



An
Bord
Pleanála

Inspector's Report ABP-300103-17

Development

Demolition of shed & partial demolition of existing two-storey return to the rear of existing house & the construction of a new two storey extension to the rear of the existing house with retention of sloped roof, new rooflights, solar panel array, window opes widening, parking space, entrance gates & assoc. site works.

Location

106, Kimmage Road Lower,
Kimmage, Dublin 6w

Planning Authority

Dublin City Council (South Area)

Planning Authority Reg. Ref.

3668/17

Applicant(s)

Gearoid O Gaibheabhain.

Type of Application

Permission.

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

1. Conor Mc Cabe
2. Pamela Mac Mahon.

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 is a vacant two storey semi-detached dwelling, located along the southern side of Kimmage Road, Lower Dublin 6W. The site is located close to Kimmage Village and is directly opposite the entrance to Mount Argus Convent Complex and is located centrally within a row of semidetached dwellings which have similar characteristics. The site has private front and rear gardens and is separated from the adjoining properties at the rear by a 2m high block wall.

2.0 Proposed Development

2.1. The proposed development would comprise of:

- Demolition of existing shed and partial demolition of existing two storey return to the rear of an existing house,
- Construction of a new two storey extension to the rear and side of an existing house,
- Conversion of existing attic space to habitable accommodation and new dormer structure to the rear of the main roof.
- New roof lights, solar panel array, and windows opes widening, parking space, entrance gates and associated site works.

3.0 Planning Authority Decision

3.1. Decision

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

C 3- The proposal shall be amended to include:

- a) A reduction in the width of the dormer extension to the bedroom to a maximum of 2m and the windows shall be similar shape to the existing rear windows.
- b) Omission of the proposed new Velux type roof light to the front slope of the main roof.

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 policies and objectives of the development plan in relation to extensions and dormer alterations.
- The design of the proposed alterations.

3.2.2. Other Technical Reports

Drainage Department- No objection subject to conditions.

3.3. **Prescribed Bodies**

None received.

3.4. **Third Party Observations**

Two third party appeals were submitted from the residents of the adjoining properties and the issues raised are summarised in the grounds of appeal.

4.0 **Planning History**

None relevant on the site.

5.0 **Policy Context**

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

The site is zone Z2, residential conservation area, where it is an objective *“To protect and/or improve the amenities of residential conservation areas”*

Extensions to dwellings.

Section 16.2.2.3: Alterations and extensions (general)

Extensions will be sympathetic to the existing building and adjoining occupiers and 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: Guidelines for 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.

17.8 Subordinate Approach: the extension should play a supporting role to the original dwelling and not be higher.

17.11 Roof Extensions: The roofline of a building is one of its most dominant features and it is important that any proposal to change the shape, pitch and cladding a roof is carefully considered. If not treated sympathetically, dormer extensions can cause problems for immediate neighbours and in the way a street is viewed as a whole.

When extending in the roof, the following principles should be observed:

- The design of the dormer should reflect the character of the area, the surrounding buildings and the age and appearance of the existing building.
- Dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible.

- Any new window should relate to the shape, size, position and design of the existing doors and windows on the lower floors.
- Roof materials should be covered in materials that match or complement the main building.
- Dormer windows should be set back from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties.

The site is located within a **residential conservation area**; therefore, the following policy is relevant.

- **Section 11.1.5.6:** Conservation Areas: New development will have regard to the local context and distinctiveness and the contribution to the local scene of buildings landmarks, views, open spaces and other features of architectural, historic or topographical interest.
- **CHC8:** To facilitate off-street parking for residential owners/occupiers where appropriate site conditions exist, while protecting the special interest and character of protected structures and Conservation Areas.

5.2. Natural Heritage Designations

None of relevance.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by the residents of the properties at either side of the subject site and the issues raised are summarised below:

- The proposed flat roofed first floor rear extension to the side of the existing rear return is out of scale and character with the existing dwelling and is overdevelopment on the site.

- The proposal does not comply with the requirements of the development plan and will be a visual intrusion.
- The works will cause significant overlooking and overshadowing on the adjoining properties as it is located only 1.5m from the boundary.
- The first floor rear return landing window is not in keeping with the remaining windows and that guidance in Appendix 17 of the development plan requires high level windows or opaque glazing in windows which overlook properties.
- The condition included on the grant of permission is not sufficient to reduce the scale of the dormer window and the width should be scaled back, the height reduced to the current ridge level and the stair dormer removed.
- There should only be sliding sash windows on the façade as existing.
- The stair dormer appears to encroach on the boundary of adjoining property at No 104.
- The proposed development will encroach and damage property on the adjoining property as there is underpinning required for the extension.
- The second dormer will have a negative impact on the adjoining property and other properties along the road have extended into the attic without the need for dormers.
- The roof light, so close to the property of No 104, is a fire hazard.
- There is concern the property would be used for commercial purposes e.g. "Airnb".

6.2. Applicant Response

A response from an agent on behalf of the applicant has been submitted and may be summarised below:

- The proposed development will not encroach onto the adjoining property and any suitably worded condition will be accepted to prevent any overhang.

- There is no need to underpin the boundary wall as it is currently and will remain intact and the new side wall will be built entirely within the applicant's site.
- The foundations will require excavation and should anything deviate from standard work practices it will be at the expense of the applicant.
- The dormers are required to achieve the required heights in the attic without losing the existing staircase or one of the existing bedrooms internally.
- The technical documentation for compliance with fire regulations has been submitted.
- The applicant is to make for a commercial development and it is assumed a condition relating to "*single dwelling unit only*" will be attached by the Board.
- It is considered the overall design of the extension is in keeping with the character of the existing dwelling and the surrounding area and there are other large modern extensions to the rear of properties in the vicinity.
- Shadow analysis drawings have been submitted which indicate the proposal will not have a significant impact on the surrounding area.
- There is currently two windows which overlook as to the same extent as the proposed windows.
- The proposed new landing window will be no closer to the side wall of No 108 than the existing bathroom window.
- Condition No 3 (a) of the grant of permission requires amendments to the dormer windows including a reduction in width to 2.0m which is 1.13m less than originally proposed and the planning authority note the smaller dormer is acceptable.
- Paragraph 14.8.2 of the development plan provides guidance for dwellings within Z2 residential conservation areas. It is considered reasonable that the triple glazed sliding sash will respect the existing building.

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
- Visual Amenity and Built Heritage
- Appropriate Assessment

Impact on Residential Amenity

7.2. The proposed development is for alterations and extensions to an existing vacant semi-detached dwelling which include the removal of an existing single storey outbuilding and a new two storey rear extension, attic conversion and dormer windows. The grounds of appeal are submitted from the occupants of the dwellings on either side of the subject site and relate mainly to the impact of the proposed development on their residential amenity, which I have assessed below. The resident of the property to the east, No 104, raising concern over the removal of the outbuilding and the rebuilding for the single storey rear extension, along the parity wall and the impact on their adjoining property. The response from the applicant states that all works will be undertaken within the subject site and will cause any disturbance on the adjoining property or require underpinning, which I consider reasonable.

7.3. Overbearing: As stated above the first floor will remain the same along the east adjacent to No 104. The first floor will extend south west, towards No 108 by an additional 2.4m. There remains a distance of c 1m from the site boundary and c 2m from the side of No 104 which has an opaque window along the first floor elevation. The proposed development includes two dormers in the rear roof, one with a window and the second to facilitate an attic bedroom and Condition No 3 required the width to be reduced from 3.3m to 2m. Section 17.11 of the development plan provides guidance on the appropriate location and design for dormer windows where they must be subordinate to the existing roof profile of the dwelling. The response from

the applicant is satisfied that the design of the dormer window can be altered in order to comply with Condition No 3, which I consider reasonable is subordinate to the main dwelling in keeping with the guidance in Appendix 17 of the development plan. Based on the location and size of the extension, I do not consider there would be any overbearing on the surrounding properties or have a negative impact on the amenity of the adjoining residents.

- 7.4. Overlooking: The rear extension projects along the existing eastern boundary adjacent to No 104. There is currently windows along the first floor rear, south eastern elevation and there are no windows proposed on the western elevation, facing into No 108. The grounds of appeal refers to a new side window for a first floor bedroom which I note is orientated into a courtyard and would not cause any overlooking onto the adjoining property. The dormer window in the roof will serve a bedroom and will not be directed into any opposing windows. Based on the orientation of the site and the design of the extension, I do not consider there would be any overlooking onto adjacent properties.
- 7.5. Overshadowing: The proposed side extension remains the same along the first floor of the eastern boundary, to the rear, south, and is 2.4m closer to the south west. Having regard to the orientation of the site and the existing first floor extension there will be no overshadowing on the adjoining properties.

Visual Amenity and Built Heritage

- 7.6. The subject site is located within a conservation area which includes detached and semi-detached dwellings set within modest sites fronting onto Kimmage Road Lower. The proposed alterations to the façade include the replacement of single glazed timber sliding sash windows with triple glazed sliding sash windows and a Velux windows in the roof space. Section 11.1.5.6 of the development plan provides guidance for new development within conservation areas, where regard must be given to the local scene of buildings and other features of architectural, historic or topographical interest. In addition, Section 17.2 of the plan provides guidance on residential extensions with requirements for high quality design which respects the character of the existing dwelling. I note the rear extension includes different window details, and external materials are to be cream render similar to the existing dwelling. Although the external materials are different they follow the contemporary design of

the rear extension, similar to adjoining extensions and I consider it is in keeping with the overall character of the dwelling.

- 7.7. The existing road frontage includes a pedestrian gate and rendered wall and iron railing over. The proposed development includes a new vehicular entrance, 3.5m in width with new inward folding metal gates and stone paving. There was no report from the Roads Department although Condition No 4 a required the driveway to be 3.5m in width, which I consider the proposal complies. Policy CHC8 allows for off-street parking within the curtilage of buildings in conservation areas where the special features of interest are not impacted. I note the size of the vehicular entrance and the proposed design and materials similar to the existing boundary and I do not consider the inclusion of a new vehicular access and additional two parking spaces will have a negative impact on the dwelling or the surrounding conservation area.

Appropriate Assessment

- 7.8. 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, subject to conditions, as set out below.

9.0 Reasons and Considerations

Having regard to the Z2 residential zoning objective for the area, the policies and objective of the Dublin City Council Development Plan 2016-2022, the location and design of the proposed dwelling it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity or have a negative impact on the character and setting of a conservation 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity

2. The proposed development shall be amended as follows:
 - (a) A reduction in the width of the dormer extension to the bedroom to a maximum of 2m and the windows shall be a similar shape to the existing rear windows.
 - (b) Omission of the proposed new Velux type roof light to the front slope of the main roof.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. During the construction and demolition phases of the proposed development the noise level shall not exceed 55 dB(A) rated sound level, as measured at the nearest dwelling. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site

4. All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric

5. 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

6. 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

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

Karen Hamilton
Planning Inspector

14th of February 2018