



An  
Bord  
Pleanála

## Inspector's Report PL29S.248687.

### Development

Demolition of existing extensions and construction of part two storey part single storey extensions to side and rear and modifications to house and vehicular gateway and associated works.

### Location

Merlyn, 4 Sydney Parade Avenue, D 4.

### Planning Authority

Dublin City Council.

### Planning Authority Reg. Ref.

WEB1072/17.

### Applicant(s)

Ronan and Tracey Stafford.

### Type of Application

Permission.

### Planning Authority Decision

Grant.

### Type of Appeal

Third Party

### Appellant(s)

Brendan and Claire Hickey.

### Observer(s)

None.

### Date of Site Inspection

30<sup>th</sup> of August 2017.

**Inspector**

Karen Hamilton.

## 1.0 Site Location and Description

1.1. The site contains a large red bricked three storey semi-detached dwelling set within substantial grounds (0.43acres) which has vehicular access directly from Sydney Parade Avenue, Dublin 4. The dwelling is set back from the public road and there is mature planting along the front boundary. The dwelling has a number of additional single storey extensions and a garage behind the building line beside the northern boundary. The dwellings in the vicinity are similar in style and set within grounds of a similar size. A railway line runs along the south west, separated by another site.

## 2.0 Proposed Development

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

- Demolition of three single storey extensions (38 m<sup>2</sup>, 18m<sup>2</sup>, 4m<sup>2</sup>) to the side and rear, and porch (6m<sup>2</sup>) to the front,
- Construction of part 2 storey (single with mezzanine), part single storey extension (12m<sup>2</sup>) to the side,
- Internal modifications to existing dwelling,
- 4 no roof lights to the existing roof to the rear and new photovoltaic panels
- Widening of the existing access gateway, new gates and associated works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Decision to grant permission subject to 8 no conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission following the submission shadow projection drawings as additional information, refers to the

compliance with the polices in the development plan and includes an assessment on the impact of the proposal on the amenities of occupants of adjoining residential properties.

### 3.2.2. Other Technical Reports

Drainage Division- No objection subject to conditions

### 3.3. **Prescribed Bodies**

Ianrod Eireann - No objection subject to compliance with the local authority noise action plan and sufficient traffic management practice.

### 3.4. **Third Party Observations**

One observation received from the appellant and the issues raised have been summarised in the grounds of appeal.

## 4.0 **Planning History**

### **1902/08**

Permission granted for enlarging the vehicular access and replace the timber gates with metal gates. Condition No 2 required gravel paving, no more than a maximum of 2 cars parked in the curtilage at any one time and no parking other than the area designated in the front garden.

## 5.0 **Policy Context**

### 5.1. **Dublin City Development Plan 2016-2022**

The site is zoned as Z2 *“To protect and/or improve the amenities of residential conservation areas”*

Extension to dwelling.

- **Section 16.10.12:** Extensions and Alterations to Dwellings: Design of extensions should be subordinate in approach to the main dwelling and not have an adverse impact on the existing or adjacent dwellings.
- **Appendix 17** Guidelines for Residential extensions.

The site is located within a **conservation area**; therefore, the following policy is relevant.

- **Section 11.1.5.6:** Conservation Areas: New development will have regard to the local context and distinctiveness and the contribution to the local scene of buildings landmarks, views, open spaces and other features of architectural, historic or topographical interest.
- **CHC8:** To facilitate off-street parking for residential owners/occupiers where appropriate site conditions exist, while protecting the special interest and character of protected structures and Conservation Areas.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal are submitted from the occupants of the neighbouring property to the north of the site which may be summarised as follows:

- The main elements of the proposed development are located along the north of the building,
- The rear patio of the appellants dwelling receives a substantial amount of sunlight from above the building line of No 4.
- The height, scale and mass of the proposed extension is inappropriate and the rear extension is two storey as it is 7.88m to the apex. The development plan refers to 3m as a storey.
- The proposed development is a material contravention of the plan as it does not comply with the objectives for dwellings within residential areas.
- A photomontage has accompanied a supplementary submission from an architect to illustrate the impact of the proposed side and rear extension on

No 6 and an alternative proposal with a reduction in height has been submitted.

- The shadow projection drawings indicate a negative impact on No 6 to the north. Shadow projection drawings submitted from the appellant's agent illustrate overshadowing on the patio area of No 6 in the afternoon during the spring and autumn. A shadow projection drawing on a reduction illustrates no overshadowing on the patio area.
- The validity of the description is questioned as there is no reference to additional parking, which are not permitted in conservation areas, or two storey extension.

## 6.2. Applicant Response

A response from an agent on behalf of the applicant has been submitted which may be summarised as follows:

- The proposed development will be over 2m from the common heavily landscaped boundary and over 10m from the nearest point of the rear return of the appellant's property.
- The shadow analysis drawing indicates compliance with the BRE guidelines.
- The proposal has been designed in mind with the standards and guidelines of the development plan in relation to extension and alterations to dwellings within conservations areas.
- The planning officer noted the shadow analysis drawings in the report, in particular the level of overshadowing and the size and location of the appellants site and did not consider there would be a significant negative impact.
- The extension is subordinate to the extension as it is designed to play a supporting role to the main building and the extension is only a storey and half.
- The proposed development is compliant with Section 3 of the BRE guidelines on shadow analysis.

- Drws No PL04- Rev A, PL05- Rev A and PL06- Rev A include an illustration of a possible reduction in the design of the side extension has been included which indicates a reduction in overshadowing on the adjoining property. The redesign includes a reduction in the height of the rear extension by 2m to a single storey return, therefore a reduction in the amount of overshadowing on the rear patio of the adjoining property.

### 6.3. **Planning Authority Response**

A response from the planning authority refers to the planners report for justification on the decision making.

### 6.4. **Further Responses**

A further submission was received from the appellant in relation to the applicant's submission which may be summarised as follows:

- The issues raised in the original submission are reiterated.
- The proposed development still does not comply with the Dublin City Development Plan.
- The BRE guidelines are not a planning standard and Section 16.10.12 and 17.3 of the development plan refer to the need to protect sunlight and daylight.
- The submission of an "alternative" design is not valid as it did not form part of the planning application and therefore requires a separate permission.

A further submission was submitted from the applicant in relation to the appellant's submission above which may be summarised as follows:

- The issues raised in the original submission are reiterated.
- The BRE guidelines are the best available standards.
- The applicant may legally have amended the design.
- The proposed development is not a material contravention.

## 7.0 Assessment

- 7.1. The applicant has submitted a revised design, in response to the grounds of appeal, as an alternative proposal, which include a reduction in the height of the rear of the side extension by 2m to a single storey, 7m from the rear building line of the proposed side extension. The submitted drawings do not fully illustrate the extent of the new design, although I note a condensed extract from Drw no PL05 Rev A, in the applicants written submission and I consider it reasonable undertake an assessment based on these drawings and amended shadow projection analysis.
- 7.2. The main issues of the appeal can be dealt with under the following headings:
- Principle of Development
  - Residential Amenity
  - Visual Amenity and Built Heritage
  - Other matters
  - Appropriate Assessment

### **Principle of development**

- 7.3. The proposed development relates to the extension and alteration to an existing dwelling, located within on lands zoned Z2, where it is an objective to protect and improve the amenity in residential conservation areas. The proposed works include the demolition of three single storey “ add ons” and construction of a side extension, described as a part two story, part single. The grounds of appeal argue the height of the side extension at 6.7m should be described as two storey and therefore the development description is incorrect, therefore the application should be deemed invalid. The applicant submitted the height could not accommodate two full height rooms (2.5- 3m in height) and the games room at the front is only a mezzanine space.
- 7.4. The grounds of appeal also argue that based on the inappropriate design of the side extension the proposed development does not comply with the guidance and policy of the development plan, relating to the residential zoning, therefore is a material contravention of the Dublin City Development Plan 2016-2022. Further drawings



submitted from the applicant include a reduction in the height of part of the rear of the side extension, which the grounds of appeal consider requires a new application. The Board may take into all account matters raised by the parties or by a person who have made a submission in relation to the appeal, therefore I consider the submission of an amended design is acceptable and I have addressed the impact of the proposed development on the residential amenity of the surrounding properties below. Therefore, subject to complying with policies and objectives of the development plan, detailed below, I consider the principle of development at this location acceptable.

### **Residential Amenity**

- 7.5. The subject site is a semi-detached dwelling located within a residential area which comprises of a mix of large detached and semi-detached dwellings. The proposed development includes the removal of two single storey extensions and the demolition of a side garage and shed to accommodate a new entrance and side extension along the north of the site. I have assessed the proposal on the amended drawings submitted with the applicant's response to the appeal and whilst they are of a substandard quality, I consider they allow for a full assessment of the impact of the proposed development on the surrounding area.

Overlooking: The side extension projects along the northern boundary of the subject site. There are no windows along the northern elevation and those double height windows to the rear serve a mezzanine floor and games room, located to the front of the extension, facing south. Guidance in Appendix 17 of the development plan refers to a separation distance of 22m of opposing first floor rooms. Based on the orientation of the site and the design of the side extension, I do not consider there would be any overlooking onto adjacent properties.

Overbearing: The proposed side extension is 2.2m from the boundary of the property to the north and the grounds of appeal argue the two storey side element, facing onto the private patio area will be overbearing and have a negative impact of the residential amenity. A proposed amended design has been submitted from an architect on behalf of the appellant to illustrate a more appropriate design, which I consider reasonable to prevent any overbearing on the adjoining property to the north.

Overshadowing: The proposed side extension is located to the north of the site along the 2.2m from the boundary of an adjoining residential property. Shadow projection analysis drawings were submitted on the initial illustrate overshadowing on the rear patio of No 6, to the north, mid to late evening in the Spring and Autumn. The amended design submitted by the applicant (reduction of height by 1.8m over 7m from the rear) is accompanied by amended shadow projection drawings which illustrates a reduction in the overshadowing on the adjoining property in March and September. I note there remains an element of overshadowing on the patio area of that property to the north from the proposed extension and I consider a further reduction in height over 2.5m would remove all overshadowing and remove any negative impact on the residential amenity of the adjoining property. This can be included as a condition. Therefore, based on the orientation of the site, a reduction in the height of the first floor extension by 1.8m, 9.5m from the rear building line of the proposed extension, and the size of the rear gardens, I consider the proposed development will not seriously injure private amenities of adjoining residents.

### **Visual Amenity and Built Heritage**

- 7.6. The subject site is located within a conservation area which includes detached and semi-detached dwellings set within large sites fronting onto Sydney Avenue. The proposed alterations to the façade include the removal of an existing porch and side extension which includes a new entrance. Section 11.1.5.6 of the development plan provides guidance for new development within conservation areas, where regard must be given to the local scene of buildings and other features of architectural, historic or topographical interest. In addition, Section 17.2 of the plan provides guidance on residential extensions with requirements for high quality design which respects the character of the existing dwelling. I note the side extension includes the same window details, external materials and is in keeping with the overall character of the dwelling.
- 7.7. The proposed development includes an increase in the width of the vehicular entrance. A previous grant of permission on the site for an increase in vehicular entrance (1902/08) required the inclusion of a gravel finish on the drive and a maximum of two spaces in the drive. The grounds of appeal refer to the inclusion of additional parking spaces, which is unacceptable within conservation areas. There was no objection to the proposed development from the Roads Department. Policy

CHC8 allows for off-street parking within the curtilage of protected structures and conservation areas where the special features of interest are not impacted. I note the size of the vehicular entrance, the parking on site, the size of the site and the remaining front gardens and I do not consider the inclusion of an additional two parking spaces will have a negative impact on the dwelling or the surrounding conservation area.

### **Other Matters.**

- 7.8. Railway line: A rail line runs close to the site along the south west. The rear garden is separated to the railway by a separate site. A response from Iarnród Éireann on the proposed development included a requirement for a noise assessment and traffic management on the site. There were no separate conditions included by the planning authority. The proposed development is an extension to an existing dwelling and I do not consider the works would have an impact on the operation of the existing railway.

### **Appropriate Assessment**

- 7.9. 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, subject to conditions, as set out below.

## **9.0 Reasons and Considerations**

Having regard to the Z2 residential zoning objective for the area, the policies and objective of the Dublin City Council Development Plan 2016-2022, the pattern of development along Sydney Parade and the location and design of

the proposed dwelling it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity or have a negative impact on the character and setting of a conservation area. 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 and revised plans to An Bord Pleanála on the 17<sup>th</sup> of 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 out in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:

The height of the extension shall be reduced by 1.8m, 9.5m from the rear building line of the proposed side extension.

**Reason:** In the interest of residential amenity

3. Prior to the commencement of development revised drawings showing the above modification shall be submitted to and agreed in writing with the Planning Authority.

**Reason:** In the interest of residential amenity.

4. 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.

5. The external finishes of the proposed extension, including roof tiles/slates, shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials 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. 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.

7. 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.

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Karen Hamilton  
Planning Inspector

26<sup>th</sup> of September 2017.