



An
Bord
Pleanála

Inspector's Report ABP-300407-17

Development	Ground and first floor extension at rear and internal alterations
Location	107, Rutland Avenue, Crumlin, Dublin 12
Planning Authority	Dublin City Council (South Area)
Planning Authority Reg. Ref.	3915/17
Applicant(s)	Jennifer Gillen & Michael Hannon.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Jennifer Gillen & Michael Hannon.
Observer(s)	None.
Date of Site Inspection	14 th of March 2018.
Inspector	Karen Hamilton

1.0 Site Location and Description

1.1. The subject site contains a modest two storey mid terrace dwelling located along the east side of Rutland Avenue, Crumlin, Dublin 12. The front of the site faces directly onto the main road and the rear backs onto private playing fields of the Transport Club. The subject site has a single storey flat roof extension to the rear and the adjoining dwelling to the south, No 109, has a two storey rear extension which projects c. 3m from the rear building line.

2.0 Proposed Development

2.1. The proposed development would comprise of the following:

- Construction of a ground and first floor rear extension (c. 40m²).

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission for 10 no reasons of which the following are of note:

C 3- The development shall be revised so that the proposed rear extension shall have a maximum depth of 3.5 m at first floor level.

C 4- The development does not include or infer any authorisation for a vehicular entrance or an on-site car parking space.

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 rear extension of the adjoining property (3m from the rear building line).

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.

4.0 Planning History

None on the site.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

The site is zoned in Z1 where it is an objective "*To protect and/or improve the amenities of residential amenities*".

Extension to dwellings.

Section 16.2.2.3: Alterations and extensions (general)

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

Section 16.10.12: Extensions and Alterations to Dwellings

Relates to alterations and extensions to dwellings and states that development will only be granted where it will 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 as follows;

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 by the applicant in relation to Condition No 3 as summarised below:

- The applicant is not in position to move house and needs the additional space or a growing family.
- The neighbours on the adjoining side where satisfied with the proposal.
- The reduction required in Condition No 3 will leave two inadequate single bedrooms 7.1m² which is only the same as the minimum allowed.
- The proposal as submitted will not injure the residential amenities of the area.

6.2. **Applicant Response**

The applicant is the appellant.

6.3. **Planning Authority Response**

None received.

6.4. **Observations**

None received.

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. 32m²) 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 a two storey extension (c. 60m²), with a depth of 4.5m, to the rear of a mid-terrace two storey dwelling. Condition No 3 requires the reduction in depth of the first floor of the extension so it does not protrude more than 3.5m from the rear building line. The grounds of appeal submit the reduction will lead to an unsatisfactory development with restricted bedroom sizes and does not consider the proposed development would have a negative impact on the residential amenity of the adjoining properties, which I have addressed below.
- 7.3. Overbearing: The rear extension will protrude 4.5m from the rear building line. The report of the area planner refers to the existing extension at the rear of the adjoining dwelling to the south of the site, No 109, protruding 3m from the rear building line. Section 16.10.12 of the development plan includes guidance for the appropriate development of extensions and alterations to dwellings, where they would not have a negative impact on the scale or character of the dwelling or the surrounding area. The subject site and those in the vicinity are modest in size and the proposed development is located along the boundary of the rear garden of No 105 (4.5m), to the north. The first floor will be visible from the property to the north and having regard to the guidance in Section 16. 10.12 of the development plan, in relation to the scale and character of any proposed extension, I consider the reduction of the depth of the first floor, from 4.5m to 3.5m as recommended in Condition No 3, is appropriate to prevent a significant overbearing impact on the rear of the residential amenity of the residents in this property.

- 7.4. 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 subject site is located to the south of No 105 Rutland Ave and the first floor of the rear extension will have an element of overshadowing on the rear of this property and that private amenity space directly to the rear of the site during midday. As stated above the development of a two storey extension in a dense urban location is considered reasonable in principle and I note there will remain approximately half the rear garden of No 105 not impacted by any overshadowing and I consider the reduction of the first floor from 4.5m to 3.5m will reduce the negative impact on the adjoining property.
- 7.5. Overlooking: The rear of the site faces onto an area of private open space with the Transport Club, therefore I do not consider there will be any overlooking from the proposed development.
- 7.6. In summary, therefore, I consider the extension as proposed to be excessive, having a negative impact on residential amenities of 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

- 7.7. 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 depth of the first floor of the rear extension shall not exceed 3.5m from the existing rear building line.
- b) All internal and external modifications to give effect to the above.
- c) 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,

It is 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

14th of March 2018