



An
Bord
Pleanála

Inspector's Report PL 29S 248666.

Development	Demolition of ground floor accommodation and shed at rear. Construction of single storey extension and, an attic conversion with dormer window in rear roof slope.
Location	4 Madden Road, Dublin 8.
Planning Authority	Dublin City Council.
P. A. Reg. Ref.	WEB1145/17
Applicant	Claire O'Neill and Paul Manning.
Type of Application	Permission
Decision	Grant Permission
Type of Appeal	Third Party against Grant
Appellant	Marie Lakes.
Date of Site Inspection	19 th September, 2017.
Inspector	Jane Dennehy.

1.0 Site Location and Description

1.1. The site of the proposed development is that of a mid-terrace two storey house on the south side of Madden Road, within the area known as, “The Tenters” in the south inner city. It has a small front garden and a rear garden in which there is a single storey extension. The depth of the rear garden is circa eight metres. The houses on the opposite side of Madden Road and on O’Donovan Road directly to the rear and parallel to Madden Road are similar, small two storey terraced houses with small front and rear gardens.

2.0 Proposed Development

2.1. The application lodged with the planning authority indicates proposals for:

- demolition of the existing single storey extension at the rear of the house;
- construction of a replacement single storey extension which has a footprint that extends across the entire width of the existing dwelling which is 3735 mm and beyond the rear building line of the original house by a distance of 3800 mm;
- Conversion of the attic into habitable accommodation along with installation of a dormer window in the rear roof slope. The lower end is shown positioned from roof ridge height at the top and midway in the roof slope at the bottom. It has a height of 1500 mm and a width of 2855 mm and is centrally positioned in the roof slope with 1000 mm distance from the edge at each side. A mono-pitch roof with clerestory glazing is shown sloping from west (at a setback of 700 mm from the side boundary) to the east side boundary.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. By order dated, 16th May, 2017, the planning authority decided to grant permission for the proposed development, subject to ten conditions most of which are of a standard nature.

Condition No 2 (a) contains the requirement for the dormer window to be positioned at least 100 mm below the ridge of the roof. A compliance submission is required.

Condition No 2 (b) excludes use of the attic accommodation for habitable purposes.

Condition No 7 removes exempt development entitlements.

3.2. Planning Reports

- 3.2.1. The planning officer in his report indicated that the proposed extension and, the proposed attic conversion and dormer window (subject to modification by condition) was acceptable and that it would not adversely affect adjoining properties, having considered the proposal and the provisions of section 16.10.12 and Appendix 17 of the Dublin City Development Plan 2016-2022.

3.3. Technical Reports

- 3.3.1. There is no objection from the Drainage Division of the Engineering Dept.

3.4. Third Party Observations

- 3.4.1. An objection was lodged by the owner occupier of the adjoining properties to the west at No 3 Madden Road and to the east side at No 5 Madden Road. Concerns expressed are about implications for structural stability at adjoining properties attributable to demolition works at the appeal site and obstruction of access to light at adjoining property to the east.

4.0 Planning History

- 4.1. A prior application for permission for extensions and a dormer window under P. A. Reg. Ref. 1138/17 was declared invalid on 28th March, 2017 according to the planning authority's register.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the application site is located within an area subject to the zoning objective: Z1: *to protect, provide and improve residential amenities.*
- 5.1.2. Policies, objectives and standards for alterations and extensions to dwellings are set out in sections 16.2.2.3 and 16.10.12.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal was received from Marie Lakes of 5 Madden Road, the adjoining property to the east side of the appeal site property on 8th June, 2017. According to the appeal:
- The proposed development would degrade the attainable residential amenities at Ms Lakes' property, to an unacceptable degree, due to severe overshadowing because the extension would be built on the western boundary of Ms Lake's property. Sunlight and daylight access would be obstructed throughout most of the day, and, in winter time, the entire space outside the patio doors to the living room would be affected. A fourteen metres long shadow would be cast by 13.00 hrs and this would extend to the kitchen area by 14.30 hours. The width of the garden is 2.6 metres.
 - The proposed development of a solid 3.1-metre-high wall over 3.8 metres in length, (to be constructed at the boundary) would be have a tunnel effect and would be seriously overbearing in impact in views from both the house and garden at Ms Lakes' property.

6.2. Applicant Response

6.2.1. A submission was received from Ann Canning on behalf of the applicant on 11th July, 2017. Included are plans indicating revisions to the proposed design of the roof for the extension and for the proposed boiler house. The roof, within in which a large roof light is to be incorporated, is sloped southwards over a four metre distance from the rear wall of the existing house at a height of 3400 mm dropping to 2700 mm at the southern end, exclusive of the boiler house which is repositioned adjacent to the west side boundary.

According to the appeal:

- The rear amenity space at the property is narrow and poorly proportioned.
- Existing private open space provision is 19 square metres in area and the proposed open space provision will be 16 square metres in area.
- The development, (as indicated in the planning officer report) accords with the provisions of sections 16.2.2.3, 16.10.12 and Appendix 17 of the Dublin City Development Plan, 2016-2022 and does not excessively overlook or overshadow the adjoining properties and is a single storey extension.
- The houses enjoy a favourable southerly aspect.
- There is precedent for extensions spanning the width of the site at Nos 1, 6, and 9 Madden Road, on the opposite side of the street and on O'Donovan Road which has a less favourable, northerly aspect. (A copy of a Google Map is provided.)
- The claim as to overshadowing in the appeal are not supported by a diagram or a professional report.
- The thermal performance of the house will be significantly improved.

6.3. Planning Authority Response

There is no submission from the planning authority on file.

6.4. Further Submission of the Appellant.

6.4.1. A submission was received from the Appellant on her own behalf on 21st August, 2017 in which the view that the proposed development would result in severe loss of amenity at No 5 Madden Road is reiterated. Sketch drawings are included.

6.4.2. It is submitted that:

- The relocation of the boiler house to the other side is welcome.
- The projecting slate topped wall is extraneous. It should be omitted.
- A roof profile similar to that in the original proposal sloping away from the eastern boundary on the west side of the current boundary with an overall height no greater than +2500, would be acceptable. (A sketch is included.)
- There is no established precedent for the proposed development contrary to the contention of the applicant.

6.4.3. With regard to the modifications to the proposed development shown in the response to the appeal, it is claimed that the finished floor level for the boundary wall is +1900 and not 2325 mm and that the drawings are therefore inaccurate.

6.4.4. It is also submitted that:

- The planning authority did not satisfy itself that no loss of sunlight or daylight would occur. The planning officer did not comment on this aspect of the proposal and the provisions of section 16.10.12 of the Dublin City Development Plan, 2016-2022. There is also no comment in the response to the appeal on Ms Lakes' findings as to shadowing effect. A shadow analysis is required.
- The modified proposal included with the response to the appeal would not result in an improvement. At the closest point to the rear of the house it is clearly higher than the original proposal. A new wall, which is indicated on the plans would be welcome.

6.5. Further Submission of the Applicant.

A further submission was received from Ann Canning on behalf of the applicant on 14th September, 2017. According to the submission:

- The applicant prefers the original design to the alternative design indicated in the response to the appeal.
- There is no error in the Section A-A drawing.
- The finished floor level of 2500 mm proposed by the applicant is not achievable and would not meet Building Regulation Standards. The minimum requirements are 2400 mm floor to ceiling height, roof build-up 300 mm parapet 1500 mm and gutter slopes 100 mm.

7.0 Assessment

7.1. The issues considered central to the determination of a decision and considered below are:

- impact on the residential amenities of adjoining properties and,
- precedent.

7.2. Residential amenities of adjoining properties.

7.2.1. According to the appeal the proposed development would be seriously injurious to the residential amenities of the property on the east side of the appeal site, by reason of overbearing impact and by reason of obstruction of sunlight and daylight.

The existing terraced dwellings are modest sized two storey houses on plots that are less than five metres in width. The depth of the rear gardens, from the rear wall of the two storey element of the original houses is circa eight metres but the properties, including the application site and appeal site have a single storey element at the rear with windows facing towards the party boundary. As a result, the width of the rear private open space is circa 2.7 metres.

7.2.2. The proposed extension which would replace the existing single storey element provides for infill across the entire width of the site over half the length of the rear garden area. It is understandable that that this extent of infill in both proximity and in depth would give rise to the Appellant's concerns as to an overbearing impact, sense of enclosure and obstruction of sunlight and daylight, especially in winter time at the adjoining property to the east. However, the modifications shown in the revised proposals submitted with the response to the appeal provide for design and form that

would result in minimal, if any additional obstruction of access to sunlight from the south and west at the existing rear garden and internal accommodation at the Appellant's property. The rear private open space at the Appellant's property which is only 2.7 metres in width abuts the existing party wall between the two properties which already contributes to obstruction of sunlight and daylight at the Appellant's property.

7.2.3. It is also considered that the modified roof profile proposed in the response to the appeal which falls over a distance of 3800 mm from a height at the rear wall of 3500 to a height of 2600 mm, adjacent to the appellant party's property, would not give rise to significant over dominant or overbearing impact. A reduction in depth, resulting in a steeper slope over a shorter distance is not recommended as the side elevation of the extension would then be more dominant.

7.2.4. It would appear that the proposed alternative option, (for the original design submitted with the application) in the appellant's final submission of 1st August in which a maximum height of 2500 mm is sought, would not satisfy the standards the Building Regulations due to substandard provision for headroom height above the finished floor level within the interior of the proposed extension. It is therefore considered that this option be set aside and that the modified design proposal included in the response to the appeal be accepted.

7.3. Precedent.

7.3.1. The applicant has asserted that there is precedent for the proposed development at existing houses on Madden Road and on O'Donovan Road. A permitted and implemented development at No 7 Madden Road a similar dwelling and north south orientation has been reviewed. (P. A. Reg. Ref. 3385/11 refers. A copy of the plans is attached to the file.) It is not accepted that this permitted development establishes precedent for the rear extension in that only a minor element of the extension infills the entire width of the rear garden, the majority being confined to half the width.

7.3.2. However, it is noted that this grant of permission does offer precedent for a dormer window similar to the proposed dormer serving an attic conversion. (P. A. Reg. Ref. 3385/11 refers.) The separation distance to the properties at the rear at O'Donovan Road is deficient at circa sixteen metres giving rise to potential for overlooking. Given the precedent set by the grant of permission for the dormer at No 7, and the

inner city location, and the lack of stated objections from any parties, exclusion of the proposed dormer window from a decision to grant permission would be onerous.

- 7.3.3. It is noted that the applicant in proposing to infill the entire width with the extension. It would adjoin the party wall. In the event that permission is granted, it would be advisable to include a note with the order regarding potential for assailing or encroachment onto third property.
- 7.4. It can be concluded that the proposed development would not give rise to adverse impact on the residential amenities of the adjoining property to the east by reason of overbearing impact or overshadowing and obstruction of daylight access and that a precedent for the proposed dormer window has been established.
- 7.5. Appropriate Assessment.
 - 7.5.1. Having regard to the inner city location and limited scale and nature of the proposed development it is considered that no appropriate assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. In view of the foregoing, it is recommended that permission be granted on the basis of the reasons and considerations and subject to the conditions set out below.

9.0 Reasons and Considerations

- 9.1. It is considered that subject to compliance with the conditions set out below, the proposed development would not be seriously injurious to the residential amenities of adjoining properties by reason of overdevelopment, due excessive scale and overbearing impact, would not give rise to an undue degree of overlooking and overshadowing and would be in accordance with the proper planning and 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 as amended by the further plans and particulars lodged with An Bord Pleanála on 11th July, 2017 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 following modifications shall be provided for and adhered to in the development.

(a) The dormer window shall be set at a minimum distance of 100 mm below the roof ridge line.

(b) The internal accommodation at attic level shall not be used as for human habitation purposes.

Reason: In the interest of visual and residential amenities and clarity.

3. 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 take place within the curtilage of the house without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

4. The external finishes of the proposed extension shall match those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

- 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.

7. Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of the amenities of the area and clarity.

Jane Dennehy
Senior Planning Inspector
20th September, 2017.