



An
Bord
Pleanála

Inspector's Report PL29N.249344

Development	Demolish and construct single storey extension to rear.
Location	33 Ormond Road, Drumcondra, Dublin 9
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3397/17
Applicant(s)	Mina and Timothy Walsh
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Maureen Black
Observer(s)	None
Date of Site Inspection	21 st December 2017
Inspector	Una O'Neill

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1.0 Site Location and Description

- 1.1. The subject site is located on the southern side of Ormond Road, east of the junction with Drumcondra Road Upper, north of Dublin City Centre. The site is in a well-established residential area.
- 1.2. The site comprises a semi-detached dwelling, with brick and dash finish, and a single storey bay window to the front. The dwellings along this street have garages to the side which are attached to the neighbouring property. The garage to the side of the subject dwelling has been converted into use as a crèche. The rear garden slopes steeply downwards towards the rear boundary of the site. There is a rear access lane running along the rear boundary of the site and adjacent properties.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Demolish a single storey rear extension
 - Construct a single storey rear extension with pitched roof and lantern light

3.0 Planning Authority Decision

3.1. Decision

GRANTED, subject to 5 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority.

3.2.2. Other Technical Reports

Drainage Division: No objection subject to conditions.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

1 submission was made during the course of the application. The issues raised are covered in the grounds of appeal.

4.0 **Planning History**

No recent planning permission.

5.0 **Policy Context**

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

5.1.1. The application site is located within land use zoning objective Z1, the objective for which is *'to protect, provide and improve residential amenities.'*

5.1.2. Chapter 16 of the development plan relates to Development Standards: Design, Layout, Mix of Uses and Sustainable Design. Section 16.2.2.3 relates to Extensions and Alterations.

5.1.3. Appendix 17 sets out Guidelines for Residential Extensions.

5.2. **Natural Heritage Designations**

The nearest Natura sites are the North Dublin Bay SAC (000206), and the North Bull Island SPA (004006), some 3km to the south east and separated from the subject site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A submission was received from Maureen Black of 35 Ormond Road, which adjoins the subject site. The grounds of appeal is summarised hereunder:

- The proposed extension is excessive in size and will have a major impact on the sunlight and daylight to the existing dining room which lies immediately to the east.
- The proposed extension is overbearing and dominates the outlook from no. 35.
- The ground level of no. 35 will be overshadowed and the proposal will affect the amenities and access to sunlight, daylight and outlook, on the most useable part of the garden.
- The extension is proposed on the common boundary wall, extends over 2m beyond the existing extension to no. 35, and the common parapet wall will be 3.5m-5m in height over the lower deck level of no. 33 and no. 35. The parapet wall will block out the western sun to no. 35 by way of height and its distance out from the existing rear walls of both no. 33 and no. 35.
- The extension is too close to the adjoining dining room window of no. 35.
- A drawing is submitted, indicating the extension should be set 1.5m off the shared boundary.
- The structural stability of the wall to the southeast of no. 35 is questioned.
- The proposed deck level can be directly overlooked from the crèche along the western side of no. 33.
- The access from the crèche raises an issue that the intended use of the proposed extension may be for something other than residential as it contains patio doors onto the deck area which is not referred to in the application made.

6.2. Applicant Response

- The extension is modest in scale and were it not for the extension to the side, the extension would be within the exemption scale of 40sqm and the height of the extension could be higher than that proposed.
- The sloping gardens impact on the heights of the walls, but there are numerous precedents for extensions in the area which are larger than this

proposed extension. The appellants themselves have a larger extension on their boundary with no. 37, projecting into the garden by 9m.

- Should permission not be forthcoming from no. 35 to build on the boundary wall, then the applicants will build inside the boundary wall.
- A structural engineer will be employed in the construction to ensure all walls are structurally adequate.
- The access door from the crèche to the garden from the side to the rear is the only change being made and there is no intention to alter the use.
- Proposal will not have a significant impact on light, considering existing vegetation on both sides, however, the applicant has no objection to replacing the screen wall at the end of the decking with a translucent screen similar to those used as dividers between the balconies of apartments if the Board requires such a condition.

6.3. **Planning Authority Response**

No further comment.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

7.0 **Assessment**

7.1. The subject site is located within 'zoning objective Z1, the objective for which is *'to protect, provide and improve residential amenities'*. I consider the development as proposed to be acceptable in principle and in compliance with the zoning objective for the area.

7.2. The primary issue for assessment arising from the grounds of appeal is as follows;

- Design and Impact on Residential Amenity

- Other Matters

Design and Impact on Residential Amenity

- 7.3. The applicant proposes to demolish a single storey flat roof rear extension (3.3m deep, set 2.4m off boundary with neighbouring property no. 35, with a finished floor level 1.4m above ground level) and replace it with a larger gable fronted pitched roof extension, which is 5.6m deep (approx. 2.3m deeper than existing) and built on the adjoining boundary with the neighbouring property, no.35. The overall height of the extension from the finished floor level is 4.2m high and from ground level is 6m high, given the slope in the garden to the rear. The parapet wall of the extension at the boundary with no. 35 is indicated to be 1.2m above the height of the existing boundary wall, with the slope of the roof rising away from the boundary. The boundary wall is proposed to be increased in height for a depth of 3.7m and given the drop in ground level, this will result in the boundary wall being 3.8m high at a point 4.3m from the rear of the dwelling, given the increase in the drop in levels.
- 7.4. A 2.25m deep deck is proposed to rear of the extension, which due to the slope of the garden is proposed to have the same finished floor level as the extension and given the slope will be 2m above the ground level.
- 7.5. The grounds of appeal raises concerns in relation to the height and extent of the extension and parapet wall between the properties, and the height above ground level of the decking.
- 7.6. The extension and decking, although at a higher ground level than usual due to the sloping nature of the site, is modest in size and would not adversely affect the amenity the neighbouring property to any significant extent. I note from site inspection the ground levels involved and the existing pattern of development along this street. While the extension is higher at the boundary than what exists, I note the design of the roof, which rises away from the neighbouring property, mitigates the impact. Having regard to the scale and design of the extension and decking, I do not consider that the proposed development would seriously injure the amenities of the neighbouring property by loss of daylight/sunlight, overshadowing or by appearing overbearing.

Other Matters

- 7.7. The issue of ownership relative to boundaries is a civil matter and I do not propose to adjudicate on this issue. I note here the provisions of S.34(13) of the Planning and Development Act, which states that a person shall not be entitled solely by reason of a grant of planning permission to carry out development on land where they do not have sufficient legal interest.
- 7.8. Issues relation to building regulations, as raised by the appellant are not within the remit of the Board to adjudicate on.
- 7.9. The crèche use is not proposed to be altered by the applicant.

Appropriate Assessment

- 7.10. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any 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 a European site.

8.0 Recommendation

- 8.1. The proposal for a domestic extension is considered to be acceptable in principle at this location. Having examined the file and conducted a visit of the site I consider that permission should be granted, subject to conditions.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022 and the existing pattern of development in the area, in addition to the nature and scale of the proposed extension, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the area. 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 0700 to 1800 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.

Una O'Neill
Senior Planning Inspector

8th January 2018