



An
Bord
Pleanála

Inspector's Report ABP-300072-17

Development	Removal of a section of the existing flat roof to the single storey extension to the rear of the existing two storey terraced dwelling and construct a new first floor extension over with a tiled roof to match existing and internal alterations.
Location	35 Jamestown Avenue, Inchicore, Dublin 8.
Planning Authority	Dublin City Council (South Area)
Planning Authority Reg. Ref.	3728/17
Applicant(s)	Caitriona and Alan Mulraney
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Michael Kearney.
Observer(s)	None.

Date of Site Inspection

01st of February 2018.

Inspector

Karen Hamilton

1.0 Site Location and Description

1.1. The subject site contains a two storey mid terrace dwelling within a residential area along Jamestown Avenue, Inchicore, Dublin 8. The site has off street parking to the front of the site and there is a recent ground floor extension to the rear. The site is separated from the adjoining sites to the rear by a c. 2m high block wall. The surrounding area is characterised by similar type dwellings and many of the existing dwellings to the rear of the site have two storey rear extensions.

2.0 Proposed Development

2.1. The proposed development would comprise of:

- Removal of a section of the existing flat roof to the single storey rear extension,
- Construction of a new first floor extension (16.45m²) over with tiled roof to match existing and internal modifications.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission subject to 8 no conditions of which the following is of note:

C 8 (c): There is an existing sewer line on the site and a distance of 3m between the pipeline and any structure is required.

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:

- There is a number of planning permissions in the vicinity of the site similar to the proposed development.

- The proposed development is not considered excessive in relation to the existing dwelling or the surrounding area.
- The proposed development complies with the guidance in Section 16.10.12 of the development plan.

3.2.2. Other Technical Reports

Drainage Division: No objection subject to conditions

3.3. **Prescribed Bodies**

None requested.

3.4. **Third Party Observations**

2no submissions were received in relation to proposed development in relation to the existing ground floor extension and the impact of the proposed development on the surrounding area.

4.0 **Planning History**

None on the site.

The report of the area planner refers to similar types of development in the vicinity such as:

Reg Ref no 2339/97

Permission granted at No 81 Jamestown Avenue for a two storey rear extension and included a condition to require the projection out to no more than 3.5m from the rear building line.

Reg. Ref 04299/06

Permission granted for a two storey extension to the rear of No 77 Jamestown Avenue.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

The site is zoned in Z1, residential, where it is an objective *“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 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.

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 resident of the adjoining property and the issues raised are summarised as follows:

- There is no permission for the existing extension.
- The first floor extension will block the sunlight into the back living room.

6.2. Applicant Response

An agent on behalf of the applicant has submitted a response which may be summarised as follows:

- The issue with the boundary wall is not a relevant planning matter.
- The site is zoned Z1 and the design and layout of the extension does not impact the adjoining property, is in keeping with the character of the area and the pattern of development in the vicinity.
- The existing ground floor extension is considered exempt development as it is under 40m².

6.3. Planning Authority Response

None received.

6.4. Observations

None received.

7.0 Assessment

7.1. The main issues of the appeal can be dealt with under the following headings:

- Impact on Residential Amenity
- Impact on Visual Amenity

- Other Matters
- Appropriate Assessment

Impact on Residential Amenity.

- 7.2. The subject site is a mid-terrace two storey dwelling with rear access to the rear garden via a rear laneway. The proposed development is for the removal of the roof of the existing ground floor and the construction of a first floor extension. The grounds of appeal argue the proposed development will have a detrimental impact on the residential amenity of their property, which I have addressed below.
- 7.3. Overlooking: The proposed extension is 30m from the building line of the property to the rear of the site. There are no windows proposed along the side of the extension. Section 17.5 of the development plan requires a separation distance of 22m from first floor opposing windows. Therefore, based on the size and design of the proposed rear extension and location from the property to the rear, there will be no significant overlooking on any adjoining properties.
- 7.4. Overshadowing: The site is located to the west of no 33 and east of No 37 and the proposed development includes a two storey rear extension, projecting c.3.8m on the first floor. Having regard to the location of the subject site there will be a small amount of overshadowing on the rear of the property west in the morning and the property to the east in the evening although I do not consider it will have a significant negative impact on the residential amenities of either property. Therefore, based on the orientation of the site and size of the first floor, I do not consider the proposed development would cause any significant overshadowing on any adjoining properties.
- 7.5. Overbearing: As stated above, the first floor extension will extend c. 3.8m from the rear of the existing property and will be finished with materials to match the existing dwelling. Section 16.10.12 and Appendix 17 of the development plan requires extensions and alterations to existing dwellings to respect the character and scale of the existing dwelling and the surrounding area. I consider the design of the proposed development will respect the scale of the mid terraced dwelling and having regard to the location along the side of the rear gardens of adjoining properties, I do not consider it will cause any significant overbearing on the residential amenities of the adjoining residents.

- 7.6. Therefore, having regard to orientation of the site and the design of the proposed development, I do not consider the proposed development would have a negative impact on the residential amenity of the surrounding properties.

Impact on Visual Amenity

- 7.7. The proposed extension is at the rear of a mid-terrace dwelling. The dwellings in the vicinity of the site all have similar characteristics. It is noted that many terraced dwellings to the rear of the site have two storey rear extensions which I do not consider has a significant negative impact on either the existing dwelling or the surrounding area. Section 16.10.12 of the development plan refers to the subordinate nature of any alterations and extensions. Having regard to the location and design of the proposed extension, I consider it complies with the requirements of the development plan and would not have a negative visual impact on the amenity of the existing dwelling or the surrounding area.

Other Matters

- 7.8. Existing ground floor extension: The grounds of appeal argue the ground floor extension has been built unlawfully on the parity boundaries and does not have the benefit of planning permission. The applicant argues the ground floor extension is within the confines of the site and is exempted development. The report of the area planner notes the size and location of the ground floor extension and refers to it as both exempted development and unauthorised development which I consider a matter for the planning authority. I consider the boundary issues is a civil/legal matter, subject to separate statutory controls outside of the planning system, and I note that under section 34(13) of the Planning and Development Act 2000, as amended, a person shall not be entitled solely by reason of a grant of planning permission to carry out any development.
- 7.9. Drainage: The report of the drainage section refers to the inclusion of a public surface water sewer within the rear garden and recommends a condition requiring a separation distance of 3m from the sewer line and any structure, which I consider reasonable.

Appropriate Assessment

- 7.10. Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance 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 or projects on the conservation objectives of any European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the Z1 zoning objective in the Dublin Development Plan 2016-2022, the location and orientation of the site, the design and layout of the proposed development, and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenity of properties in the vicinity. 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 out 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 0800 to 1900 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

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling.

4. The external finishes of the proposed extension including roof tiles/slates shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity

5. Water supply and drainage arrangements, including the attenuation and 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

Karen Hamilton
Planning Inspector

01st of February 2018.