



An
Bord
Pleanála

Inspector's Report PL29N.249261

Development	Construct part single, part two storey flat roof extension to rear of house, with rooflights, alteration to side and rear elevations.
Location	85 Mount Prospect Avenue, Clontarf, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3427/17
Applicant(s)	Tom & Emer Coghlan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First and Third Party
Appellant(s)	Tom & Emer Coghlan David & Olwen Lynch
Observer(s)	None
Date of Site Inspection	04/12/2017
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1. The subject site is located on the southern side of Mount Prospect Avenue, a mature residential street in the north Dublin suburb of Clontarf. The street is characterised by large semi-detached dwellings on generous plots. The houses in the street have a distinct arts & crafts architectural style although many have extended to the side and rear.
- 1.2. The subject dwelling no. 85 has a single & two storey rear extension with a barrel domed copper roof. This is visible extending to the west of the front roof profile. A 2m high wall bounds the subject site on the eastern boundary with the appellant property no. 87 Mount Prospect Avenue.

2.0 Proposed Development

- 2.1. Permission was sought for the construction of a ground floor single storey and single storey at first floor flat roof extension to the rear of an already extended (86sq.m.) two storey semi-detached dwelling. On the 928sq.m. site, it is proposed to retain the dwelling of 246sq.m. and construct an additional 69sq.m. leading to an overall dwelling size of 317sq.m. This equates to a plot ratio of 0.34 and site coverage of 24.2%.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 18th August 2017 Dublin City Council issued a notification of their decision to GRANT permission subject to 7 no. conditions. Condition no. 2, the subject of this appeal is as follows:
 2. "The development hereby approved shall incorporate the following amendments:
 - a) the single storey rear extension shall have a uniform rear building line such that the maximum external depth of the existing and proposed extensions combined is 10m from the original rear elevation of the dwelling.
 - b) the flat roof to cover the entirety of both and existing and proposed rear ground floor extensions shall have a uniform height and uniform parapet

height which is to be that of the lower roof form accommodating the proposed “dining room” on the submitted plans.

Reason: To protect the existing residential amenities of adjacent dwellings.

3.2. Planning Authority Reports

- **Planning Report:** First floor extension is not excessive and would not unduly impact adjoining dwelling at no. 87. Proposed ground floor extension has a depth of 12.5m and a height of 4.265m along the eastern boundary with no. 87. No. 87 has not been extended to the rear and therefore there would be a substantial undue impact in terms of overbearing and over shadowing. Proposed ground floor should be reduced in height and length.
- **Drainage Division:** No objection subject to standard conditions.

4.0 Planning History

- 4.1.1. DCC Reg. Ref. **4565/04**: Planning permission granted for the demolition of an existing single storey extension and the construction of a part single part two storey extension to the rear, conversion of garage and increase in gate width.

5.0 Policy Context

5.1. Dublin City Development Plan 2016 -2022

- 5.1.1. In the plan, the site is zoned ‘**Z1 Sustainable Residential Neighbourhoods**’ which has the stated objective “to protect, provide and improve residential amenities”. Within Z1 zones ‘Residential’ is a permissible use.
- 5.1.2. **Chapter 16** includes the Development Management Standards and has regard to Design, Layout, Mix of Uses and Sustainable Design. **Table 16.1** provides the Maximum Car Parking Standards for Various Land-Uses and **Table 16.2** the Cycle Parking Standards. Applicable to the proposed development are the following:
- 5.1.3. Indicative plot ratio for Z1 zones is 0.5 to 2.0. Indicative site coverage for the Z1 zone is 45-60%
- 5.1.4. **Section 16.2.2.3** of the development plan refers to Alterations and Extensions. The section states that DCC will seek to ensure that alterations and extensions will be sensitively designed and detailed to respect the character of the existing building, its

context and the amenity of adjoining occupiers. In particular, alterations and extensions should:

- Respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings
- Retain a significant proportion of the garden space, yard or other enclosure
Not result in the loss of, obscure or otherwise detract from architectural features which contribute to the quality of the existing building
- Retain characteristic townscape spaces or gaps between buildings
- Not involve the infilling, enclosure or harmful alteration of front lightwells.

5.1.5. Section 16.2.2.3 also states that extensions should be confined to the rear in most cases, be clearly subordinate to the existing building in scale and design and incorporate a high standard of thermal performance and appropriate sustainable design features.

5.1.6. Appendix 17 of the development plan provides general principles for residential extensions.

6.0 The Appeal

6.1. First Party Appeal

- Appeal against condition no. 2 only. Applicants are fundamentally opposed as the proposed changes would have an undesirable impact on the architectural integrity of the proposed extension.
- Alternative design proposed which involves a reduction in the parapet height on the eastern side by 290mm – just 100mm higher than the western side. Reduction in depth on the eastern side by 1.635m (to 11m) and on the western side by 1.035m (to 10.05m). This allows the architectural style to be retained. The proposed floor area is reduced to 47sq.m.
- The proposed extension will complement the existing dwelling.
- In response to the third party appeal, the applicants state that the subject site is zoned for residential development subject to the need to protect and or improve the amenities of residential conservation areas.

- The 45m long rear garden is capable of accommodating the proposed extension which will be suitably scaled and will not cause unacceptable impacts on the adjoining properties.
- Photos and details of other rear extensions on Mt Prospect Avenue submitted as justification for the proposed development. 89 Mount Prospect Avenue – two storey extension granted in 2016. Currently under construction. 79 Mount Prospect Avenue – Single and two storey extension granted in 2014. 103 Mount Prospect Avenue - Single and two storey extension granted in 2011. 81 Mount Prospect Avenue - Single and two storey extension granted in 2009. 75 Mount Prospect Avenue - Two storey extension granted in 2005. It is noted that the Planning Officer of DCC referred to the precedent in the wider area.
- 87 Mount Prospect Avenue (Neighbouring property to the subject site and third party appellant) - Single and two storey extension granted in 2001. Two storey element of approved and constructed extension is on the eastern boundary with no. 89. The Planning Authority considered this acceptable and therefore the proposed development should be considered acceptable.
- The proposed development will not disrupt the visual amenity of neighbouring properties. The proposed redesigned rear extension will create visual interest in the rear elevations.
- The neighbouring property at no. 87 has ample private open space to the rear and will not be impacted by the proposed extension. There is no potential for loss of privacy or overlooking. The proposed development will not be overbearing on adjoining properties.
- The submitted shadow study shows that no overshadowing of no. 87 will occur due to the southerly orientation of the dwellings on this side of Mount Prospect Avenue.
- The Board is requested to grant permission.

6.2. **Third Party Appeal**

- The proposed extension along the eastern boundary with the Appellants property at no. 87 will require the demolition of the shared garden wall. No permission has been sought for this.
- The proposed extension will be 12.5m long and 4.265m high. The proposed blank wall will create an overbearing and enclosing effect on the rear of no. 87. This was acknowledged by the City Planner who noted that no concession to the amenity of no. 87 had been made and that a substantial undue impact would arise.
- The City Councils condition to reduce the length to 10m and the height to 3.5m does not go far enough. The Appellants request the Board to condition the proposed rear extension to be set back from the eastern boundary.

6.3. **Third Party Response to First Party Appeal**

- The alternative design submitted as part of the appeal is unacceptable. The proposed 2m wine store on the eastern boundary could be located elsewhere.
- The shadow analysis clearly shows overshadowing of the patio and rear windows of no. 87. Photographs submitted showing the impact of the proposed development on the rear of no. 87.
- The submitted comparable extensions are not comparable as they are not located on boundaries and are not as large as the subject application. The extensions at no. 87 and no. 75 are modest and located away from the boundaries.
- The Planning Authority's condition should be strengthened by moving the proposed extension away from the eastern boundary with no. 87.

6.4. **Applicant Response to Third Party Appeal**

- Photographs submitted by no. 87 do not portray the true extent of the rear garden and patio at no. 87 which extends to 45m.

6.5. **Planning Authority Response**

- None on file

6.6. Observations

- None on file

7.0 Assessment

- 7.1.1. The single issue at the crux of this appeal is the height and length of the proposed extension and the impacts that may arise on the neighbouring property to the east. The City Council has requested by way of condition no. 2, that the proposed rear extension be reduced in length to 10m and in height to 3.5m. Neither party are satisfied with this solution. The appellants at no. 87 request that the proposed extension be further off-set from the eastern boundary, in addition to the reduced height and length. The Applicants consider the proposed amendments unduly onerous and have submitted a revised design which involves a length of 11m and a height of 3.675m along the eastern boundary.
- 7.1.2. I note the pattern of development along Mount Prospect Avenue. Many of the properties have large single and two storey extensions to the side and rear. Some are centrally located within these generous plots but the majority extend to one of the boundaries. The subject dwelling which has such an extension already, lies between a full width rear extension to the west (no. 83) and a part two part single storey extension to the east (the appellant's property, no. 87). The two storey element of the existing extension to the subject property is removed from both the eastern and western boundary. A large two storey extension is under construction to the east (no. 89) of the appellants property.
- 7.1.3. I note that an eastern elevation of the proposed redesign has not been submitted to the Board. The proposed re-designed extension will involve an 11m blank wall of 3.6m height facing the appellant's property. This will project 1.6m over the existing 2m boundary wall. The existing single storey extension along the eastern boundary presents a blank elevation of 3.7m to the patio area of the appellant's property. This will be reduced in height to 3.6m. I am satisfied that the proposed extension as re-designed on the drawings submitted to the Board on the 14th Sept 2017 will not exacerbate the existing situation to an extent that the residential amenity of the adjoining properties will be affected.

7.1.4. On the issue of sunlight & daylight, I am satisfied that the proposed extension will not cause overshadowing of the appellant's property. Both properties face due south and therefore no overshadowing will occur.

7.2. **Appropriate Assessment**

7.2.1. Having regard to the nature and scale of the proposed development and / or the nature of the receiving environment, and / or proximity to the nearest European site, no appropriate assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

8.0 **Recommendation**

8.1.1. I have read the submissions on file, visited the site, and have had due regard to the provisions of the Dublin City Development Plan 2016-2022 and all other matters arising. It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the development plan, would not injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area. I recommend permission be GRANTED subject to the following conditions:

9.0 **Reasons and Considerations**

Having regard to the zoning objectives for the area and pattern of development in area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity and would be acceptable in terms of traffic safety, public health and convenience. 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 in accordance with the agreed particulars.

Reason: In the interest of clarity

2. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

3. 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.

4. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay rubble or other debris on adjoining roads during the course of the works.

Reason: In the interest of residential amenity

Gillian Kane
Senior Planning Inspector

06 December 2017