



An
Bord
Pleanála

Inspector's Report PL29N.249196

Development	Demolition works to rear and erect a single and two-storey rear extension and rear dormer window extension
Location	6 Iona Avenue, Drumcondra, Dublin 9
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3176/17
Applicant(s)	Joe Creedon & Claire O'Connor
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	Yasmin & Kevin Lynch
Observer(s)	None
Date of Site Inspection	4 th December 2017
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site is located on the westside of Iona Avenue, which is accessed off Drumcondra Road Lower, approximately 2km north of Dublin city centre.
- 1.2. It contains a two-storey three-bedroom mid-terrace dwelling, with single-storey and two storey rear return under flat roofs. The architecture of the dwelling includes features typical of the late Victorian style, including red brick, arched opes, sash windows and slate roof. To the front of the dwelling is a small garden enclosed by cast-iron railings, and to the rear there is a garden space approximately 21m deep backing onto a narrow laneway.
- 1.3. The immediate area is characterised by rows of terraced Victorian-style dwellings with shallow gardens fronting onto streets including on-street parking. Ground levels in the vicinity drop gradually to the northeast towards Drumcondra Road Lower.

2.0 Proposed Development

- 2.1. The proposed development comprises:
 - Partial demolition of two-storey rear return and demolition of single-storey rear return;
 - Construction of a single-storey and two-storey rear extension;
 - Rear dormer window extension and an internal spiral stairs to attic space;
 - Replacement window and door to ground-floor front elevation;
 - Internal alterations and provision of a rear garden terrace area.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to grant permission subject to seven conditions, generally of a standard nature, but also including the following condition:

- C.2** (a) width of the first-floor extension shall be reduced to 4.4m and set-off the northern boundary by 1m;

(b) replace rear double-doors to master bedroom with a window;

(c) omit rear guardrail to the double-doors.

Reason: In the interests of orderly development, privacy and amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer reflects the decision of the Planning Authority.

The Planning Officer notes the following in their report:

- Concerns regarding overbearing impact on and overshadowing of No.7 Iona Avenue;
- Double-doors and guardrail to first-floor rear elevation may result in undue overlooking and noise;
- No objection to the dormer extension and replacement window and door.

3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) - no objection subject to conditions.

3.3. Prescribed Bodies

- Irish Rail – no response.

3.4. Third-Party Submissions

3.4.1. One submission was received during consideration of the application from the adjoining residents to the north at No.7 Iona Avenue, and the issues raised are similar to those raised in the grounds of appeal below.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. There have been no recent planning applications on the appeal site. In May 2017, pre-planning consultation took place with the Planning Authority under Ref. PAC 0238/17 regarding a proposed two-storey rear extension. The applicants' representatives were advised that a first-floor balcony would not be permitted and obscure glazing should be used in the bathroom window. Further information would be needed regarding the impact of the extension on neighbouring properties.

4.2. Surrounding Sites

- 4.2.1. Reflective of this inner-urban location, there have been numerous recent planning applications for extensions to neighbouring dwellings, including the following on Iona Avenue:

- 7 Iona Avenue – ABP Ref. PL29N.246760 (DCC Ref. 2590/16) – Permission **refused** (September 2016) for extensions at roof level;
- 4 Iona Avenue – DCC Ref. 2818/10 – Permission **granted** (August 2010) to demolish the rear extensions and erect a two storey rear extension spanning the width of the site. Note: the depth of the proposed first-floor element to the rear extension was reduced to 4m via condition of the permission;
- 14 Iona Avenue – ABP Ref. PL29N.220830 (DCC Ref. 5030/06) – Permission **granted** (April 2007) to demolish the rear return and erect a two storey rear extension.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The appeal site has a zoning objective 'Z1 - Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022 with a stated objective 'to protect, provide and improve residential amenities'.

- 5.1.2. Under Section 16.10.12 of Volume 1 to the Development Plan, it is stated that applications for planning permission to extend dwellings will only be granted where the Planning Authority is satisfied that the proposal would:
- Not have an adverse impact on the scale and character of the dwelling;
 - Have no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.
- 5.1.3. Section 17.11 of the Development Plan provides specific requirements for proposed roof extension developments. Appendix 17 (Volume 2) of the Development Plan provides guidance specifically relating to residential extensions.
- 5.1.4. Under Policy QH1 of the Development Plan, the City Council will have regard to the Ministerial Guidelines on 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007).
- 5.1.5. BRE Site Layout Planning for Sunlight & Daylight (revised 2011) is relevant in assessing potential impacts of a development on light to neighbouring properties.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The principal grounds of the third-party appeal to the proposed development can be summarised as follows:
- Condition attached by the Planning Authority amending the proposed development would not overcome the concerns of the appellants';
 - Unacceptable level of encroachment on neighbouring house resulting in excessive overshadowing and loss of light to living areas and garden;
 - Proposals would have a materially-damaging effect on the amenities, privacy and enjoyment of the appellants' property;
 - No objection to a single-storey rear extension subject to roof profile and height;
 - No consultation undertaken with neighbours;

- Design and scale of the proposals are out-of-character with surrounding properties, with the exception of No.14 Iona Avenue;
- Extended dwelling could be sub-divided for rental purposes;
- Proposals would result in devaluation of the appellants' property;
- Proposed development would seriously injure the amenities of the area and would set an undesirable precedent for further similar developments.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority response states that they consider the Planning Officer's report to fully address issues raised in the appeal and to justify their decision.

6.3. Applicants' Response

A response was submitted on behalf of the applicant, which can be summarised as follows:

- As part of the submission, the applicants have submitted revised drawings for the proposed development for the consideration of the Board;
- Revised proposals show the first-floor element to the rear extension would be set off the side boundary with the appellants' property by 1m, as per condition No.2(a) of the Planning Authority decision;
- Front alterations are in keeping with the character of the street and architectural rationale for various elements of the proposals is detailed;
- Neighbouring properties, including the adjoining properties, feature significant rear extensions and the proposals are in keeping with Development Plan guidance;
- Form of the proposed extensions ensures overshadowing of neighbouring properties is kept to a minimum;
- Reference to similar scale extensions on other properties along Iona Avenue, including house Nos. 3, 4 and 14;

- Proposed extension is subsidiary to the main house and would have no discernible difference on lighting to No.7 Iona Avenue based on analysis of shadow study drawings submitted with the response;
- Consultation did take place with neighbouring residents including the appellants;
- Proposed development is reasonable and appropriate and should not be bracketed with the roof extensions on the appellants' property that were refused planning permission.

6.4. Further Responses

6.4.1. The appellants have responded to the applicants' response including the revised drawings and this can be summarised as follows:

- The proposed development is not modest in scale;
- Reference to extensions on the appellants' property and No.14 Iona Avenue are irrelevant;
- Based on the shadow study, which should have been included earlier in the process, it cannot be stated that the proposed development would have negligible or minor impacts arising from overshadowing;
- Proposals would impact on privacy and enjoyment of appellants' home;

6.4.2. The Planning Authority responded to the applicants' submission and again stated that they consider the Planning Officer's report to justify their decision.

6.5. Observations

- None.

7.0 Assessment

7.1. Introduction

7.1.1. The Development Plan sets out general principles for consideration in extending dwellings, such as residential amenity issues, privacy, relationship between

dwellings and extensions, daylight and sunlight, appearance, the subordinate approach and materials. For the city to achieve compact, quality, accessible and affordable residential neighbourhoods, the Plan sets out, amongst other criteria, that dwellings should be adaptable and flexible to cater for changing needs over time.

- 7.1.2. The surrounding area is not provided with any conservation status and the majority of dwellings along Iona Avenue feature original rear projections and rear extensions of various scales, heights and ages. Proposed alterations to the appeal property involving a replacement window and door to the front elevation and a modest-scale rear dormer window extension are considered to be in keeping with and in scale with the house on site. The proposed extension work would not be visible from the public realm, and where visible from the rear of neighbouring properties, would be viewed against the backdrop of a row of extensively extended properties. Therefore, the proposed development would not have a detrimental impact on the visual amenities of the area. Accordingly, I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal relates to the impact on residential amenities.

7.2. Impact on Residential Amenities

- 7.2.1. The appellants' adjoining property to the house, No.7, and the appeal house share the same rear building line, while No.7 is set slightly below the appeal house. No. 7 has been extended to the rear at ground floor across the width of the site, for a depth of approximately 8.5m, served by numerous rooflights. The original 3.3m deep rear return to No.7 is visible at first-floor level, set away from the southern boundary with the appeal site by 2.2m. No.5 Iona Avenue, adjoining to the south of the appeal site includes extensions to the rear extending across the width of the site, with the ground-floor element extending almost 14m in depth and the first-floor element approximately 4.5m in depth. The appeal property features a flat-roof rear return and has not been extended. It is proposed to construct an extension at ground floor to a depth of c.7.6m extending across the full width of the appeal site. Considering the greater depth of extensions on the adjoining properties, both of which are constructed onto the boundary with the appeal site and as the rooflights to No.7 are secondary to the main windows, I am satisfied that the ground-floor element of the proposed extension would not have a significant impact on the amenities of

neighbouring properties. Furthermore, the first-floor flat-roof return to the appeal property would only feature a replacement roof, and as a result this element of the proposal would not have an additional impact on neighbouring amenities.

Consequently, it is only the hipped and pitched-roof element of the proposed extension at first-floor level that has greatest potential to impact on neighbouring residential amenities.

7.2.2. To address the impact of the proposed development on amenities, the decision of the Planning Authority included a condition, No.2(a), requesting that the proposed extension at first-floor level be set off the northern side boundary with the appellants' property by a minimum of 1m and not be more than 4.4m in width. I note that the applicants have not appealed this condition and have submitted revised drawings for the consideration of the Board largely addressing this condition, and it is these revised drawings that I refer to in my assessment below.

7.2.3. At first-floor level, the proposed extension would extend 3m to the rear of No.5, and I do not consider that it would have an overbearing impact on this property. The grounds of appeal assert that the proposed development would have an overbearing impact on the adjoining property at No.7. The pitch-roof element of the first-floor extension would be a minimum of 3.4m from the nearest window to No. 7. The proposed pitch-roof element would be 4.6m deeper than the first-floor return to No.7. By setting the extension off the boundary, incorporating a pitch-roof design and dropping the eaves height below the eaves level of the main house and slightly above the top of the nearest window on No.7, this would significantly reduce the impact of the development when viewed from the nearest first-floor window in No.7. Considering the existing projections and the revised proposed, including first-floor extension set off the boundary by a minimum of 1m, the proposed extension would not have significant impact from the rear-facing first-floor windows to No.7 and the relationship between the properties would be quite typical in terms of modern urban development. Accordingly, I do not consider that the proposed development would have an overbearing impact on neighbouring properties.

7.2.4. The grounds of appeal raise concerns regarding the potential loss of sunlight and daylight and potential overshadowing arising from the proposed development. In response to this the applicants submitted a series of 'Shadow Study' visuals and the applicants assert that these visuals reveal that the proposals would have minimal

effect in terms of restriction of light to No.7. The proposed extension would be on the southside of No.7 and would feature a pitch-roof element with eaves below the main roof eaves level to No.7 and would be 3.4m from the nearest window at first-floor level to No.7. While noting the positioning and orientation of the proposed extension to the south of No.7, the design of the proposed extension including height and roof form appears to have taken cognisance of the potential impact on neighbouring windows to No.7. The revised design of the proposed extension including set back from the boundary would significantly address the potential for the proposed development to restrict light to No.7. Accordingly, potential for the proposed development to excessively restrict sunlight and daylight to No.7 is limited. While recognising that the proposed extension would to some degree overshadow adjoining areas, significant impact from overshadowing would not arise, given the positioning and orientation of the proposed extension relative to the rear garden of No.7. In conclusion, I consider that the proposed development would not unduly affect third-party amenities via loss of sunlight or daylight, nor would it result in excessive overshadowing of properties, including the appellants' property at No.7.

- 7.2.5. The first-floor proposed bathroom window would consist of obscure glazing, and the proposed extension would feature an east-facing window to the master bedroom window at first-floor. To address potential for overlooking towards the rear of No.7, the bedroom window should be conditioned to be non-opening and consisting of obscure glazing. Subject to this condition, I consider that the proposal would not result in an unacceptable level of overlooking. I note that the Planning Authority conditioned that the rear double-doors to the master bedroom be replaced with a window and the guardrail omitted to address privacy and amenity concerns. In response the applicants' revised drawings detail fixed-lower sections to the master-bedroom window and I am satisfied that this addresses potential privacy and amenity concerns.
- 7.2.6. Having regard to the lack of a significant impact on the visual and residential amenities of property in the vicinity, as discussed above, there is no evidence to support the appellants' contention that the proposal would affect property values in the area.
- 7.2.7. Accordingly, the development would not give rise to unacceptable impact on residential amenity and should not be refused for this reason.

8.0 **Appropriate Assessment**

Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 **Recommendation**

I recommend that planning permission should be granted, subject to conditions, as set out below.

10.0 **Reasons and Considerations**

Having regard to the zoning provisions for the site, nature and scale of the proposed development, and the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be out of character with development in the area and would not seriously injure the residential amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars received by An Bord Pleanála on the 28th day of September 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 proposed development shall be amended as follows:

- (a) The first-floor east-facing window serving the master bedroom shall be of non-opening and comprise obscure glazing.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

3. The external finishes of the proposed extensions including roof tiles/slates shall harmonise with 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 and to ensure a proper standard of development.

6. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

Colm McLoughlin
Planning Inspector

6th December 2017