third Party raised concerns in relation to an encroachment into the neighbouring attics at no.152 and 153 and the damage done to the internal attic walls during the construction of the first floor rear extension. These concerns are noted. Although the development proposed for retention should have been located entirely within the appeal site boundaries, any encroachment and boundary related issues are civil in nature. However, the Third Party concerns would be indirectly addressed by the replacement of the existing unauthorised flat roof with a new "A" pitched roof as recommended above. The works would have to be carried out in accordance with all relevant Building Regulations and Codes of Practice.

6.3. Other issues

Appropriate assessment: The proposed development would be located within an established built up which does not have a direct connection to any European sites.

Environmental services: The arrangements are considered acceptable subject to compliance with the requirements of Irish Water and the planning authority.

Flooding: The site is not located within a flood risk zone and the proposal would not give rise to a flood risk within the site or the surrounding area.

7.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2016-2022, and to the nature and scale of the development proposed for retention and to the pattern of development in the area, it is considered that subject to compliance with the following conditions, the development proposed for retention would not seriously injure the amenities of the area or of property in the vicinity. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

8.0 Conditions

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

Reason: In the interest of clarity.

2. The development proposed for retention shall be amended as follows:

The existing flat roof over the first floor rear extension shall be replaced with an "A" shaped pitched roof which integrates fully with the existing roof profile of the mid terrace house, and is located entirely within the development site. Any damage to the neighbouring roof areas during the implementation of this condition should be made good at the developer's expense. The works shall commence within three months of the receipt of this decision.

Revised plans, which incorporate these amendments, shall be submitted to the planning authority for written agreement before development commences.

Reason: In the interest of visual and residential amenity.

3. Water supply and drainage arrangements, including the disposal of surface water and internal basement drainage, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

Reason: In the interest of public health.

4. The site works and building works required to implement the development shall only be carried out between 7.00 hours and 18.00 hours, Monday to Friday and between 08.00hours and 14.00 hours on Saturdays and not at all on Sundays or Public Holidays.

Reason: To safeguard the residential amenities of adjacent dwellings.

Karla Mc Bride
Senior Planning Inspector
28th August 2017