



An  
Bord  
Pleanála

## Inspector's Report PL29S.249265

---

<b>Development</b>	Demolition of existing extension and construction of a new extension to dwelling and construction of a chalet and all ancillary works.
<b>Location</b>	18 O'Donovan Road, South Circular Road, Dublin 8.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	3304/17.
<b>Applicant</b>	Ed Marrow.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party -v- Grant.
<b>Appellants</b>	Vivienne Maher and Ed Riordan.
<b>Observers</b>	(i) John Murphy (ii) Una Gildea.
<b>Date of Site Inspection</b>	19 <sup>th</sup> December, 2017.
<b>Inspector</b>	Paul Caprani.

## Contents

1.0 Introduction .....	3
2.0 Site Location and Description .....	3
3.0 Proposed Development .....	4
4.0 Planning Authority's Decision .....	5
4.1. Planner's Report .....	5
4.2. Observation.....	5
5.0 Grounds of Appeal.....	6
6.0 Appeal Responses.....	7
6.1. Planning Authority's Response to the Grounds of Appeal.....	7
7.0 Observations.....	9
8.0 Development Plan Provision.....	11
9.0 Planning Assessment .....	13
10.0 Conclusions and Recommendation.....	18
11.0 Reasons and Considerations .....	19

## 1.0 Introduction

PL29S.249265 relates to a third party appeal against the decision of Dublin City Council to issue notification to grant planning permission for the demolition of an existing single-storey extension and the construction of a new two-storey extension to the rear of an existing dwelling together with the construction of a chalet in the rear yard of the dwelling and alterations to the front elevation together with ancillary works at an existing house at No. 18 O'Donovan Road, South Circular Road, Dublin 8. The grounds of appeal argue that the proposed development would have a negative effect on the character of the existing dwelling and would negatively impact on the residential amenities of the area and is contrary to policies set out in the Dublin City Development Plan. Two observations are submitted supporting the grounds of appeal.

## 2.0 Site Location and Description

- 2.1. The subject site is located in an established residential area of O'Donovan Road in Dublin 8 in the vicinity of the Liberties in south-west inner city Dublin. O'Donovan Road and surrounding roads comprise of early suburban type development dating from the period immediately after the foundation of the State. The wider area in which the site is located is known as 'The Tenters'. The area is characterised by two-storey small terraced dwellings. The subject site is located in a corner site and forms the south-western part of a pair of semi-detached dwellings which front onto the junction of O'Donovan Road and St. Thomas Road. The area represents typical suburban type dwellinghouses constructed in the immediate aftermath of the First World War.
- 2.2. The subject site is roughly triangular in shape and incorporates a narrow strip of land to the rear, behind the rear garden of the adjoining dwelling No. 19. The existing dwelling incorporates an entrance hall, living area and kitchen dining area together with a utility room to the rear of the dwelling. Two bedrooms and a bathroom are located at first floor level. The main garden area is located to the front and the side of

the existing dwellinghouse between No. 17 and No. 18 O'Donovan Road. The house is presently vacant and hoarding had been erected around the boundary.

### **3.0 Proposed Development**

- 3.1. Planning permission is sought for a relatively large two-storey extension to the side and rear of the existing dwellinghouse on site. The proposal will also involve substantial elevational changes to the roadside elevation of the existing dwellinghouse.
- 3.2. At ground floor level it is proposed to extend the dwellinghouse to the side and rear in order to create a larger kitchen/dining/living area. The dwellinghouse is to extend in a north-westerly direction to within 1.18 metres of the common boundary with No. 17. A side passage is to run along the north-western boundary of the site between the proposed extension and the gable end of No. 17. To the rear of the new dining and living area is proposed to incorporate a utility room, toilet and outside bin store at the rear of the extension. The existing first floor layout is to be reconfigured and it is proposed to incorporate a new master bedroom to the rear and new bathrooms and bedrooms at first floor level. The number of bedrooms will be increased from 2 to 3. It is proposed to create a new atrium type area with double floor to ceiling heights, above the proposed dining area at the south-western corner of the extension. The entrance to the dwellinghouse is to be relocated to a point within the new ground floor extension. A new two-storey high corner glazed area is proposed above the dining area. The proposed two-storey extension is to incorporate a flat roof with a white nap plaster finish.
- 3.3. A separate single-storey chalet structure is proposed to be located to the rear. This chalet area is described as a sunroom with French doors facing onto a new courtyard area between the proposed extension and the chalet. The chalet has a stated area of just under 5.4 square metres.
- 3.4. The planning application from indicate that the floor area of the existing buildings on site is just under 75 square metres and as a result of the proposed development including the demolition of the single-storey utility room to the rear the total floor area of the proposed development will be 124 square metres.

## 4.0 **Planning Authority's Decision**

The planning application was lodged with the Planning Authority on 3<sup>rd</sup> July, 2017.

In its decision dated 22<sup>nd</sup> August, 2017 Dublin City Council issued notification to grant permission subject to 9 conditions.

### 4.1. **Local Authority Planning Reports**

A report from the Drainage Division stated that there was no objection to the proposed development subject to conditions.

### 4.2. **Planner's Report**

The planner's report notes that the proposed development represents an extension to an existing house which maintains the building line and remains separate from the existing terrace of houses to the west (Nos. 12 to No. 17 O'Donovan Road). The scale of the extension at just over 50 square metres is not deemed to be excessive. Reference is also made to a similar type precedent in the area at No. 41 O'Donovan Road (Board Reg. Ref. 247819). It is noted that the en-suite window on the side elevation of the proposed two-storey extension should be permanently glazed with obscure glass. It is also considered that the open space is deemed to be not acceptable and therefore the proposed new chalet shall be omitted. The planning report therefore recommended that planning permission be granted for the proposed development.

### 4.3. **Observation**

- 4.3.1. A number of observations were submitted all of which raise concerns in relation to the size, scale and potential overbearing effect the proposed extension would have on the surrounding areas.
- 4.3.2. In its decision dated 22<sup>nd</sup> August, 2017 Dublin City Council issued notification to grant planning permission for the proposal subject to 9 conditions.

## 5.0 Grounds of Appeal

- 5.1. The decision of Dublin City Council to issue notification to grant planning permission was the subject of a third party appeal by the owners/occupiers of No. 17 O'Donovan Road by Coakley O'Neill Town Planning Consultants. The grounds of appeal outline the site location and description and the nature of the proposed development and also sets out the Planning Authority's assessment of the proposal.
- 5.2. Condition No. 3 requires that the windows serving the en-suite of the master bedroom and the side elevation at first floor level of the proposed two-storey extension shall be permanently glazed with obscure glass in order to protect privacy and amenity. It is also noted that Condition No. 4 requires that the proposed chalet to the rear of the property shall be omitted.
- 5.3. The grounds of appeal go on to outline planning policy as it relates to the subject site. Specific reference is made to Section 16.2.2.3 of the development plan which relates to alterations and extensions to dwellings and the particular need to have regard to amenities of adjoining properties. Reference is also made to Appendix 17 of the development plan which relates to residential extensions and the need to safeguard issues in relation to privacy, sunlight and daylight and the principle that proposed extensions should not adversely impact on the scale and character of the existing dwelling.
- 5.4. Reference is also made to the planning history in the wider area and it is noted that there have been numerous planning applications for single and two-storey extensions to the side and rear of the existing dwelling. Reference is made to a number of applications that were refused planning permission for two-storey extensions to the side and rear of dwellinghouses in the Dublin 8 area but also in the wider area. The reasons primarily related to the size and scale of the proposed development and the potential impact on residential amenities.
- 5.5. In setting out the grounds of appeal reference is specifically made to the planner's report which cites three examples where planning precedents occurred for similar type extensions in the wider area. It is suggested that the examples cited do to involve extensions to the side and rear of the dwelling of such a scale to that proposed under the current application.

- 5.6. It is argued that the size and scale of the proposal both in terms of design and visual impact is inappropriate particularly having regard to the site's prominent position at a junction of a number of roads.
- 5.7. It is noted that no study was carried out addressing the issues of daylight and sunlight on adjoining residential properties. The fact that the proposed extension comes within a metre of the common boundary of No. 17 would result in significant loss of light to the appellant's kitchen, dining and sitting room which are situated to the rear of the dwelling.
- 5.8. There are already issues in terms of access to sunlight and daylight in the appellant's rear garden.
- 5.9. It is also argued that the proposed development would give rise to significant adverse impact in terms of overlooking. Windows that are proposed to the front of the development will run from ground to roof level and would cause privacy issues. The proposal would overlook the amenity space at No. 19.
- 5.10. It is argued that the proposal would not comply with development plan policy as it would undermine the character and visual amenities of the existing dwelling and adjoining dwellings and the local area as a whole. It would furthermore lead to the overdevelopment of the subject site which would set an undesirable precedent and would result in issues in relation to overlooking and overshadowing. For the above reasons the Board are requested to overturn the decision of the Planning Authority.

## **6.0 Appeal Responses**

### **6.1. Planning Authority's Response to the Grounds of Appeal**

- 6.1.1. It states that the reasoning on which the Planning Authority's decision on the application was based is set out in the planning report which has already been forwarded to An Bord Pleanála. It is not proposed to respond in detail to the grounds of appeal as the Planning Authority considers that the comprehensive planner's report fully deals with the issues raised in justifying its decision. The Planning Authority therefore upholds its recommendation to grant planning permission.

## 6.2. Applicant's Response to the Grounds of Appeal

6.3. A response was received on behalf of the applicants by Simon Beale and Associates. The response is outlined below.

- 6.3.1. With regard to the issue of planning precedence, reference is made to numerous applications in the wider area where planning permission was granted for various types of two-storey extensions in the area. It is noted that An Bord Pleanála granted planning permission for a development at No. 41 O'Donovan Road where a required setback of 4.5 metres is required and not 5 metres as suggested in the grounds of appeal. The fact that the applicant had to refer to other examples in completely different postcodes (including the north side of the city) shows the lack of basis for the appeal.
- 6.3.2. The appellant's interpretation of scale and size appears to be based on opinion rather than fact. The appeal gives no reference to the scale of the proposal in relation to the size of the site i.e. site coverage and plot ratio. The suggestion that the proposed development is out of scale in the area has not been substantiated with facts. It is noted that the standards for both site coverage and plot ratio have been complied within the case of the current application.
- 6.3.3. The scale of the extension is predicated on the need of the applicant to have a good standard of living. It is noted that in more recent times, larger proposals for extensions have been sought and granted.
- 6.3.4. The design of the front floor to ceiling glazing results in no overlooking issues. There is no increase in the number of windows proposed to that which is on site at present. It is suggested that the windows will reduce any overlooking issues that are present.
- 6.3.5. The front of the proposed extension was kept in line with its neighbouring properties. The proposed extension is also being stepped back at two points and this breaks the elevational impact of the proposal being a corner site.
- 6.3.6. While concerns are expressed in relation to overshadowing, the Board are asked to note that the two adjoining dwellings incorporate substantial extensions and development to the rear of their properties. It is argued that the residual amenity area associated with No. 17 is, in the main, overshadowed by the appellant's dwelling and not the proposed development. Every effort has been made by the applicant to



minimise loss of light to neighbouring dwellings while at the same time keeping the required distances from neighbouring properties.

- 6.3.7. It is not accepted that the proposed development will undermine the character and visual amenity of the existing dwellings. Both the applicants and ultimately Dublin City Council do not feel that the proposed development poses a threat to the visual amenities of the area. There were only a small number of objections to the proposed development to Dublin City Council in the first instance. For these reasons An Bord Pleanála are requested to uphold the decision of Dublin City Council.

## **7.0 Observations**

### **7.1. Observation from Una Gildea of 19 O'Donovan Road.**

- 7.1.1. It is argued that the proposed double storey extension to the rear of the property includes a large window directly overlooking the back door area of No. 19 and this will have an overbearing impact on the property and will overshadow the rear garden. The proposed development constitutes an overdevelopment of the subject site and this is contrary to paragraph 16.2.2.3 of the development plan. Concerns are also expressed that the new bathroom at first floor level, which appears to be adjacent to the observer's bedroom, could result in constant plumbing noises as a result of the layout of the pipes and fixtures installed.
- 7.1.2. It is also argued that the proposal will have an adverse impact on the rich distinctive and uniform design associated with the Tenters area as a whole. The proposed design is not in keeping with the character of the neighbourhood and radically alters the exterior of the house. Given its prominent location on the main road and at a roundabout, it would be an anomaly and will take away from the local distinctiveness of the area and will erode the local distinctiveness and heritage of the Tenters area.

### **7.2. Observation by Mr. John Murphy, 48 St. Thomas Road.**

- 7.2.1. No. 48 St. Thomas Road is located to the immediate north of Nos. 18 and 19 O'Donovan Road and the northern boundary of the subject site shares a small common boundary with No. 48. The submission outlines the history of the Liberties

area. While the subject site is located in the Z1 residential zone, it is located in close proximity to areas zoned Z2 which are designated as residential conservation areas. In this regard it can be considered a transitional zone area and Section 14.7 of the development plan notes that in dealing with development proposals in transitional zoned areas, particular attention must be paid to the use, scale and density and design of these proposals.

7.2.2. It is argued that the area has a distinctive character and that residential extensions in the wider area to date have been ancillary and sympathetic to the main house. It is suggested that the proposal in this instance is a redesign and not a simple extension. There is little information in relation to external finishes, treatments and materials proposed. There is no detailed shadow analysis provided. A full assessment of the impact is important, if the character of the area is to be preserved and enhanced. The incorporation of a large glazed area is not appropriate. It is argued that the proposal is not in compliance with the policy statements and objectives set out in the development plan with regard to alterations and extensions to existing dwellings. It is stated that the finishes proposed do not reflect the character of the existing area.

7.2.3. The incorporation of a two-storey extension to the rear includes a large window directly overlooking three gardens. The proposed extension cannot be considered subordinate in terms of scale. The proposal will give rise to overlooking of the observer's property. It is argued that the proposed window serving the master bedroom at first floor level will directly overlook the single-storey rear return of No. 48 which accommodates a kitchen and outdoor area. The distance between the first floor window and the observer's kitchen is less than 11 metres, which is a minimum stipulation in the development plan. The proposal will also reduce winter sun penetration which will impact on the value of the property in the vicinity. It is stated that Dublin City Development Plan Guidelines have for the most part been ignored. It is noted that the proposal does not increase living accommodation to any appreciable extent and does nothing to enhance the net accommodation provision within the city. It is suggested that the overall design approach could be better utilised in terms of providing functionality of space. It is also suggested that the site coverage of the proposal exceeds the standards set out in the development plan and that the level of private open space provided is insufficient.

- 7.2.4. With regard to the issue of precedent, it is argued that the examples cited no way resembled the subject application in terms of design, scale or impact. Most extensions in the area are ancillary and subordinate in scale and maintain the existing building line.
- 7.2.5. While it is acknowledged that contemporary design is encouraged under the current development plan, it should not detract from the character of the area and should reflect existing design principles. It is suggested that the quality of the design is not imaginative or outstanding.

## 8.0 Development Plan Provision

- 8.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016-2022. The subject site is zoned Z1 '*to protect, provide and improve residential amenities*'. Section 16.2.2.3 of the development plan specifically relates to alterations and extensions to existing dwellings.
- 8.2. The Plan notes that in Dublin City Centre, the form and grain of the built environment provides fewer opportunities for major expansion than in the more suburban parts of the city and county. This leads to substantial pressure for extensions and alterations to existing buildings. Works of alterations and extensions should be integrated with the surrounding area, ensuring that the quality of the townscape character of buildings and areas is retained and enhanced and environmental performance and accessibility to the existing building stock should also be enhanced.
- 8.3. Dublin City Council 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 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 the architectural features which contribute to the quality of the existing building.
  - Retail characteristic townscape, spaces or gaps between buildings.

- Not involve the infilling, enclosures, harmful alterations of front light wells.

Furthermore, extensions should be confined to the rear in most cases:

- Be clearly subordinate to the existing building in terms of scale and design.
- Incorporate a high standard of thermal performance and appropriate sustainable design features.
- Proposals should respect the uniformity of terraces and groups of buildings with the consistent roofline and should not adversely affect the character of terraces with an attractive varied roofline.

8.4. Appendix 17 of the development plan also set out guidelines for residential extensions. It highlights the importance of protecting residential amenity, protecting privacy, and sets out details regarding the relationship between dwellings and extensions and the need to ensure that there is no overbearing effect of one dwelling upon the other. It is noted that residential dwellings can result in loss of daylight to neighbouring houses and can impact on the amount of sunlight received.

Consideration should be given to the proportion of extensions in overall design terms. Extensions should play a more supporting role to the original dwelling and in general, the extension should be no larger or higher than the existing dwelling. Care should be taken that all extensions should integrate with the existing building as far as possible and considerable care and thought should be given to materials which harmonise with the existing building.

8.5. In relation to contemporary extensions, notwithstanding the advice in the document to match existing buildings and fit in with the neighbourhood, Dublin City Council also supports good contemporary designs. A contemporary or modern approach providing unique designs can offer a more imaginative solution to an unusual dwelling type or a contrast to a traditional building. However, they are still required to take account of the design issues outlined in the document. Contemporary solutions should not detract from the character of the area but if well designed, can make a positive contribution to the streetscape character of the area.

## 9.0 Planning Assessment

I have read the entire contents of the file, have had particular regard to the issues raised in the grounds of appeal and the two observations submitted and I consider the critical issues in determining the current application and appeal are as follows:

- Development Plan Policy
- Size and Scale of Proposed Extension
- Design
- Planning Precedent
- Overlooking and Privacy
- Overshadowing
- Public Open Space Provision
- Appropriate Assessment

### 9.1. Development Plan Policy

- 9.1.1. Both the grounds of appeal and the observation submitted argue that the proposed development is contrary to many of the policy statements contained in the Dublin City Development Plan primarily on the ground that the Plan emphasises the need to respect privacy, residential amenity and good general design principles particularly in relation to residential alterations and extensions. The Board however should also note that the development plan highlights and stresses the need to provide good quality living accommodation together with the need for alterations and extensions to suit changing family needs and to ensure that dwellings are adaptable to people's changing circumstances. This is fundamental to creating a compact city with sustainable living neighbourhoods. Therefore, the key issue in determining the current application and appeal is whether or not the proposal in this instance, which seeks to alter and adapt the dwellinghouse, in order to cater for the needs of a family can be done so in a way that it will not have a detrimental impact on the surrounding residential amenities and the character of the wider area. There requires to be a balance between catering for a reasonable expectation to extend and alter houses in

order to cater for the needs of a growing family in order to provide better quality living accommodation and any consequential impact on the wider residential amenities of the area.

- 9.1.2. In conclusion therefore, any determination as to whether or not the proposed development is contrary to development plan policy needs to be explored in more detail under separate headings relating to amenity issues below.
- 9.1.3. A specific issue in relation to development plan policy was raised in the observation submitted on behalf of No. 48 St. Thomas Road. It suggests that the subject site is located in a transitional zone between land use zoning objective Z1 and land use zoning objective Z2. It is argued that this is a material issue in determining the acceptability of the design put forward. I do not accept that the site is located in a transitional zone in this instance and therefore stricter policies in relation to design as might apply to Z2 zonings, are not applicable in this instance. I would agree with the observer that more restrictive policies in relation to design, height and proportion may apply where the subject site was located on lands contiguous to the Z2 zoning objective (residential conservation areas). However, in this instance the subject site is surrounded by dwellings and indeed by streets all of which are governed by the Z1 zoning objective. The nearest residential conservation areas (Z2) are located, at the closest point, over 100 metres away. Finally, in relation to this issue I note that An Bord Pleanála granted planning permission for a substantial extension at No. 41 O'Donovan Road which is located contiguous to and directly faces onto houses which form part of a residential conservation area.

## 9.2. **Size and Scale of Proposed Extension**

- 9.2.1. While I acknowledge that the proposed extension is large, it is still in my view subordinate to the overall dwellinghouse. The existing dwellinghouse (including the utility room which is to be demolished as a result of the proposed development) amounts to c.81 square metres. The proposed extension amounts to c.54 square metres. In terms of floor area therefore the proposed extension, while substantial, is still smaller than the existing floor area of the house and in this regard I consider the extension to be subordinate.
- 9.2.2. Furthermore, the overall height of the extension while two-storey in nature, is considerably below the ridgeline of the existing house and therefore remains

subordinate in terms of height. I am satisfied therefore, in design terms that the proposed development, while of a significant size, remains subordinate to the existing dwellinghouse.

### 9.3. Design

- 9.3.1. The applicant in this instance has incorporated a more contemporary design approach which includes the incorporation of a flat roof and the incorporation of extensive glazing particularly on the front elevation. Notwithstanding this contemporary approach, I consider that the overall design approach is compatible with the existing building as it incorporates a similar palate of materials and external finishes. The extensive glazing particularly on the roadside elevation will prove to be more energy efficient through passive solar gain. While arguments in relation to the overall design can be somewhat subjective, the proposal in my opinion represents an acceptable insertion within the streetscape and results in a contemporary type extension that draws reference from the existing dwelling on site and is subordinate in terms of its overall size and scale.
- 9.3.2. There are examples of similar type contemporary extensions in the immediate area and the applicant makes reference to No. 77 Clarence Road where a contemporary style extension was permitted to an existing dwellinghouse a short distance away from the subject site. I do not consider that the proposed design approach will in any way diminish or take away from the existing character of the area. I consider that a good architectural design approach adds to the variety and visual interest of the area and does not detract visually from the character of the area. The development plan supports good quality contemporary intervention in the urban streetscape.
- 9.3.3. I do acknowledge that there is uniformity of design in the existing streetscape, and that the general area provides an excellent example of early interwar suburban housing based on the garden-city model. I note that the subject site does not form part of a residential conservation area nor is the building in question a protected structure. As a result, I do not consider that there is any justification to slavishly adhere to existing design parameters when considering design approaches for new extensions and alterations to houses.

#### 9.4. **Planning Precedent**

I consider that the arguments put forward in the grounds of appeal in respect of planning precedents where permission has been refused for extension of similar size and scale do not provide strong justification for refusing planning permission in this instance. It is difficult and perhaps inappropriate to determine the current application purely on grounds of precedent set in respect of other developments in the wider area. The proposal in this instance represents a bespoke design solution on a corner site which results in unique set of circumstances in terms of determining the current application. It is sufficient to state that the proposal should be assessed on its merits and its impact on the surrounding residential amenity and in accordance with the proper planning and sustainable development of the area. Any precedent decisions are not directly comparable in my view to either the subject site or specifics of the proposal before the Board.

#### 9.5. **Overlooking and Privacy**

- 9.5.1. No specific or material issues arise in respect of overlooking of the contiguous house at No. 19. The window at first floor level serving the proposed master bedroom will offer some oblique views to the rear part of the rear garden of No. 19. However, having regard to the relatively tight housing plots in the area and the configuration of the proposed extension some slight increase in overlooking will inevitably occur. However, I consider the degree of overlooking in this instance would be small and would therefore be acceptable.
- 9.5.2. In the case of No. 17, the proposal will not result in any direct overlooking. There are no windows at ground floor or first floor level on the eastern gable end of No. 17 which could be potentially impacted upon as a result of the proposed fenestration arrangements associated with the proposal. While the window associated with an en-suite bathroom could potentially impact on the amenities of the neighbouring dwelling, the incorporation of obscure glass as required by condition would adequately address this issue.
- 9.5.3. I do have concerns however in respect of overlooking of the rear garden and rear return of No. 48 St. Thomas Road, the dwelling directly north of the subject site. I note that the first floor window serving the master bedroom is 6.3 metres from the



common boundary and 9 metres from the rear return of No. 48 which accommodates two sets of French doors opening onto a kitchen and a living area. I would question the appropriateness of permitting a first floor window which directly overlooks a habitable room of an adjoining dwelling less than 10 metres away. It is clear from the photographs submitted in the observation by Mr. John Murphy, and from my site inspection, that the area of the rear garden adjacent to the kitchen is an important amenity area and is used as a sitting out area for the occupants of No. 48. The configuration of the window serving the master bedroom will in my view have material and adverse impacts on the amenity of the appellants to the north by reason of direct overlooking. Furthermore, I do not consider that it is possible to address this issue by way of condition. The proposal in my view would necessitate a redesign and a stepping back of the rear part of the extension to ensure that the potential for overlooking is significantly reduced. The omission of the window in question would require significant and material alterations to the overall extension and therefore it would not be appropriate to address this issue by way of condition.

#### **9.6. Overshadowing**

I would agree with the applicant's response to the grounds of appeal that the existing amenity area to the rear of No. 17 is almost completely enclosed and therefore would experience significant levels of overshadowing particularly in the winter months regardless of whether or not the development before the Board proceeds. I consider that the proposed extension in this instance therefore would have marginal impact on the levels of overshadowing already experienced to the rear of No. 17. The proposal might give rise to some increases in overshadowing particularly in the morning period during months' outside summer time. However, any such impact must be balanced against the urban location of the subject site and the reasonable expectation of the applicant to be permitted to expand the existing dwelling in order to cater for changing needs. I therefore consider that any impact in terms of overshadowing would be acceptable. Due to the configuration of the buildings I consider that the impact on Nos. 19 and 48 would be negligible in terms of overshadowing and would therefore be acceptable.

### **9.7. Private Open Space Provision**

The development plan requires that for houses within the inner city, a standard of 5 to 8 square metres of private open space per bedspace will normally be applied. With the removal of the proposed sunroom to the rear, together with the residual space to the front of the dwellinghouse, I consider that this standard is adhered to in the current application before the Board and I therefore consider that private open space provision in this instance is acceptable as it amounts to an area of c.50 square metres.

### **9.8. Appropriate Assessment**

Having regard to the nature and scale of the proposed development and the nature of the receiving environment together with the proximity 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 and projects on a European site.

## **10.0 Conclusions and Recommendation**

Arising from my assessment above I consider that the proposed residential extension is generally acceptable in terms of the overall architectural design approach. I am also satisfied that the proposed development will not result in undue overshadowing and that the private open space to cater for the proposed extension is acceptable. However, I would have significant concerns in relation to overlooking and privacy particularly with regard to the first floor windows serving the master bedroom which directly overlooks the rear return of the adjoining house to the north No. 48 St. Thomas Road. I consider that the level of overlooking that results would be unacceptable and would have a material impact on adjoining residential amenity. This issue cannot readily be addressed by way of condition as fundamental redesign issues are required to address this issue. I therefore recommend that the Board overturn the decision of Dublin City Council in this instance and refuse planning permission for the proposed extension based on the reasons and considerations set out below.

## 11.0 Reasons and Considerations

Having regard to the pattern of development in the area it is considered that the proposed extension would seriously injure the residential amenities of the area and depreciate the value of the adjoining property to the north, No. 48 St. Thomas Road by reason of overlooking. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

---

Paul Caprani,  
Senior Planning Inspector.

19th December, 2017.