



An
Bord
Pleanála

Inspector's Report PL29S.249431.

Development

Construction of porch and canopy extension to front of dwelling and construction of 2 storey extension to front side and rear with ancillary site works.

Location

90 Sperrin Road, Dublin 12.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

3561/17.

Applicant(s)

Jason and Cindy Lawlor.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

Third Party

Appellant(s)

Jason and Cindy Lawlor.

Observer(s)

None.

Date of Site Inspection

08th of January 2018.

Inspector

Karen Hamilton.

1.0 Site Location and Description

- 1.1. The subject site contains an end of terrace two storey dwelling located along Sperrin Road, which is an established residential within Drimnagh, south of the Grand Canal, Dublin 12. The dwellings within the vicinity include rows of three and four terraced two storey dwellings, a characteristic of the area. The facades of many dwellings in the vicinity have been altered and a number have porches and bay windows to the front.
- 1.2. The subject site has off street parking to the front of the site and a private garden to the rear. There is a large out building to the rear which has been recently constructed.

2.0 Proposed Development

- 2.1. The proposed development is for alterations and extension to an existing two storey end of terrace dwelling which may be summarised as follows:
 - Two storey side extension (c.12m²) with passageway on the ground floor,
 - Two storey rear extension (c. 20m²),
 - Porch (c. 2m²) with canopy (c. 10m²) over the ground floor along the façade.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission subject to 9 no conditions of which the following are of note:

C 3 –

- a) The proposed side extension above the side passageway shall be omitted.
- b) The proposed first floor bedroom, where it would project above the side passageway, shall be omitted.
- c) The proposed ground floor front extension, where it would project into the side passage way shall be omitted.

- d) The depth of the rear extension shall not exceed 3.5m from the existing rear building line.
- e) The pitched roof of the proposed rear extension shall be integrated into the roof profile of the existing house.
- f) All internal and external modifications to give effect to the above.
- g) All dimensions are external measurement.

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings.

Reason: In the interests of the protection of residential amenity and visual colour.

3.2. Planning Authority Reports

3.2.1. Planning Reports

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

- The proposed development would result in the reduction of “townscape spaces” or “gaps” which are a character of the area, therefore the side extension above the existing side passageway shall be omitted.
- The projecting rear extension (c. 5.05m from the rear building line) would be excessive to the rear of No. 88 Sperrin Road.
- The proposed parapet adjacent to No. 92 Sperrin Road would be c. 6m in height and there would be a blank elevation 30m² abutting this property which is deemed unacceptable.

3.2.2. Other Technical Reports

Drainage Division- No objection subject to conditions.

3.3. Prescribed Bodies

None requested.

3.4. Third Party Observations

None received.

4.0 Planning History

Reg Ref 3457/10

Permission granted for the widening of the existing pedestrian access to provide vehicular and pedestrian access onto Sperrin Road with mild steel gates to match the existing. Condition No 2 required the retention of the pedestrian gate and path, the proposed vehicular access sited to the south of the pedestrian gate (no greater than 3m in width), only 1 parking bay, retention of the front garden as grassed area, the use of pervious material for the drive and metal inward opening gates.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022.

The site is zoned in Z1 *"To protect, provide and improve residential amenities"*.

Extensions 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, elevation proportion and architectural form of the building.

Section 16.10.12: Extensions and Alterations to Dwellings

Development should 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.

- Private Open Space- Minimum of 10m² of private open space per bed space should be provided and generally 60- 70m² of rear garden is sufficient in the city.

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.

5.2. **Natural Heritage Designations**

None relevant.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal are submitted from the applicants in relation to the amendments required in Condition No 3 as summarised below:

- No explanation was given for the requested changes other than “visual and residential amenity”.
- The proposed development is similar to other developments within the vicinity and along the road, examples have been submitted.
- A similar development was granted for a dwelling immediately opposite the site.
- An agreement has been submitted from the neighbours to “build up to but not over the building line”.
- No 66 and No 68 have been granted permission for larger rear extensions than proposed for this development.

6.2. **Applicant Response**

The applicant is the appellants.

6.3. **Planning Authority Response**

None submitted.

6.4. **Observations**

None submitted.

7.0 **Assessment**

7.1. The first party has appealed Condition no.3 only. Having regard to the facts that extensions are permitted in principle in this location, there were no third party observations, and the remaining private open space (c. 30m²) which is generally in line with the requirements of the Development Plan, I am satisfied that the consideration of the proposed development 'de novo' by An Bord Pleanála would not be warranted in this case. Accordingly, I recommend the Board should use its discretionary powers under Section 139 of the Planning and Development Act 2000 (as amended), and issue the Planning Authority directions to retain, remove or amend the Condition no.3.

Condition No 3

7.2. The proposed development is for the alteration and extension to an existing end of terrace dwelling which may be summarised into three parts:

- Front porch and canopy over the ground floor,
- Side covered passageway with first floor extension above,
- Two storey rear extension.

Condition No 3 requires significant alterations to the proposal including the removal of the first floor side extension which includes the bedroom to the rear and any ground floor extension into this passage way, reduction in the depth of the rear extension by 1.55m, from 5.05m to 3.5m and integration of the roof pitch into the existing roof. The grounds of appeal argue the proposed development is similar to other developments undertaken in the vicinity and the required amendments are unreasonable.

- 7.3. The site is modest in size and includes a two bedroom end of terrace dwelling, separated from No 88 by 3m. The report of the planner refers to the depth of the rear first floor extension which is excessive and would have an impact on the neighbouring properties, and hence, included a condition to reduce the depth of the proposed extension. I would consider that the rear extension could be perceived as excessive if it was overbearing or caused significant overshadowing on the adjacent properties in No.88 to the north or No. 92 to the south.
- 7.4. Overbearing: The proposed two storey side and rear extension runs along the along the north and south boundaries, directly adjacent to the rear gardens of the adjoining properties, and c. 5m from the rear building line. I note the modest size of these rear gardens and the double doors serving the ground floor kitchen areas and I consider the length of the first floor excessive and would have an overbearing impact on the rear of the adjoining properties. I consider a reduction in the length by 1.5m, in line with the ground floor conservatory to the north, reasonable to reduce any overbearing impact. Part (b) of condition no 3 requires the removal of the first floor element of the side extension, which I consider necessary to reduce the overbearing impact on the residential amenity of No 88, to the north.
- 7.5. Overshadowing: Section 17.6 of the development plan requires the impact of loss of daylight and sunlight for adjoining properties to be considered in the design of proposed extensions. The proposed side and rear extension is positioned along the parity wall 1.5m from No 88 a small end of terrace two storey dwelling, which has a rear conservatory. Based on the orientation of the site the first floor of the rear extension would cause overshadowing to the rear of No 88. The reduction in the depth of the proposed extension by c.1.5m and the removal of the first floor along the north (side) by 1.5m, as per condition no 3, would reduce any significant overshadowing, which I consider reasonable. Based on the orientation of the site, north of No 92, I do not consider there would be any overshadowing.
- 7.6. Visual Amenity: In addition to the impact of the rear extension, the planner considered the removal of the first floor along the side necessary to retain the “gap” or “townscape space” which is a characteristic of the surrounding area. The grounds of appeal has been accompanied by examples of similar extensions in the vicinity of the site, namely No 195 Sperrin Road, on the opposite side of the road. I note this example and whilst I do not consider it has a significant negative impact on the

surrounding area, I consider the location of the dwelling at No 195, set behind the building line of the adjoining terrace, differs significantly from the subject site and therefore I do not consider this a precedent. This aside, I note the range and variety of styles and finishes to the dwellings in the vicinity of the site and I do not consider it necessary to retain a “townscape space” at this location, although having regard to the impact of the rear extension on the adjoining residential amenity, as detailed above, the reduction of the side extension would be necessary, as per condition no 3, to prevent any overbearing or significant overshadowing.

- 7.7. In summary, therefore, I consider the extension as proposed to be excessive, having a negative impact on residential amenities on the neighbouring properties, and I consider that retention of condition No 3 appropriate to protect those residential amenities, in accordance with the proper planning of the area.

Appropriate Assessment

- 7.8. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, 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. Having regard to the nature of the condition the subject of the appeal and based on the reasons and considerations set out below, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 as amended, to RETAIN condition number 3 as follows:

- a) The proposed side extension above the side passageway shall be omitted.
- b) The proposed first floor bedroom, where it would project above the side passageway, shall be omitted.

- c) The proposed ground floor front extension, where it would project into the side passage way shall be omitted.
- d) The depth of the rear extension shall not exceed 3.5m from the existing rear building line.
- e) The pitched roof of the proposed rear extension shall be integrated into the roof profile of the existing house.
- f) All internal and external modifications to give effect to the above.
- g) All dimensions are external measurement.

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings.

Reason: In the interests of the protection of residential and visual amenity.

9.0 Reasons and Considerations

Having regard to:

- (a) the provisions of the Dublin City Development Plan 2016-2022,
- (b) the modest size of the site and the distance from the adjoining properties,
- (c) the nature, scale and orientation of the development proposed, and
- (d) the pattern of development in the area,

The Board considered that the inclusion of those amendments required in condition no. 3 necessary for the protection of the residential amenities of the neighbouring properties and the proper planning and sustainable development of the area.

Karen Hamilton
Planning Inspector

09th of January 2018.