



An
Bord
Pleanála

Inspector's Report PL29S. 249070

Development	Construction of extension to side and rear of house.
Location	21 Bath Avenue Gardens, Sandymount. Dublin 4
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3039/17.
Applicant(s)	Anthony & Marguerite Drennan.
Type of Application	Permission.
Planning Authority Decision	To Grant Permission.
Type of Appeal	Third Party
Appellant(s)	Alexander Dean
Observer(s)	None.
Date of Site Inspection	October 17 th , 2017.
Inspector	Breda Gannon.

1.0 Site Location and Description

- 1.1. The site is located at 21 Bath Avenue Gardens, Sandymount. Dublin 4. It is bounded to the south by Bath Avenue, and to the north, west and east by adjacent residential properties. The site accommodates an end of terrace two-storey house which has been extended to the side and rear. To the front and rear of the house there are small gardens enclosed by boundary walls.
- 1.2. The house to the east (No 22) forms part of the adjoining terrace. It supports a single-storey extension to the rear. The house immediately to the east (No 20A) is single-storey built in the side/rear garden of No 20. It has a pitched roof to the front and a flat/lean to roof to the rear. The rear section is positioned obliquely to the appeal site. Further east is a semi-detached two-storey dwelling (No 20).
- 1.3. The area is primarily residential, consisting of terraced and semi-detached housing, forming a suburb to the southeast of the city centre. The area is well served by public transport including DART light rail and bus services. The Aviva stadium dominates the skyline to the south.

2.0 Proposed Development

- 2.1. The development as described in the public notices submitted with the application proposes the construction of a first floor extension to the side and rear of the existing house.
- 2.2. The extension would have a floor area of 33.94 m² and would provide an additional bedroom at first floor level.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission for the development subject to 5 no. standard type conditions.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The **Planning Officer's** report of 10/7/17 notes that the applicants were previously refused permission for a first floor extension of the same size on the grounds of impacts on the adjoining neighbouring properties and its flat roof design.

The design has been amended to a hipped roof which is in keeping with the character of the property. There is precedent for first floor extensions in the area. The separation distance between the extension and the houses to the rear is 22m. The depth of the proposed extension at 4m is considered acceptable, and will facilitate the provision of a third bedroom within the property.

A shadow analysis demonstrates that the development will not cause significant overshadowing, to warrant refusal or amendment to the proposal. It is concluded that the proposal is in line with the Z1 zoning objective.

The **Drainage Division** in their report of 29/6/17 raise no objection to the development subject to standard type conditions.

3.3. **Prescribed Bodies**

Iarnrod Eireann refers to the obligations on developers under the Railway Safety Act 2005, to ensure that works do not increase the risk to the railway. It is noted that there is a height restricted bridge under the railway in the area. During construction a traffic management plan should be drawn up to ensure that the routes for all high vehicles are planned and to prevent construction traffic from traversing under the bridge.

3.4. **Third Party Observations**

An observation was received from the neighbouring property at No 20 Bath Avenue Gardens, which raises similar issues to those raised in the appeal.

4.0 Planning History

2349/11 – Planning permission refused for a first floor extension to the rear of No 21 Bath Avenue Gardens.

6094/06 – Permission granted for the retention of widening of pedestrian access to create vehicular access to front of house and the provision of off-street parking and new entrance gates at 21 Bath Avenue Gardens.

4343/03 – Permission granted for a single storey extension to the rear and side of the house at No 21 Bath Avenue Gardens.

0786/03 – A decision to grant permission for or a two-storey house attached to the rear and side of the house at No 20 Bath Avenue Gardens was overturned by the Board (PL. 29S 203021).

5.0 Policy Context

5.1. Development Plan

The operative development plan is the **Dublin City Council Development Plan 2016-2022**. The site is located in an area zoned Z1 – Sustainable Residential Neighbourhoods, with an objective *‘To protect, provide and improve residential amenities’*.

Section 16.10.12 (Extensions and Alterations to Dwellings) and Appendix 17 (Guidelines for Residential Extensions) of the Plan are relevant to the consideration of the proposed development.

Relevant sections of the Plan are appended to the back of the report for the information of the Board.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are summarised as follows;

- Significant negative impact on the residential amenity of 20 Bath Avenue Gardens.
- Reduction in daylight/sunlight to the garden arising from the construction of a c 4.8m high wall along the rear garden.
- Overbearing impact of the wall which will impact on the outlook from the house.
- Overshadowing during both summer and winter months.
- Increase in second floor windows which will be closer to the rear garden of adjacent property with impacts on privacy.
- The development will result in less than 18m separation between opposing windows at second floor level.
- A previous proposal for a two-storey extension to 20 Bath Avenue Gardens was refused by the Board (29S.203021) on the grounds of impacts on the residential amenity of adjoining property arising from privacy, outlook, daylight and sunlight.

6.2. Applicant Response

Negative impacts on the residential amenity of 20 Bath Avenue Gardens – It is considered that the proposed development respects the character of the area and that the amenity of adjoining property will not be detrimentally affected. The proposed development is designed to be sympathetic with existing buildings in the area. Its proportions, height, mass and scale are within the range of existing buildings and the proposed finishes are typical for this area. There are precedents for similar development in the vicinity. The development will improve the appearance of the area and enhance the public realm. The proposed development complies with the standards required and will not have a detrimental effect on adjacent sites.

The closest direct neighbour at 20A did not object to the proposed development. The residents of No 22 have indicated their support for the development.

Reduction in sunlight/daylight arising from 4.8m high wall – A previous application for a first floor extension was refused on the subject site (2349/11) on the grounds of overshadowing and that the proposed flat roof structure would be visually incongruous in this area.

Conscious of the planning authority's concerns, the proposed development has been designed to respect the existing style and character of the area. The height of the extension has been reduced, and coved ceilings, a hipped roof profile, coupled with a separation distance that is greater than required ensures that the skyline and the level of sunlight is not detrimentally affected.

Overbearing impact of wall – The proposed extension is within the established height, scale, mass etc., of the buildings in this area. This is supported by the Planning Officer's report which notes that there is a precedent for similar first floor extensions in the area.

Diagram No's 1 & 2 of the response shows the relationship between the properties at No 20 & 21 Bath Avenue Gardens. These demonstrate that the outlook from No 20 will not be impacted by the proposed extension.

Overshadowing – Shadow analysis were submitted with the application (Dwg No BA/17/SA1 & BA/17/SA2. The information is based on information from 'Neuferts' Architect's Data. The drawings indicate that there is no loss of residential amenity to No 20 Bath Avenue Gardens as implied by the appellant. This is borne out in the Planning Officer's report.

The shadow analysis has been amended to include the shadow cast by the existing boundary wall between the two properties (c.2m high). The appellants statement that the rear garden of No 20 would be adversely affected is incorrect as it is separated from the subject site by the garden associated with No 20A. It has been demonstrated in the shadow analysis appended to the response that the garden of No 20A will not be adversely affected.

Impacts on privacy of garden – Drawing No BA/17/L2 shows that the separation distance between the directly opposing windows at first floor levels between No 16 and No 21 Bath Avenue Gardens is 22m. None of the properties to the rear have

raised any issues in respect of the proposed development. The separation distance of 18.069 indicated on the layout is an indirect distance between No 15 and 21 Bath Avenue Gardens and as such there is no conflict of opposing first floor windows.

Previous refusal – Comparisons cannot be made between the current proposal and that refused by the Board at No 20 Bath Avenue Gardens, which was for a two-storey house attached to the gable of No 20. The current proposal is for a domestic extension to an existing house and cannot be compared on a like for like basis. The extension is required to provide a reasonable level of residential amenity to the occupants of the existing house and to allow each of the two children to have their own bedroom.

There have been a number of similar extensions in the area (Photograph No 1) and these have not had a negative impact on the residential amenities of the area or properties in the vicinity.

Conclusion – The proposed development has been designed in consultation with the planning authority taking on board all the concerns raised in previous applications. The proposal respects the residential amenity of adjacent property and the character of the area. It is designed to comply with building regulations and development plan standards and will enhance the quality of the lives of the occupants of the dwelling.

6.3. **Planning Authority Response**

No response to the grounds of appeal were submitted by the planning authority.

6.4. **Observations**

None

7.0 **Assessment**

7.1. The main issues that arise for determination by the Board in respect to this appeal relate to the principle and acceptability of the proposed development in this location.

7.2. Having regard to the Z1 zoning applicable to the site, where the primary land use is residential, I consider that the proposal to extend the dwelling is acceptable in

principle subject to good planning practice and compliance with development plan requirements.

- 7.3. It is a requirement of the development plan (section 16.10.12) that extensions to dwellings should
- not adversely affect the amenities enjoyed by occupants of adjacent dwellings, and
 - not have an adverse impact on the scale and character of the dwelling.
- 7.4. The proposal is to remove the roof over the existing single storey extension and to construct a first floor level extension over the existing footprint. The extended area would provide additional bedroom accommodation. The existing house has 2 no. bedrooms, one to the front and one to the rear (suitable only for single bed), which is inadequate to accommodate the family of four.
- 7.5. The proposal satisfies the space provision and minimum room sizes as set out in the DoEHLG Best Practice Guidelines 'Quality Housing for Sustainable Communities'. The amount of private amenity space currently available to the dwelling would not be eroded by the proposed first floor extension. The proposed extension would significantly improve the residential amenity afforded by the dwelling, ensuring an adequate level of accommodation for its occupants.
- 7.6. The extension is designed to ensure that the opportunities for overlooking with impacts on privacy are minimised. There are no new windows in the side elevation overlooking adjacent properties. The separation distance to directly opposing first floor windows to the rear ranges from of 22m- 23.4m, which ensures that there is no diminution in the amenities of these properties.
- 7.7. Whilst the first floor extension would marginally increase the level of overshadowing of adjoining property, particularly during winter months, it has been demonstrated in the shadow analysis submitted in support of the application that the properties would continue to enjoy adequate sunshine to ensure that the amenity of the dwellings or their associated private open space is not compromised.
- 7.8. The proposed extension would result in a blank gable wall (4.8m in height) extending along the western boundary with No 20A. With the exception of a bathroom window in the side elevation, there are no other opes facing the appeal site. I note from the

First Party rebuttal (Item No 4) that the rear window of the adjacent house serves a bedroom. Having regard to the location of the development in a built up area, the separation distance of c 4m between the properties, the oblique outlook from the adjacent and to the use of the room, I do not consider that the proposal would result in a significant overbearing impact on the amenity of the adjacent dwelling. The Board will note that the appellants house at No 20 is further removed from the proposed development.

- 7.9. The house forms part of a terrace of four houses, with hipped roofs and a projecting 'A' gable at either end. The terrace is a feature of this part of Bath Avenue Gardens. Being located to the rear and side of the house, the proposed extension would not interfere with the overall symmetry of the original terrace or distort the uniformity or character of the street elevation. The extension will be perceived as subordinate to the main structure and of a scale which would not detract from the character of the house or the visual amenities of the area. The design of the extension is considered to harmonise with the existing house.
- 7.10. Whilst the front elevation of the terraces fronting onto Bath Avenue remains largely intact, I would also point out to the Board that the original character of Bath Avenue Gardens generally has been altered by the addition of porches, rear/side extensions and the construction of contemporary styled houses in side gardens.
- 7.11. In terms of planning history, I note that Dublin City Council previously refused permission for a similar first floor extension under reg. ref. No 2349/11 on the grounds of impacts on the residential amenity of adjacent property (overbearing and overshadowing) and adverse visual impact arising from the proposed flat roof. The provision of a hipped roof to the proposed extension ensures that the character of the existing house and terrace is maintained and addresses the previous concerns of the planning authority regarding visual impact. The concerns raised regarding impacts on residential amenity have been addressed above.
- 7.12. To conclude, I consider that that the proposed extension can be accommodated on the site without adversely affecting the amenities enjoyed by occupants of adjacent dwellings and without having an adverse impact on the scale and character of the existing dwelling. Accordingly, I recommend that permission be granted for the development.

8.0 Appropriate Assessment

Having regard to the location of the development within a built up area which is connected to public services, the nature and scale of the development and the separation distance from Natura 2000 sites, I consider that the proposed development either alone, or, in combination with other plans or projects, would not be likely to have significant effect on any other European Site, in view of the sites conservation objectives and that, therefore, a Stage Appropriate Assessment and the submission of a Natura Impact Statement is not required.

9.0 Recommendation

9.1. Having considered the contents of the planning application, the decision of the planning authority, the provisions of the development plan, the grounds of appeal and the responses thereto, my inspection of the site and my assessment of the planning issues, I recommend that permission be granted for the development for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the zoning Objective 'Z1' for the area as set out in the Dublin City Development Plan 2016-2022, the established use of the site for residential purposes and the pattern of development in the area, it is considered that subject to the conditions set out below, the proposed development would not impact negatively on the residential and visual amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 conditions in writing with the planning authority prior to commencement of the

development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity.

2. The external finishes of the proposed extension including the roof shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interests of visual amenity.

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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, no development falling within Class 1 or Class 3 of Part 1 of Schedule 2 of the Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

Reason: In the interests of residential and visual amenity and in order to ensure that a reasonable amount of private open space is retained p for the occupants of the dwelling.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of the development. The plan shall provide details of intended construction practice for the development, including

hours of working, noise management measures and offsite/disposal of construction/demolition waste. It shall include a traffic management plan to prevent construction traffic from traversing the railway bridge at Bath Avenue (UBR61 - Restriction No R108).

Reason: In the interests of public safety and residential amenity.

Breda Gannon
Senior Planning Inspector

27th, October, 2017