



An
Bord
Pleanála

Inspector's Report PL29S.248548

Development

Demolition of first floor extension, erection of a two- storey extension to side and rear along with a single storey extension, conversion of garage and widening of vehicular entrance.

Location

33 Belmont Gardens, Donnybrook, Dublin 4.

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

2390/17.

Applicant(s)

Emma O'Driscoll and David Gavin.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

Third Party

Appellant(s)

David and Jacqueline Mc Inerney.

Observer(s)

None.

Date of Site Inspection

09th of August 2017.

Inspector

Karen Hamilton.

1.0 Site Location and Description

1.1. The subject site is a two storey detached dwelling located at the end of a cul de sac, Belmont Gardens, Dublin 4. The site is bounded to the north by St Marys Tennis Club and is separated by a row of mature trees and a 2m high block wall along the boundary. The dwellings surrounding the site are of a similar design and style with bay windows and single and/ or double side extensions. The site has a large east facing rear garden and private off street parking to the front.

2.0 Proposed Development

2.1. The proposed development is for alterations and extension to an existing dwelling and may be summarised as follows:

- Demolition of first floor extension to the side of the dwelling,
- Conversion of the existing garage to accommodate a new side extension,
- Two storey side extension and part single storey/ two storey rear extension,
- Alterations to the existing dwelling including the removal of the existing chimney, inclusion of 2 no velux roof lights to the front of the building,
- Dormer window to the rear,
- Proposed flat roof garden shed attached to the side of the dwelling (17m²)
- Removal of existing gate pier to widen the vehicular entrance from 2.6m to 3.3m.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant with 7no conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission and refers to the guidance in the development plan relating to the appropriate design for extensions and includes an assessment of the impact on the adjoining residential amenity.

3.2.2. Other Technical Reports

Drainage Department - No objection subject to conditions.

Roads and Traffic Department - No objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

One submission was received from the owner and occupier of the adjoining property and the issues raised have been summarised in the grounds of appeal.

4.0 Planning History

None on the site.

No 31 Belmont Gardens, adjacent property to the south of the site.

Reg Ref WEB1058/413

Permission granted for a single storey kitchen and dining area extension to the rear along with widening of the existing vehicular entrance to 3.5m.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022.

The site is zoned in Z 1 *"To protect and/or improve the amenities of residential amenities"*.

Extension to dwellings.

Section 16.2.2.3: Alterations and extensions (general)

- Extensions will be sympathetic to the existing building and adjoining occupiers,
- Alterations and extensions to roof will respect the scale, elevational proportion and architectural form of the building.

Section 16.10.12: Extensions and Alterations to Dwellings

Relates to alterations and extensions to dwellings and states that development will only be granted where it will not have an adverse impact on the scale and character of the area and will not adversely affect amenities enjoyed by occupants of adjacent buildings.

Appendix 17 of the Plan sets out design guidance with regard to residential extensions;

- 17.3: Residential amenity: extensions should not unacceptably affect the amenity of the neighbouring properties,
- 17.4 Privacy: Extensions should not result in any significant loss of privacy to the residents of adjoining properties.
- 17.6 Daylight and Sunlight: care should be given to the extensions and the impact on the adjoining properties,
- 17.11 Roof extensions: the design of the roof shall reflect the character of the area and any dormer should be visually subordinate to the roof slop, enabling a large proportion of the original to remain visible.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal have been submitted by the owners and occupiers of No 31 Belmont Gardens, a property to the south of the site, which may be summarised as follows:

- No 33 is greater in height and depth than the remainder of the dwellings along the existing street and there can be no comparison to No 29 & 27, which are identical in height. The rear ground floor extends 5.5m from the rear

boundary which is excessive. The first floor extends 2.7m from the existing rear building line of No 33 which already extends 2m from No 31. The ground floor level is 1m higher than the adjoining No 31.

- The location of the first floor master bedroom window to the rear, adjacent to the boundary will lead to a loss of privacy.
- A submitted photograph of the rear garden of No 31 illustrates a true visual of the difference of the ground levels.
- The planning authority has failed to seek a photograph of the full extent of the rear of No 33, therefore a full assessment has not been undertaken.
- Based on the greater height of No 33 the proposed extension will be overpowering, dominant and oppressive and have a negative impact on the residential amenity of No 31.
- The upper section of No 33 will impact on the sky-line and block light into the rear kitchen window.
- An extension at No 29 has had a negative impact on the residential amenity of No 31, therefore in addition to this proposed development there will be a tunnel effect.
- The proposed development will have a serious negative impact on the economic value of No 31.
- Further development will exacerbate the flooding which currently occurs to the rear of No 31, similar to what has happened at No 29 and 27.

6.2. Applicant Response

An agent on behalf of the applicant has submitted a response to the grounds of appeal which may be summarised as follows:

- The appellant has only objected to the upstairs portion of the proposed extension from the back-line of the house at No 33 including the extension of the master bedroom and bathroom which is 2.28m from the existing area wall and the provision of a pitched gable roof 6.485m wide with a ridge height 8.540m over the extended area.

- The appellants have a permission (Reg Ref 1058/13) to extend the ground floor of their dwellings 4.820m to the rear, this would lead the ground floor roughly aligned with No 31 and No 33.
- The initial support statement from Architect Sandra Nowlan includes her professional opinion on the impact of the proposed development.
- The extension is not excessive given the appellants permission.
- The size of the rear garden will still comply with the development plan standards following completion.
- The appellants statement is incorrect as the extension will only extend 2.2m from the existing wall and not 2.7m as suggested.
- The overlooking from the master bedroom will be minimal and will effectively replace an existing bedroom above the garage.
- There is no obligation to provide photographs as there will be an on-site inspection undertaken and indeed two aerial photographs have been included.
- The planners report provides a comprehensive assessment of the proposed development.
- No 33 is different to the other dwellings along Belmont Gardens due to the pitch height and footprint, although there is no significant difference in the finished floor level. There is no requirement for the floor levels to be kept in line.
- The proposed extension would be to the northeast of the existing kitchen therefore there would be no overshadowing, very limited impact on the light and no impact when 1058/13 is implemented.
- Extensions and alterations to dwellings are encouraged in the Dublin City development plan.
- The proposed development would involve the removal of a small impermeable area, there is no objection from the Drainage Department and the proposed works include the separation of surface water before the final connection to a public combined sewer.

- The proposed development complies with Section 16.2.2.3 and 16.10.12 of the development plan relating to extensions.
- A precedent has been set at No 27 and No 29 Belmont Gardens for similar types of development.

6.3. **Planning Authority Response**

None received.

6.4. **Observations**

None received.

7.0 **Assessment**

7.1. The main issues of the appeal can be dealt with under the following headings:

- Impact on Residential Amenity
- Impact on Visual Amenity
- Other Matters
- Appropriate Assessment

Impact on Residential Amenity

7.2. The existing dwelling is attached to No 31 Belmont gardens, to the south, at the ground floor and the site abuts the grounds of a tennis club to the north. The proposed development includes the demolition of the first floor side extension, conversion of a garage and integration into a new two storey side extension, adjacent to No 31. In addition to the side extension, the proposal includes demolition of part of the rear and new single storey and a two storey extension to the rear. The grounds of appeal argue the first floor rear element of the proposed development would have a negative impact on their residential amenity, which I have addressed below.

7.3. Overbearing: The grounds of appeal state the ground floor level of No 33 is significantly different to the adjoining property and this, combined with the scale of

the first floor extension, will cause overbearing. The proposed development will protrude approx. 5.5m on the ground floor and 3m on the first floor from the rear building line of No 31, to the south. The difference in the ground floor level between No 31 and No 33 has not been included in the submitted drawings although upon site inspection I noted there was no significant variance in the finished floor levels of the existing dwellings. Therefore, based on the location of the adjoining property and the size of the proposed extension, I do not consider the proposed development would cause any overbearing on the adjacent property to the south.

- 7.4. Overlooking: The proposed development does not include windows along the side, south, of the first floor extension. The grounds of appeal argue the location of the master bedroom window, to the rear, closer to the boundary of No 31 will cause overlooking into the rear conservatory. I note the location of the conservatory to the rear of No 31 and the eastern direction of the first floor master bedroom window, away from the rear of the adjoining dwelling and I do not consider the proposed development would lead to an increase in overlooking on the adjacent property.
- 7.5. Overshadowing: The proposed rear first floor extension is located to the north of an existing dwelling and to the south of St Marys Tennis Club. Based on the orientation of the site to the north of No 31 Belmont Gardens I do not consider the proposed development would cause any overshadowing on the residential amenity of surrounding properties.

Impact on Visual Amenity

- 7.6. The subject site is located at the end of a cul-de-sac of approximately 9 dwellings which have a similar style and finish. The proposed development includes the removal of an existing side extension, rebuilt to include a gable roof. A similar development has been undertaken at No 27 and No 29 Belmont Gardens which the grounds of appeal argue cannot be used as a precedent as the heights of both dwellings are the same, whereas the difference between No 31 and No 33 is significantly different.
- 7.7. Section 16.2.2.3 of the development plan provides guidance for the appropriate design of extensions to dwellings where they should respect the scale, elevation proportion and architectural form of the building. The proposed side extension is in line with the current ground floor garage, the windows match those currently on the

façade of the dwelling, the proposed external materials are to match the existing dwelling and the gable roof is in keeping with the current dwelling and those in the vicinity. I note the similar development at No 27 and No 29, which I do not consider has a negative impact on the surrounding area. Therefore, based on the design of the extension, which I consider complies with the guidance of the development plan, I do not consider the proposed development would have a negative visual impact on the surrounding area.

Other Matters

- 7.8. Flooding: The rear garden of the subject site is lower than the existing dwelling includes three steps for access and there is a block wall around the boundary of the site. A drainage review report accompanied the proposed development and states there is currently a high water table on the site which will not allow for a separate soakaway. The proposed development includes the use of the existing foul system, the construction of a new surface water system, connecting into combined system and the use of water butts for water collection. The proposed works are to be undertaken in compliance with the Greater Dublin Regional Code of Practice for Drainage Works. The grounds of appeal state that there is currently flooding to the rear of their property and argue the proposed development will exacerbate the problem. I note the report of the Drainage Section indicates there is no objection to the proposed development, which I consider reasonable. Therefore, based on the proposed treatment of the surface water and the retention of the existing boundary treatment I do not consider the proposed development will prevent any negative impact on the surrounding area.
- 7.9. Vehicular Entrance: The proposed development includes the demolition of, and rebuild of an entrance pier to allow an increase in the width of the vehicular entrance from 2.8m to 3.3m, similar to other entrance in the vicinity. I note the report of the Traffic section has no objection to this proposal subject which I consider reasonable and I do not consider the changes to the entrance will have a negative impact on traffic safety.

Appropriate Assessment

- 7.10. Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance to the nearest European site, no

Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the Z1 zoning objective in the Dublin Development Plan 2016-2022, the location of the site, the design and layout of the proposed development, and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenity of properties in the vicinity. 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 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

3. Water supply and drainage arrangements, including the attenuation and 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.

4. 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

Karen Hamilton
Planning Inspector

10th of August 2017