



An  
Bord  
Pleanála

## Inspector's Report 29S.249239.

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<b>Development</b>	Two storey extension with first floor terrace, rooflights, dormer window, bay window and all associated site works.
<b>Location</b>	60 Clanbrassil Street Upper, Portobello, Dublin 8.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	3252/17.
<b>Applicant(s)</b>	Karl Byrne and Danielle Mc Conville.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Karl Byrne and Danielle Mc Conville.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	21 <sup>st</sup> of November 2017.
<b>Inspector</b>	Karen Hamilton.

## 1.0 Site Location and Description

1.1. The subject site is a mid-terrace dwelling located along Clanbrassil Street Upper on the eastern side of the street, Portobello, D8. The dwelling is single storey over basement with small front garden providing pedestrian access directly onto Clanbrassil Street. There is large elongated rear garden with vehicular access via a small laneway onto South Circular Road. Dwellings in the vicinity of the site have been extended to the rear. The surrounding area includes a mix of commercial and residential.

## 2.0 Proposed Development

2.1. The proposed development includes for alterations and extension to an existing dwelling which may be summarised as follows:

- A new bay window to the front of the dwelling,
- A two storey rear flat roof extension,
- 3 no Velux windows to the front along the roof,
- 1 no dormer window to the rear,
- All associated internal works and rearrangement,

## 3.0 Planning Authority Decision

### 3.1. Decision

Decision to refuse permission as the scale, depth and roof profile would be visually obtrusive and unduly overbearing when viewed from the adjoining properties and the street and as such would have a negative impact on the residential amenity and the setting of the streetscape.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the area planner reflects the decision to refuse permission and refers to the following:

- Policies in the development plan relating to residential extensions,
- Policy 16.10.12 of the development plan relating to the design of extensions,
- The large footprint of the extension,
- The scale, width and depth of the extension and the impact on the adjoining properties.

### 3.2.2. Other Technical Reports

Drainage Division- No objection to proposal.

### 3.3. Prescribed Bodies

None received.

### 3.4. Third Party Observations

None received.

## 4.0 Planning History

None on the site.

## 5.0 Policy Context

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

The site is zoned in Z1, residential, where it is an objective "To protect and/or improve the amenities of residential amenities".

Extension to dwellings.

#### **Section 16.2.2.3: Alterations and extensions (general)**

- Extensions will be sympathetic to the existing building and adjoining occupiers,

- Alterations and extensions to roof will respect the scale, elevational proportion and architectural form of the building.

#### **Section 16.10.12: Extensions and Alterations to Dwellings**

Relates to alterations and extensions to dwellings and states that development will only be granted where it will not have an adverse impact on the scale and character of the area and will not adversely affect amenities enjoyed by occupants of adjacent buildings.

**Appendix 17** of the Plan sets out design guidance with regard to residential extensions;

- 17.3: Residential amenity: extensions should not unacceptably affect the amenity of the neighbouring properties,
- 17.4 Privacy: Extensions should not result in any significant loss of privacy to the residents of adjoining properties.
- 17.6 Daylight and Sunlight: care should be given to the extensions and the impact on the adjoining properties,
- 17.11 Roof extensions: the design of the roof shall reflect the character of the area and any dormer should be visually subordinate to the roof slop, enabling a large proportion of the original to remain visible.

## **5.2. Natural Heritage Designations**

None relevant.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The grounds of appeal are submitted from the owners of the dwelling and the issues raised may be summarised as follows:

- A redesign of the two storey extension has been submitted as a new issue and includes a reduction in the height of the dormer by 300mm and a

reduction in the height of the remainder of the extension to match the existing apex.

- Additional alterations include a setback of the dormer from the boundary with No 59 by 500mm and the eaves of No 60 by 500mm.
- The windows have not been altered although should the Board deem this to be necessary this would be accepted.
- There is only one additional Velux along the front.
- The proposed rear extension will not be visible from the main street.
- The Velux window and bay window will be visible although there are already two Velux windows on the roof and the bay window will be finished to match the dwelling.
- No 59 is not affected by any daylight due to the north point orientation.
- The proposed development only increases the footprint of the dwelling to the rear by c. 28m<sup>2</sup>.
- There is substantial open space to the rear c 135m<sup>2</sup>.
- The grant of permission at No 58 for a similar height of development cannot be ignored.

## 6.2. Applicant Response

The grounds of appeal are from the first party.

## 6.3. Planning Authority Response

The response from the planning authority refers to the planners report on file.

## 6.4. Observations

None received.

## 7.0 Assessment

7.1. The following assessment has regard to the revised plans submitted with the applicants' grounds of appeal and includes an amendment to the rear extension including a reduction in height of the dormer window and roof by 0.3m and set back from No 59 by 0.5m and a reduction in the height of the two storey rear extension by c.1.5m. The amendments were circulated to the planning authority and no further submission was received. The main issues of the appeal can be dealt with under the following headings:

- Impact on Residential Amenity
- Impact on Visual Amenity
- Appropriate Assessment

### **Impact on Residential Amenity**

7.2. The subject site faces directly onto Clanbrassil St Upper and contains a modest single storey over basement terrace dwelling with large elongated garden to the rear. Vehicle access is provided to the rear of the site via a small laneway off Longwood Avenue. The proposed development is for a two storey extension to replace and extend an existing rear extension. The reason for refusal states that the scale, depth and roof profile/ height of the proposed development would be visually obstructive and unduly overbearing when viewed from the adjoining properties and the street and therefore have a negative impact on the residential amenity and setting of the streetscape.

7.3. The grounds of appeal have submitted an amended design for the rear two storey extension, including a reduction in the height and width of both the attic dormer and the two storey projection and argue that the new design in conjunction with the location and orientation of the site will not have a negative impact on the amenity of the adjoining residents. I will address the impact of the proposed development on the residential amenity under separate sections below.

7.4. Overbearing: The proposed development to the rear of the dwelling protrudes 3m from the edge of the existing building line and the amended design reduces the height of the two storey element to match the pitch of the existing rear extension. The rear garden is c. 22m in length. The treatment of the boundary along No 61 to

the north, will be render plaster to the existing although the design will include a flat rather than a pitch roof. The edge of the extension is 3m from the boundary of the property to the south, No 59, similar to the existing extension. Having regard to the size and scale of the existing rear extension and the amended design, I do not consider the proposed development will have a negative impact on the residential amenity by way of overbearing.

- 7.5. Overshadowing: The proposed height of the extension is to remain the same as the existing building and extends into the rear garden of the subject site by an additional 1.3m, which adjoins part of the rear garden of No 61, to the south, although it is separate from the main courtyard area at the rear of the dwelling and adjacent to a large outbuilding. Therefore, based on the design and scale of the extension and the configuration of the rear garden space of No 61, I do not consider additional overshadowing on this small area will have a significant negative impact on the amenity of the adjoining which residents.
- 7.6. Overlooking: The proposed development includes a substantial amount of glazing to the rear and a raised deck which is accessed from the master bedroom and includes external stairs down into the rear garden. The raised deck is located 3m from the boundary of No 59, to the south of the site and is raised 2.1m from the ground floor. I note a fully glazed conservatory to the rear of No 59 at approximately the same level as the raised deck and I consider that based on the location and height of the raised deck and large windows, the proposed development would overlook onto the conservatory and private amenity space of No 59. I consider it reasonable to include a condition to remove the raised deck and remove the full height glazing along the east of the proposed extension and replace with high level windows to prevent any overlooking.

### **Impact on Visual Amenity**

- 7.7. The proposed development includes alterations to the façade of the dwelling to include a new bay window and an additional Velux window in the roof. The reason for refusal refers to the impact of the proposed development on the setting of the streetscape. The grounds of appeal state that the proposed extension will not be visible from the main road, there will only be one additional Velux and therefore there will be no impact. I note the reduction in the height of the dormer and extension

lowered by c 0.5m and I do not consider the rear extension will protrude above the existing roof line or be visible from Clanbrassil Street Upper.

- 7.8. There are currently two Velux windows to the front of the dwelling, similar to those in the adjoining property and I do not consider an additional Velux would have a negative impact on the existing dwelling or surrounding area. The existing window on the façade is a similar size and design as those five dwellings along the street, none of which protrude forward of the building line. I consider the inclusion of a bay window to the front would alter the character of the dwelling and have a negative impact on the streetscape and visual amenity of those dwellings in the immediate vicinity. Having regard to the assessment above, I consider a condition to remove the bay window from the overall proposal reasonable to protect the visual amenities of the streetscape.

### **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 for the reasons and considerations as set out below.

## **9.0 Reasons and Considerations**

Having regard to the Z1 zoning objective in the Dublin Development Plan 2016-2022, the location and size of the site, the design and layout of the proposed development, and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenity of properties in the vicinity. 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 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 modified as follows:
  - The proposed raised deck and external stairs shall be removed and the proposed window on the eastern elevation at the master bedroom shall be omitted and shall be replaced by a high level window.
  - The removal of the bay window on the façade.

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

**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. 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.

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Karen Hamilton  
Planning Inspector

01<sup>st</sup> of December 2017.