



An
Bord
Pleanála

Inspector's Report ABP-300236-17

Development	Demolition of garage and construction of two-storey side and single-storey rear extensions, provision of front parking area and alterations to shed and front entrance
Location	10 Bettystown Avenue, Raheny, Dublin 5
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3755/17
Applicant(s)	Declan McMullen & Una Kehoe
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	Gary Desmond
Observer(s)	Paul & Rosalind Heneghan
Date of Site Inspection	19 th February 2018
Inspector	Colm McLoughlin

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	5
3.4. Third-Party Submission	5
4.0 Planning History.....	5
4.1. Appeal Site.....	5
4.2. Surrounding Sites.....	5
5.0 Policy Context.....	6
5.1. Development Plan.....	6
6.0 The Appeal	7
6.1. Grounds of Appeal	7
6.2. Planning Authority Response	8
6.3. Applicants' Response.....	8
6.4. Observation.....	9
7.0 Assessment.....	9
8.0 Appropriate Assessment.....	12
9.0 Recommendation.....	12
10.0 Reasons and Considerations	12
11.0 Conditions	13

1.0 Site Location and Description

- 1.1. The appeal site is located on the northern end of Bettystown Avenue, a residential street southwest of Raheny village, which is accessed off the Howth Road (R105 regional road) and is located approximately 6km northeast of Dublin city centre.
- 1.2. The site is 'L-shaped', it measures a stated 443sq.m and it contains a two-storey three-bedroom end-of-terrace dwelling, with a single-storey detached garage to the side. The rear garden to the property extends for a depth of approximately 23m from the rear of the house and contains a single-storey shed on the rear boundary. To the front of the site is a stepped pathway leading to the front door of the dwellinghouse and a hardstanding leading to a detached garage, flanked by gardens enclosed by a hedgerow.
- 1.3. The immediate area is characterised by streets lined with rows of terraced dwellings, many of which have been extended and include off-street parking to the front. The rear gardens of residential properties along Maryville Road back onto the northern side boundary of the appeal site. Ground levels in the vicinity are relatively level with only a gradual drop moving south towards St. Anne's Park and onwards to the coast. The floor level of the house and garage on site is slightly elevated over the front street level.

2.0 Proposed Development

- 2.1. The proposed development comprises:
 - Demolition of detached garage and boiler house structures;
 - Construction of a two-storey side extension with gross floor area (GFA) of approximately 33sq.m;
 - Construction of a single-storey rear extension with GFA of approximately 32sq.m, with an additional timber pergola glass-covered terrace area measuring approximately 28.5sq.m;
 - Alterations to the front elevation comprising removal of a side-panel window and canopy to entrance and provision of a replacement door with a cantilevered open canopy;

- Alterations to the east elevation of shed to rear, including replacement window and door;
- Landscape works to front garden area and widening of vehicular entrance, to allow for additional off-street car parking.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission subject to ten conditions, most of which are of a standard nature, but also including the following conditions:

- Condition No.2: Section 48 Development Contribution;
- Condition No.3: omit the first-floor study window and fit opaque glazing to first-floor bathroom window;
- Condition No.5: shed to be used solely in conjunction with the main house.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer (October 2017) reflects the decision of the Planning Authority. The Planning Officer notes the following:

- To protect residential amenities, the bathroom window should be fitted with opaque glazing and the secondary side-facing study room window should be omitted;
- The scale, aspect and location of the two-storey side extension would not unduly overshadow or have an overbearing impact on neighbouring properties;
- Similar context for a similar existing extension is noted on the house facing the appeal site (No.9 Bettystown Avenue);
- Scale of extensions on the adjoining property, No.12 Bettystown Avenue, would restrict the impact of the proposed development on this property.

3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) - no objection subject to conditions;
- Roads & Traffic Planning Division - no objection subject to conditions.

3.3. Prescribed Bodies

- Irish Rail - no response on file;
- Irish Water – no response on file.

3.4. Third-Party Submission

- 3.4.1. One submission was received during consideration of the application, from a resident of No.40 Maryville Road, whose rear boundary adjoins the northern side boundary with the garden to the appeal site. The issues raised include concerns relating to the extent of car parking and the potential for overlooking, as well as those matters addressed in the grounds of appeal set out below.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. The following is the only other recent planning application associated with the subject site:
- DCC Ref. 3668/13 – Permission granted (January 2017) for single-storey front, side and rear extensions, as well as a new vehicular access and off-street parking to the front of the house. Condition No.4 of the permission allowed for only one off-street car parking space.

4.2. Surrounding Sites

- 4.2.1. There has been numerous planning applications for infill housing and domestic extensions on neighbouring sites, including the following:

- No.12 Bettystown Avenue (DCC Ref. 2981/13) - Permission granted in October 2013 for a single storey and two-storey rear extension to dwellinghouse;
- No.40a Maryville Road (DCC Ref. 2947/07) - Permission granted in August 2007 for the demolition of a granny flat and construction of a pair of semi-detached houses;
- No.2 Waterfall Road (DCC Ref. 4739/07) - Permission granted in November 2007 for two-storey side and single-storey rear extensions to dwellinghouse;
- No.9 Bettystown Avenue (DCC Ref. 2990/97) – Permission granted in March 1998 for a first-floor side extension over previously permitted ground-floor extension.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The appeal site is situated in an area identified within the Dublin City Development Plan 2016-2022 as having a land-use zoning objective 'Z1 - Sustainable Residential Neighbourhoods', with a stated objective 'to protect, provide and improve residential amenities'.
- 5.1.2. Under Section 16.10.12 of Volume 1 to the Development Plan, it is stated that applications for planning permission to extend dwellings will only be granted where the Planning Authority is satisfied that the proposal would:
- 'Not have an adverse impact on the scale and character of the dwelling;
 - Have no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight'.
- 5.1.3. Appendix 17 (Volume 2) of the Development Plan provides guidance specifically relating to residential extensions. Section 17.4 of Appendix 17 provides specific requirements with regards to the 'relationship between dwellings and extensions', including the need for a degree of separation where the side of a dwelling faces the rear of a neighbouring property. Section 17.6 outlines requirements for 'daylight and

sunlight', when considering residential extensions, while Section 17.8 refers to the 'subordinate approach', which extensions are required to meet.

- 5.1.4. Under Policy QH1 of the Development Plan, the City Council will have regard to Ministerial Guidelines, including the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (2009).
- 5.1.5. BRE Site Layout Planning for Sunlight & Daylight (2011) is relevant in assessing potential impacts of a development on light to neighbouring properties.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The third-party grounds of appeal include numerous photographs and raise the following:

Principle of the Development

- There is no objection in principle to the applicants improving their residence;
- Condition No.3 of the Planning Authority decision addressing potential for overlooking is welcomed;
- Proposals are not in compliance with land-use zoning objectives and would not comply with the guidance for residential extensions contained in the Development Plan;
- A separation distance of 22m is required to avoid overbearing effects;

Impact on Residential Amenity

- The first-floor side extension element would impact on the amenities of neighbouring residents, in particular those of No.40a Maryville Road;
- Computer-generated images provided by the applicants do not accurately portray the immediate context, in omitting specific building details and neighbouring residences;
- Concerns are raised regarding the overbearing impact, overshadowing and loss of light arising from the scale, height and location of the proposed extensions, which would be 11-12m from the rear of properties to the north;

- The outlook from No.40a would be overwhelmed by the proposals and a shadow assessment has not been submitted with the application;

Precedent and Alternative Designs

- Proposals would set an undesirable precedent for development in the area and the precedent referenced in the Planning Officer's report, No.9 Bettystown Avenue, does not provide a reasonable context for justifying the proposed development;
- An alternative design solution providing a similar additional floor area would be possible, and this would not impact on neighbouring amenities;
- Previous extensions permitted on the appeal site under DCC Planning Reg. Ref. 3668/13 would be more appropriate, would provide adequate living space for future occupants and would have less of an impact on neighbouring amenities;

Other Matters

- Proposals would result in devaluation of property in the vicinity;
- Lack of consultation with neighbours.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority responded to state that they have no further comment on the appeal and that the Planning Officer's report on file adequately deals with the matter.

6.3. Applicants' Response

- 6.3.1. A response to the grounds of appeal was received and this noted:
- Concerns relating to overlooking are addressed via condition 3 of the Planning Authority decision;
 - The width of the proposed extension (c.2.2m) and set back from the side boundary (c.1m) would ensure residential amenities are not adversely impacted on, particularly via overshadowing;
 - The appeal portrays certain inaccuracies with regards to separation distances.

6.4. Observation

6.4.1. One observation was received from the neighbouring residents at No.40a Maryville Road, and this raises the following:

- Observers support the grounds of appeal submitted;
- Observers only recently became aware of the subject proposals;
- Proposals would impact on light to the rear of the property and would overshadow their rear garden.

7.0 Assessment

7.1.1. The Development Plan sets out general principles for consideration in extending dwellings, such as residential amenity issues, privacy, relationship between dwellings and extensions, daylight and sunlight, appearance, the subordinate approach and materials. For the city to achieve compact, quality, accessible and affordable residential neighbourhoods, the Plan sets out, amongst other criteria, that dwellings should be adaptable and flexible to cater for changing needs over time. I note some discrepancies with the scales on the drawings provided.

7.1.2. I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal relate to the following:

- Impact on Residential Amenities;
- Design & Impact on Visual Amenities.

7.2. Impact on Residential Amenities

7.2.1. The rear boundaries to Nos.36, 38, 40 (the appellant's house), 40a (the observers' house) and 40b Maryville Road adjoin the side boundary to the appeal site and are on the similar ground level. The adjoining house to the south, No.12 Bettystown Avenue, is constructed on the same level and the same front and rear building lines as the house on the appeal site, and this adjoining property features a single and two-storey rear extension. It is proposed to construct an extension at ground floor to a depth of c.4m, extending across the full width of the house. In addition to this, it is proposed to erect a glazed-roof timber pergola structure (c.2.6m in height), extending to the rear of the proposed extension by a further c.3.5m. The proposed

extensions would be set off the rear boundaries with properties on Maryville Road and the pergola feature would extend c.0.4m beyond the rear depth of the adjoining extension to No.12. Given this context, including a minimum separation distance of over 13m to the rear of the house at No.40a Maryville Road, I am satisfied that the ground-floor element of the proposed extension would not have a significant impact on the amenities of adjoining properties. Furthermore, sufficient rear amenity space would remain for future residents of the extended house (c.86sq.m).

7.2.2. The proposed development also includes alterations to the rear outbuilding involving a replacement window and door. This element of the proposals would not impact on neighbouring amenities, subject to a condition clarifying the future use of the shed structure for purposes incidental to the enjoyment of the house on site.

Consequently, it is only the first-floor side element of the extension works adjacent and to the rear of properties on Maryville Road that require further assessment with regards to the impact on neighbouring residential amenities. It is this element of the proposed development that the grounds of appeal principally object to. I also note that the Planning Authority has attached a condition to address the potential for overlooking of neighbouring properties via the omission of a side window and fitting of opaque glazing to the rear elevation bathroom windows. The applicant has not appealed this condition, and I consider that such a condition would be reasonable to attach and would suitably address the potential for excessive overlooking to occur.

7.2.3. The grounds of appeal assert that the proposed development would have an overbearing impact on the adjoining properties along Maryville Road, in particular the observers' property at No.40a. At first-floor level, the proposed extension would extend the full depth of the house on site (c.7.3m). The roof to the side extension would match the ridge height and pitch of the roof to the host house. While I accept that the first-floor extension would be positioned 2.2m closer to No.40a, it would be a minimum of 1m from the rear boundary with No.40a and between 13m and 14m from the rear of the nearest house at No.40a. Consequently, given the relationship to neighbouring properties, including the above separation distances, I do not consider that the proposed development would have a significantly overbearing impact on No.40a or other neighbouring properties.

7.2.4. The grounds of appeal raise concerns regarding the potential loss of sunlight and daylight, potential overshadowing arising from the proposed development and the

absence of a shadow analysis study accompanying the application. In assessing the subject proposals, the Planning Authority considered that the proposed development would have minimal impact in terms of the restriction of light to neighbouring properties given the immediate context and aspect. The proposed extension would be on the southside of properties along Maryville Road and as stated above would be 2.2m closer to these properties and a minimum of 1m from the rear garden to No.40a. While noting the position and orientation of the first-floor element of the proposed extensions to the south of Maryville Road properties, the potential for the proposed development to further significantly restrict light to these properties beyond that which currently occurs would be very limited. While recognising that the proposed extension would to some degree overshadow adjoining areas, this would not be uncommon in a suburban context, such as this, and would not be to an unacceptable level, given the orientation of the extension relative to No.40a and as the proposed extension would be set off the boundary by a minimum of 1m.

- 7.2.5. The Board may wish to consider the attachment of a condition requiring a set back to the front of the extension at first-floor level, thereby reducing the depth and height of the proposed side extension. This would have the effect of providing some reduction in the impact of the development on residential amenities and would also provide some adherence to the 'subordinate approach', as sought within the Development Plan. However, I do not believe that a significant reduction in the impact of the proposed development on residential amenities would arise and I do not consider that it would be reasonable to attach such a condition in the context of a lack of similar set backs on neighbouring extended properties. Accordingly, the proposed development would not give rise to an unacceptable impact on residential amenity and should not be refused for this reason.

7.3. Design & Impact on Visual Amenities

- 7.3.1. The surrounding area is not provided with any conservation status and the majority of dwellings along Bettystown Avenue feature a variety of front porch extensions and rear extensions. The proposed development would include a new front entrance door with canopy structure and considering the surrounding context including an array of front porch extensions, I am satisfied that the replacement entrance door with open canopy would be acceptable. As stated above, numerous properties along the street also feature two-storey side extensions, which do not feature a set

back to the front at first-floor level. The proposed development, as submitted to the Planning Authority, would not feature a set back at first-floor level from the front building line. Section 17.8 of Volume 2 to the Development Plan requires residential extensions to follow the 'subordinate approach' and the subject proposals would not strictly adhere to this. As stated above, I do not consider that a set back at first-floor level would not be necessary in this case, given the absence of similar set backs on neighbouring properties. In conclusion, I consider that the proposed development would not have a detrimental impact on the visual amenities of the area and should not be refused for this reason.

- 7.3.2. Having regard to the lack of a significant impact on the residential or visual amenities of property in the vicinity, as discussed above, there is no evidence to support the appellant's contentions that the proposals would negatively affect property values in the area and this assertion cannot be sustained.

8.0 Appropriate Assessment

Having regard to the minor nature of the proposed development and to the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

I recommend that planning permission should be granted, subject to conditions, as set out below.

10.0 Reasons and Considerations

Having regard to the 'Z1-Sustainable Neighbourhood' zoning provisions for the site, to the nature and scale of the proposed development and to the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be out of character with development in the area and would not seriously injure the residential or visual

amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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. The proposed development shall be amended as follows:
 - (a) The first-floor side window to the study shall be omitted from the development;
 - (b) The first-floor windows serving the bathroom shall be permanently fitted with opaque glazing.

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 interest of residential amenity and orderly development.

3. The proposed shed shall be altered shall not be used for human habitation or for the keeping of pigs, poultry or pigeons, ponies or horses or for any other purpose other than a purpose incidental to the enjoyment of the house. In particular, the shed shall not be used as a commercial gymnasium or for any other commercial purpose.

Reason: In the interest of protecting the residential amenities of neighbouring property.

4. The external finishes of the proposed extensions including roof tiles shall harmonise with 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 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 and to ensure a proper standard of development.

7. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

8. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

9. 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.

Colm McLoughlin
Planning Inspector

20th February 2018