



An
Bord
Pleanála

Inspector's Report PL29N.249255

Development	Demolition works to rear and erect a single and two-storey rear extension and a rear roof gable-end extension
Location	14 Millmount Place, Drumcondra, Dublin 9
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3248/17
Applicant(s)	Mairead Morgan & Stephen Flatley
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	Ciaran & Alison Corcoran
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 Millmount Place, which is accessed off Drumcondra Road Lower, approximately 2.3km north of Dublin city centre.
- 1.2. It contains a two-storey three-bedroom mid-terrace dwelling, with a single-storey flat-roof extension and a rendered two storey rear return under a mono-pitch roof. The architecture of the dwelling includes features typical of the late Victorian style, including red brick, arched opes, decorative eaves brackets and sash windows to the front, under a slate roof. To the rear of the dwelling is a garden space approximately 15m deep backing onto a rear service laneway. There is a rooflight in the rear roofslope of the house on site.
- 1.3. The immediate area is characterised by rows of terraced Victorian-style dwellings opening directly onto the street, where there is provision for on-street parking. College Manor, a more recently constructed terraced-housing development is situated to the south and rear of the appeal site. Ground levels in the vicinity are relatively level with only a gradual drop moving south towards the River Tolka.

2.0 Proposed Development

- 2.1. The proposed development comprises:
 - Demolition of the two-storey rear return and the single-storey rear extension (c.18sq.m);
 - Construction of a single-storey and two-storey rear extension (c.50sq.m);
 - Gable-end roof extension with porthole window;
 - Internal alterations including an internal stairs to roof level storage space.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to grant permission subject to six conditions, each of which are of a standard nature.

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:

- Single-storey extension would not result in undue overshadowing or overlooking of neighbouring properties;
- Rear garden space amounting to approximately 50sq.m would remain and this is considered adequate to serve the three bedrooms (five bedspaces) in the extended house;
- Span and depth (3m) of the proposed two-storey extension, requiring the demolition of the original two-storey rear return would be acceptable;
- It is accepted that the extension works would to some degree impact on sunlight and daylight to the neighbouring property, but this would not be excessive in this urban context.

3.2.2. Other Technical Reports

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

3.3. Prescribed Bodies

3.3.1. None.

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.12 Millmount Place, and the issues raised are similar to those raised in the grounds of appeal, as set out below.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. There have been no recent planning applications on the appeal site. In August 2016, the Planning Authority granted a planning exemption certificate under Ref. EXPP 0289/16 for development involving the removal of the existing extension and construction of a ground floor rear extension with associated works.
- 4.1.2. In May 2017 pre-planning consultation regarding a two-storey rear extension was undertaken by representatives of the applicants with the Planning Authority under Ref. PAC0309/17. The representatives of the applicants were advised by the Planning Authority that the main issue to address was the potential for excessive overshadowing of No.12 Millmount Place.

4.2. Surrounding Sites

- 2 Millmount Place – DCC Ref. 1446/01 – Permission **granted** (October 2001) for a two-storey rear extension to end-of-terrace dwellinghouse to the north of appeal site.

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. Appendix 17 (Volume 2) of the Development Plan provides guidance specifically relating to residential extensions. Section 17.11 of this appendix provides specific requirements for proposed roof extensions including the need to reflect the character of the area, the surrounding buildings and the age and appearance of the existing building, to be visually subordinate and any new window should relate to the shape, size, position and design of the existing doors and windows on the lower floors.
- 5.1.4. Under Policy QH1 of the Development Plan, the City Council will have regard to the Ministerial Guidelines including 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (2009).
- 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:

Residential Amenities

- Loss of sunlight and daylight to the adjoining appellants' property at No.12 Millmount Place. Computer-generated images (CGIs) illustrating existing and 'as proposed' shadows are appended to show the extent of loss of light;
- Despite the Planning Officer accepting that there would be an impact on light to the adjoining property, permission was granted and this may serve as an undesirable precedent for further similar development;
- Height and positioning of the proposed extension would have an overbearing impact on No.12 Millmount Place and would result in overshadowing;

Visual Amenities

- Proposals represent a substantial departure from the existing built form and would be visually incongruous;

- Given its depth, the single-storey extension could not be described as 'subordinate' to the main dwelling;
- The proposed height of the extension would result in loss of outlook from No.12;

Other Matters

- Area flooded in 1954 and 2002 (photographs from 2002 flood event included);
- Details are required in relation to foul connection, surface water collection, roof-level floor plan, boundary finishes and construction management, including the placement of demolition and construction waste skips;
- Inconsistencies and inaccuracies in the detail of the application, and certain required details were not detailed or provided within the application;
- Assessment of the Planning Authority could be considered subjective and not based on evidence;
- Refusal of planning permission or planning conditions would facilitate redesign of the development.

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

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

Residential Amenities

- Form of the proposed extensions ensures overshadowing of neighbouring properties is kept to a minimum;
- Planning Officer's report clarifies how the proposed development would not have undue impact on neighbouring amenities and how sufficient rear garden space would remain;

- Proposed development is reasonable and would not detrimentally impact on access to sunlight and daylight to the appellants' property, as illustrated in the applicants' Shadow Analysis Study appended to the response submission;
- Appellants' shadow analysis fails to account for all existing neighbouring buildings and the applicants submit their own shadow analysis drawings;

Visual Amenities

- Reference is made to similar scale extensions on No.2 Millmount Place and No.22 Millmount Avenue;
- Appellants' adjoining property at No.12, features significant rear extensions and the proposals are in keeping with the Development Plan guidance for extensions;

Other Matters

- Inconsistencies or inaccuracies raised in relation to the application are trivial and the applicants clarify floor areas, house numbers and note that flood defence measures have been installed since the previous flood event in 2002;
- Consultation was undertaken with the appellants and the Planning Authority prior to lodging the application;
- Appellants' original submission was adequately addressed in the assessment of the application by the Planning Authority and much of the planning appeal addresses insubstantial matters;
- Conditions of the permission address construction and drainage matters.

6.4. Observations

6.4.1. 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. I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal relate to:

- Impact on Residential Amenities;
- Design & Impact on Visual Amenities.

7.2. Impact on Residential Amenities

7.2.1. The appellants' adjoining house to the north, No.12, the adjoining house to the south, No.14, and the appeal house share the same rear building line and are constructed on the same level. Each of the adjoining houses and the appeal house feature original two-storey mono-pitch rear return and single-storey rear extensions, extending approximately 3m deep from the rear building line. It is proposed to demolish the single-storey rear extension on the appeal site and construct an extension at ground floor to a depth of c.8.8m extending across the full width of the appeal site. The proposed extension would extend c.5.2m deeper than the existing single-storey rear extension on the adjoining house at No.12 and c.5.2m deeper than the rear return to the house at No.16, both of which are constructed onto the boundary with the appeal site. I am satisfied that the ground-floor element of the proposed extension would not have a significant impact on the amenities of both these neighbouring properties and sufficient rear amenity space would remain for future residents of the extended house (c.56sq.m). Furthermore, the first-floor return element to the appeal property would remain and would be extended upwards into the roof extension. This element at first-floor level would have negligible impact on neighbouring amenities. Consequently, it is only the additional first-floor extension adjacent to No.12 and the roof-level extensions that would have potential to have an unacceptable impact on neighbouring residential amenities.

7.2.2. The grounds of appeal assert that the proposed development would have an overbearing impact on the adjoining property at No.12. At first-floor level, the proposed extension would extend 3m to the rear, along the boundary with No.12.

The first-floor extension would be a minimum of 1.5m from the nearest window to No.12 and given the modest depth of the first-floor extension, I do not consider that this element would have an unacceptable overbearing impact from the rear-facing first-floor windows to No.12. The proposed first-floor extension would not have significant impact on neighbouring residential amenities and the relationship between the appeal property, No.14, and the appellants' property, No.12, 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.

7.2.3. The grounds of appeal raise concerns regarding the potential loss of sunlight and daylight and potential overshadowing arising from the proposed development and a set of shadow analysis CGIs were submitted in support of this by the appellants. 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.12. The proposed extension would be on the southside of No.12 and would feature a flat-roof element at ground floor, approximately 3.5m above ground level. The first-floor extension would be 3m deep and would be c.1.5m from the nearest window at first-floor level to No.12. While noting the positioning and orientation of the proposed extensions to the south of No.12, the design of the proposed extensions including depth at first-floor, would significantly address the potential for the proposed development to restrict light to No.12. Accordingly, potential for the proposed development to excessively restrict sunlight and daylight to No.12 is limited. While recognising that the proposed extension would to some degree overshadow adjoining areas, this would not be to an unacceptable level, given the positioning and orientation of the proposed extension relative to the rear garden of No.7.

7.2.4. 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.12. Accordingly, the development would not give rise to an unacceptable impact on residential amenity and should not be refused for this reason.

7.3. Design & Impact on Visual Amenities

- 7.3.1. The surrounding area is not provided with any conservation status and the majority of dwellings along Millmount Place feature original two-storey rear projections and most feature rear extensions and rear rooflights. Only No.2 Millmount Place would appear to feature a two-storey rear extension. The proposed development would feature a substantial extension at roof level, pitched from the side boundaries to a central ridge, matching the height of the existing roof ridge. Note: There is a discrepancy on the drawings submitted, with the roof plan on the proposed site layout drawing (No. 16-610-P008 A) showing the proposed roof ridge line to the extension below the main existing roof ridge line, while the more detailed rear elevation drawing (No. 16-610-P0011 A) and section drawing (No. 16-610-P012 A) show the proposed roof ridge line to the extension matching the main existing roof ridge line. The proposed extensions would not be visible from the front street, but would be visible from properties to the rear, including those in College Manor.
- 7.3.2. The proposed roof-level extension would also feature a rear-facing porthole-style window, which the applicant states would serve as storage space at attic level. The design of the proposed roof extension would give the appearance of a three-storey house with roof extension spanning the full width of the roof, which would not be visually subordinate to the main roof slope. It is noted that the two-storey houses along the subject street do not feature similar scale and design roof extensions. Consequently, the design would not reflect the character of the area and the surrounding buildings. Furthermore, the use of a porthole window is not in keeping with the windows on the lower levels and there is a lack of symmetry associated with the proposed parapet and gully details along both side boundaries. The proposed roof pitch leads into and does not match the pitch on the mono-pitch roof to No.10, and as a result this would appear visually incongruous. I consider that the roof extension element of the proposed development would be contrary to the provisions set out in Appendix 17 and Section 17.11 of Volume 2 to the Development Plan. Should the Board be minded to grant permission, this matter could be dealt with by a condition, as set out below.
- 7.3.3. To address these concerns, the gable-end to the roof extension including porthole window should be omitted and replaced with a hipped roof to match the pitch and materials of the existing rear roof and the raised parapet wall with secret flat gully

feature inside this, as proposed on the northern boundary, should be replicated on the southern boundary. Subject to this condition, I consider that the proposed development would not have a detrimental impact on the visual amenities of the area and should not be refused for this reason.

8.0 Appropriate Assessment

Having regard to the minor nature of the proposed development and to 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, to the nature and scale of the proposed development, and to 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, 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 gable-end to the roof extension including porthole window, shall be omitted and replaced with a hipped roof to match the pitch of the existing rear roof;
 - (b) the raised parapet wall with secret flat gully feature inside this, as proposed on the northern boundary, shall be replicated on the southern boundary.

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 visual 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

12th December 2017