



An
Bord
Pleanála

Inspector's Report PL29N.248617

Development	Two-storey rear extension with flat roof and 2.4m high boundary wall to rear.
Location	127 Malahide Road, Donnycarney, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2472/17
Applicant(s)	LDC Developments Ltd.
Type of Application	Permission for retention
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	LDC Developments Ltd.
Observer(s)	Eamon Heery
Date of Site Inspection	17 th August 2017
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site is located on Malahide Road (R107) in Donnycarney approximately 3.5km north-east of Dublin City Centre. Malahide Road forms one of the main access routes into the city from the north-east. The road is quite heavily trafficked and there are bus lanes in both directions. There is a mix of road-fronting residential and commercial development in the vicinity of the appeal site.
- 1.2. The site contains a single storey end of terrace cottage that has been extended over 2-storeys to the rear. The dwelling has a stated area of 84.89 sq.m. and comprises a kitchen, living room and playroom at ground level, with a bedroom, office/ study and bathroom at first floor level. There is a small garden to the rear and a private space to the front of the dwelling.
- 1.3. The site is adjoined to the south-west by a construction site and the frontage of the adjoining cottage to the north-east is almost twice as wide as that of the subject dwelling.

2.0 Proposed Development

- 2.1. Planning permission is sought for the retention of a 2-storey flat roof rear extension to the one-bed single storey terraced dwelling, together with a 2.4m boundary wall to the rear and side of the rear garden and all associated site works.
- 2.2. The stated area of the extension to be retained is 52.07 sq.m. and the floor area of the original cottage is 32.82 sq.m. The site area is given as 108 sq.m.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dublin City Council issued notification of decision to refuse permission for the following reason:

“Having regard to form, bulk and height, it is considered that the development constitutes overdevelopment of the site, results in an unacceptably low level of residential amenity and would have an excessively overbearing effect on adjoining dwellings. The development

does not complement the character of the original cottage or the neighbouring terrace and appears visually incongruous on the streetscape. The proposed development would therefore, by itself and by the precedent it would set for other development, seriously injure the amenities of property in the vicinity, be contrary to the provisions of the Dublin City Development Plan 2016-2022 and be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

- 3.2.1. The recommendation to refuse permission, as outlined in the Planner’s Report, reflects the decision of the Planning Authority.
- 3.2.2. Under the appraisal of the application, it is noted that the extension is located 3.875m from the rear boundary wall and the remaining 25 sq.m. of private open space is considered low for a dwelling of its size.
- 3.2.3. The cottage has a ridge height of 4.71m and the extension has an overall height of 5.7m. The roof of the extension is clearly visible from the street and it is considered that given the scale, aspect and location of the proposal, it will seriously injure the amenities of adjoining property by appearing overbearing.
- 3.2.4. Reference is also made to Condition 4 of Reg. Ref: 5167/06 (see below).

3.3. Third Party Observations

- 3.3.1. A submission on the planning application was received by the observer on the appeal. As well as the issues raised in the observation, it was submitted that the extension constitutes overdevelopment and would give rise to overlooking, overshadowing and visual obtrusiveness.

4.0 Planning History

Dublin City Council Reg. Ref: 6754/06

- 4.1. Planning permission granted in April 2007 for demolition of existing single storey extension to rear and construction of single storey extension comprising bedrooms, bathrooms and kitchen at No. 127 Malahide Road (appeal site).

Dublin City Council Reg. Ref: 5167/06

- 4.2. Planning permission granted in December 2006 for demolition of existing single storey extension to rear and construction of two storey dormer extension to rear with forward facing rooflights to rear extension at 127 Malahide Road.
- 4.3. Condition 4 attached to this permission stated that the proposed 1st floor dormer extension to the rear shall be omitted, as it would have a seriously negative impact on both the existing streetscape and on the terrace of houses of which it forms part, and on adjoining residential property.

Dublin City Council Reg. Ref: 3615/16 (PL29N.247954)

- 4.4. Planning Permission granted in February 2017 for the demolition of existing buildings at 121, 123 & 125 Malahide Road (south-west of appeal site) and the development of the following:
- New access road with footpath off Malahide Road, incorporating a turning head on land to rear of 127 Malahide Road;
 - 1 no. three storey building facing onto Malahide Road with ground floor 115 sq.m. commercial unit and 1 no. duplex two bedroom dwelling above including roof terraces;
 - 4 no. three storey 3 bedroom terraced dwellings and 2no. detached three storey three bedroom dwellings.
 - Rooflights to all units, new boundary walls, 6 no. separate vehicular entrances off the proposed new access road with all necessary landscaping, drainage and ancillary works to facilitate the development.
- 4.5. This site is also in ownership of the current applicant. The new access road to this development will be located next to the appeal site and will consist of an open entryway, as agreed at further information stage.
- 4.6. An appeal against the Council's decision was withdrawn and the date of decision is 8th February 2017.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

- 5.1.1. The appeal site is zoned “Z1” where the objective is “to protect, provide and improve residential amenities.”
- 5.1.2. It is stated under Section 16.10.12 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;
 - Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.
- 5.1.3. Guidelines for residential extensions are included in Appendix 17. It is recognised in Section 17.11 that the roofline of the building is one of its most dominant features and any proposal to change the shape, pitch, cladding or ornament of a roof should be carefully considered.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The first party appeal includes an amended design option for the Board’s consideration, which includes removal of fascia and soffit; application of new pressed metal capping to ridge line of flat roof extension; and concealment of existing render finish with external zinc clad panels to all elevations of the extension. The grounds of appeal are summarised as follows:
- Proposal is compliant with the zoning objective and the overall vision for residential development requirements.
 - Development has been designed to provide an improved standard of residential accommodation to a vacant and rapidly deteriorating structure in need of modern interventions.

- Development avoids any loss of residential amenity to adjacent residents and enhances the character of the area and changing streetscape.
- Development is located in an area where rear extensions to cottage structures have been approved in recent years along with other full site redevelopment schemes.
- Development permitted under Reg. Ref: 5167/06 had a maximum height of 6.788m, which is in excess of 1m above the development for which retention is sought.
- The 2.4m high wall to the side and rear was constructed to form the boundary and vehicle access for the adjoining development to the south-west.
- Dwelling previously possessed no level of private amenity space before the proposed development, as the rear extent of the site was not maintained and has now been subsumed into the adjoining development site.
- Rear amenity space is appropriate for the scale of the development site and proximity to public amenities. There will be no net increase in the number of bedrooms.
- Extension only rises 990mm above the main ridge.
- No 133 Malahide Road contains a rear extension that is 700mm taller than the development to which this appeal relates.
- Rationale for the development was to ensure that the building complied with minimum standards set out in Guidelines in terms of room areas, storage, room widths, etc.

6.2. **Planning Authority Response**

6.2.1. No further comment.

6.3. **Observations**

6.3.1. An observation on the appeal was received from Mr. Eamon Heery, No. 4 Oak Road, which is located to the west of the appeal site. The main points raised in this submission are summarised as follows:

- The reduction in the garden has reduced the amenity of the site.
- A 1-bedroom house does not need a playroom.
- Applicant agrees that the extension exceeds the roof line and the overall size of the original dwelling.
- Development Plan states that extensions should not have an adverse impact on the scale and character of the dwelling, should not dominate the existing building and should normally be of an overall shape and size to harmonise with the existing house and adjoining buildings.
- Architect's photos show a favourable view from the north-east corner (photo included from observer's dwelling).
- There will be a straight line of sight between the windows at the property in the north-west corner of the adjoining development and the extension at no. 127.
- Requests a condition to any grant of permission that the property cannot be advertised to be sold/ rented as anything other than a 1-bed property.
- Proposal will set a precedent in the Donnycarney and Malahide Road areas.

7.0 **Assessment**

7.1. In my opinion, the main issues to be addressed in this appeal are as follows:

- Development principle
- Visual Impact
- Impact on residential amenity
- Appropriate Assessment

7.2. **Development principle**

7.2.1. The appeal site is zoned "Z1" where the objective is "to protect, provide and improve residential amenities."

7.2.2. The extension of the dwelling to the rear would be acceptable in principle subject to an assessment of the proposal under relevant Development Plan criteria.

7.3. Visual impact

- 7.3.1. The Council's reason for refusal states that the form, bulk and height of the development constitutes overdevelopment of the site. It is also considered that the development does not complement the character of the original cottage and neighbouring terrace, and appears visually incongruous in the streetscape.
- 7.3.2. It is stated in Section 16.10.12 of the Development Plan that residential extensions should not have an adverse impact on the scale and character of the dwelling and should be subordinate in terms of scale. Appendix 17 of the Development Plan sets out principles that should be followed for new extensions. In general, an extension should not dominate the existing building and should normally be of an overall shape and size to harmonise with the existing house and adjoining buildings. The original appearance should be the reference point for any consideration of change and features such as windows and doors on the new extension should relate to those on the original building.
- 7.3.3. The proposed flat roof extension rises to a height of 5.7m over a depth of approximately 6.2m. The ridge of the existing cottage is 4.71m above ground level and the eaves height is 2.59m. The extension dominates the original cottage and I agree that it tends to form an obtrusive feature in the streetscape when viewed from the south. It should be noted that the development will be located next to an open entryway serving the adjoining development which is nearing completion. Therefore, the side elevation of the dwelling including extension will be clearly visible from the street. Conversely, a previously permitted development on site for a 2-storey pitched roof extension to the rear (Reg. Ref: 516706) was granted when a two-storey building adjoined the dwelling on the appeal site and would therefore have concealed its side elevation.
- 7.3.4. Notwithstanding the above, I would give some consideration to the fact that these artisan cottages are of a small scale to begin with and any attempt at extending them to a reasonable size is going to require a proportionately large extension. In this regard, the pre-existing area of the cottage was 32.82 sq.m. and the new build at 52.07 sq.m. brings the total floor area to 84.89 sq.m. The original dwelling appeared to have been derelict and the extension and renovation of the structure has brought it up to modern standards.

- 7.3.5. In terms of the visual impact of the structure in the streetscape, I would agree with the first party that the extended dwelling should be viewed within the context of the adjoining contemporary development nearing completion. The dwellings within this scheme are located perpendicularly to the road and at heights of 9.1m form a backdrop to the extension when viewed from the north. As noted above, however, I consider that the extension is most visible when viewed from the south through the gap that will act as an entryway to this site¹.
- 7.3.6. The applicant has submitted an amended design option with the appeal which includes removal of fascia and soffit; application of new pressed metal capping to ridge line of flat roof extension; and concealment of existing render finish with external zinc clad panels to all elevations of the extension. In my opinion, these contemporary materials and finishes will help to integrate the extension with the adjoining new development to the south-west. Moreover, the shape of the extension will reflect the block format of the adjoining development, thereby harmonising the structure within its immediate context.
- 7.3.7. Overall, I would be of the opinion that the extension, as amended by revised proposals submitted with the appeal, is acceptable in terms of its appearance in the street scene. I would be in agreement with the appellant that the development can help to enhance the changing streetscape at this location, whilst providing a dwelling that complies with minimum standards. Furthermore, a precedent has been set at No. 133 Malahide Road for development of a rear extension above the main ridge line of a similar cottage.

7.4. Impact on residential amenity

- 7.4.1. It is also considered under the Council's reason for refusal that the development will give rise to an unacceptably low level of residential amenity and would have an excessively overbearing impact on adjoining dwellings.
- 7.4.2. In terms of the impact of the of the development upon the amenities of future residents of the proposed development, I have concluded above that the extension and renovation brings what was a very small and uninhabitable dwelling up a

¹ Drawing No: 2017-28-P-100 shows a gated access and brick surround serving the adjoining development that was removed following a request for further information.

reasonable living standard. Overall, I consider this will have a positive impact on residential amenity for occupants of the development.

- 7.4.3. I note the observer's concerns that the dwelling could be occupied as a 2 or 3 bed structure that would be substandard in terms of floor area, room sizes, open space, storage, etc. The dwelling includes a playroom and office that could easily be adapted to bedrooms and in my opinion it could be more accurately described as a 2-bed unit. The floor area of approximately 85 sq.m. would be in excess of the target gross floor area for a 2-bed 2-storey unit (80 sq.m.) as set out in the "Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities". The aggregate living area will also be in excess of the target living area. The bedroom would be less than the target area in these Guidelines but this could be achieved with some internal configuration.
- 7.4.4. The Development Plan seeks a minimum standard of 10 sq.m. of private open space per bedspace and generally a rear garden area of up to 60-70 sq.m. The garden space to the rear of the dwelling measures 25 sq.m. and the dwelling is realistically sized for three bedspaces. Notwithstanding the apparent shortfall in private amenity space, it should be noted that there are circumstances when exempted development regulations allows for minimum rear garden areas of 25 sq.m. when dwellings are being extended. I do not consider it appropriate to limit the quantum of private amenity space in some cases when it may be allowable as exempted development.
- 7.4.5. In general, I would be satisfied that the extended dwelling will provide for a reasonable level of amenity for future residents and will comprising of a floor area that is sufficient as a 2-bed unit.
- 7.4.6. In my opinion, the impact of the extension on the amenities of the adjoining property to the north-east is of most concern. The proposed north-east elevation submitted with the appeal shows the scale of the extension compared to a pre-existing extension. However, that extension had a pitched roof that sloped away from the adjoining site at eaves level. The extension for which retention permission is sought is constructed at a height of 5.7m up to the boundary and continues back from the rear wall of the adjoining dwelling for a distance of approximately 4.8m. I consider that the proximity and scale of the extension could give rise to adverse overshadowing impacts on the adjoining property.

- 7.4.7. Notwithstanding the above, permission was granted previously on the appeal site for a 2-storey extension under Reg. Ref: 5167/06. The permitted design at the time included a pitched roof sitting behind the existing pitched roof rising to a height of 6.788m (2.078m above existing). The permitted ridge would have sat back a distance of 5.4m from the existing ridge but would nonetheless have given rise to increased overshadowing of No. 129.
- 7.4.8. It is also noteworthy that the property at No. 129 is almost twice the width of the appeal site and has therefore a substantial rear amenity area. Essentially, the main part of the adjoining property that will be affected in terms of overshadowing will be the small corner nearest the boundary enclosed by the extension on the appeal site and a rear return to No. 129. The overbearing appearance of the extension on the appeal site may be off-set somewhat by the use of the proposed zinc cladding system above the height of the boundary wall. It should also be noted that there was no objection to the development received from the occupier of No. 129.
- 7.4.9. The Board may consider it necessary to seek further information from the applicant in the form of a shadow study that assesses the impacts of the extension on the adjoining property. However, I would be satisfied that only a relatively small area of the adjoining property will be adversely affected. In any event, some degree of overshadowing will occur in built up areas such as this in the form of boundary walls. In this regard, I would have no objection to the 2.4m high boundary wall to the rear of the appeal site and consider that it offers improved levels of privacy for future residents of the dwelling.
- 7.4.10. The observer on the appeal raised the issue of possible overlooking between first floor opposing windows within the extension and the dwellings being constructed to the rear. I would be satisfied that there is adequate separation between these windows.
- 7.4.11. Overall, I consider that the development to be retained is acceptable having regard to its pre-existing condition, the immediate context, the planning history of the site and the proposed amendments submitted with the appeal.

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. It is considered that the development for which retention permission is sought should be granted for the reasons and considerations hereunder.

9.0 Reasons and Considerations

Having regard to the zoning objective, the pattern of development in the area and the substandard pre-existing condition of the dwelling on site, together with the design, layout and scale of the development and the proposed materials and finishes, it is considered that, subject to compliance with conditions below, the development to be retained (as amended) would not seriously injure the visual amenities of the area or residential amenities of property in the vicinity. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 1st day of June, 2017, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. 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 be erected within the rear

garden area without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling.

3. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Donal Donnelly
Planning Inspector

21st August 2017