



An  
Bord  
Pleanála

## Inspector's Report ABP-300452-17

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<b>Development</b>	Ground floor and dormer extension to the rear, conversion of attic space, insertion of velux rooflights to front and extension of existing garage.
<b>Location</b>	479 Blackhorse Avenue, Dublin 7
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3499/17
<b>Applicant(s)</b>	Orla Caulfield and Killian Murphy
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Orla Caulfield and Killian Murphy
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	16 <sup>th</sup> March 2018
<b>Inspector</b>	Una O'Neill

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## 1.0 Site Location and Description

- 1.1. The subject site is located on Blackhorse Avenue (R806), approximately 4km north-west of Dublin City Centre.
- 1.2. The site, which has a stated area of 297sqm, is located on the northern side of Blackhorse Avenue, just west of the junction with Baggot Road. The site comprises a terraced single storey dwelling, which forms part of a long terrace of 20 single storey dwellings, each positioned on narrow long plots, set back 7m-12m from Blackhorse Avenue. To the south of the site, on the opposite side of Blackhorse Avenue, is the Phoenix Park. To the north is a laneway which provides access to garages to the rear of the terrace of properties and also access to the rear of properties on Conor Clune Road.
- 1.3. The dwelling on site is single storey with a pitched roof. The dwelling is approx. 6.3m wide and has an original depth of 7.1m, with an existing single storey extension to the rear being 4m wide by 6.5m deep, giving the dwelling an L shape. There is an existing garage positioned at the rear boundary of the site, accessed from the laneway to the rear/north of the property.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the following:
  - Single storey extension to the rear, with an increased depth onto existing extension of 1.75m and an increased width so that the extension is 6m wide, built up to the boundary with the neighbouring property to the east.
  - Dormer extension to the rear
  - Two velux rooflights to the front to serve two new bedrooms.
  - New porch to the front, 1.3m deep by 2.1m wide.
  - Enlarge existing garage to rear of dwelling, with additional width of 1.2m, with existing access arrangements off the rear laneway maintained.

The total floor area of the proposed dwelling is stated to be 119sqm.

## 3.0 Planning Authority Decision

### 3.1. Decision

GRANTED, subject to 9 conditions, including the following:

C2: Section 48 Contribution

C3: Attic conversion reduced in depth and width and velux windows reduced in scale. Bedroom use is also omitted from attic conversion to comply with section 16.10.2 of the development plan.

C4: Vehicular access to front of the dwelling omitted from the development.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority. I note that Further Information was requested in relation to the following:

- Bulk and scale of the first floor extension/attic conversion
- Concern in relation to access to natural light and ventilation of attic level bedrooms having regard to section 16.10.2 of the development plan which states that bedrooms shall not be solely lit by rooflights.
- Concern in relation to the siting and location of the vehicular entrance which would result in a traffic hazard.

The applicant in response to the further information decreased the first floor depth of the extension by 900mm and increased the width of the velux rooflights proposed from approx. 600mm to 1300mm. Permission was granted subject to conditions.

#### 3.2.2. Other Technical Reports

Drainage Department: No objection subject to condition.

Road Report: Due to inadequate sightlines, proposed entrance would result in a serious traffic hazard and obstruction of road users.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

One objection was received from 477 Blackhorse Avenue, the adjoining property, in relation to the following:

- Scale of the first floor extension and ground floor extension
- Impact on light and overshadowing of the neighbouring property, which is stated was incorrectly shown on the plans and a revised plan was submitted with the observation.
- Potential damage to the neighbouring property during construction.

## 4.0 Planning History

The following history relates to the house adjoining the appeal site, no. 477:

**6410/07** – Permission granted to enlarge extension permitted under 2488/07, with proposed single storey extension having an overall depth of 8.2m and width of 5.3m, with three projecting roof lights on the flat roof of the extension, all to the rear of 477 Blackhorse Avenue.

The following history relates to some of the other extensions permitted within this terrace of single storey dwellings:

**4135/15** – Permission was granted subject to conditions for a single storey rear extension, attic conversion and extension and front porch extension. Permission was refused for a vehicular access at 471 Blackhorse Avenue.

**2859/11** - Permission was granted subject to condition for the conversion of attic to habitable room and store, dormer style roof with 3 windows at the rear and 2no. skylights to the front at 485 Blackhorse Avenue.

**2337/08** – Permission was granted subject to conditions for the demolition of an existing garage to the rear, the construction of a two storey pitched roof extension,

the erection of a pitched roof single storey garage at 487 Blackhorse Avenue. Condition no 3 omitted a first floor rear bedroom therefore reducing the depth of the first floor extension to approx. 4.1m.

## **5.0 Policy Context**

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

- Zoning objective Z1, 'to protect, provide and improve residential amenities'.
- Section 16.10.2: Residential Quality Standards, Houses.
- Section 16.10.12: Extension and Alterations to Dwellings.
- Section 17.22: Roof Extensions.

### **5.2. Natural Heritage Designations**

The site is not located within or adjacent to any designated Natura 2000 site. The nearest Natura sites are the South Dublin Bay and River Tolka Estuary SPA (004024) and the South Dublin Bay SAC (000210), approx. 6km to the east and separated from the subject site.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The grounds of appeal as submitted by the applicant relates to conditions 3 and 4 of the permission as issued by the planning authority. The grounds of appeal can be summarised as follows:

- Depth of extension has been reduced by 900mm by way of further information. The construction of an exempted boundary fence would have the same implications in terms of access to light in the neighbours extension, which has windows facing the boundary.
- A precedent exists for granting dormer extensions equal in width to that proposed, with no requirement to reduce the width as imposed by Condition 3

of the permission. Reference is made in particular to precedent established by reg ref 4135/15. This condition is unworkable and would severely impact the current floor plan.

- The proposed first floor has no impact on adjoining properties.
- Bedrooms to the front of the dwelling meet the regulations for bedroom sizes and height restrictions.
- Neighbours have been granted permission for access driveways.

## 6.2. **Planning Authority Response**

None.

## 6.3. **Observations**

None.

## 6.4. **Further Responses**

None.

## 7.0 **Assessment**

7.1. This is a first party appeal against planning conditions 3 and 4 of the Planning Authority, which state:

7.2. Having regard to the nature of the development proposed and the conditions subject of this appeal, I consider a de novo consideration of the proposal is not warranted and I recommend the Board should use its discretionary powers under Section 139 of the Planning and Development Act 2000 (as amended), and restrict its consideration to the terms of condition no. 3 and 4.

### **Condition 3**

7.3. The main issue of the appeal relates to design and visual impact of the proposed first floor extension.

- 7.4. Revised drawings as submitted at further information stage are attached to the grounds of appeal. I note that the latter section of condition 3(a) supports the depth of the extension being developed to a maximum of 4m depth, which is what the applicant originally proposed.
- 7.5. I have considered again here the depth of the first floor extension and I am of the view that the original depth of the extension as proposed by the applicant is acceptable at 4m and there is precedent for such a scale of development, as can be seen from the extension constructed to the rear of no. 471 (reg ref 4135/15). A third party submission from the owners of the dwelling to the east raised concerns to the planning authority in relation to overshadowing and loss of light to the neighbouring single storey extension. I note from the planning history of the neighbouring property to the east, and as observed on site, that this single storey extension, which is approx. 8.2m deep, is served by side windows to a bathroom and kitchen within 0.7/1.65m of the boundary (which comprises a low wall) and also by three rooflights which are positioned at the eastern side of the extension furthest from the boundary with the appeal site. I do not consider the first floor level as proposed will result in such significant overshadowing of the neighbouring property as to warrant a refusal/amendment to the depth proposed. Given the first floor level does not extend to the same depth as either of the adjoining single storey extensions it will not have an overbearing impact on the private open space to the immediate rear of the neighbouring dwellings. I consider the depth of the extension as proposed at first floor level to be modest and reasonable.
- 7.6. With regard to the width of the dormer element of the extension, the applicant considers there to be precedent within this terrace for a wide dormer and considers an overall reduction in width of 2m would severely impact on the floor plan and would be unworkable.
- 7.7. I acknowledge that the dormer in this instance is not subordinate to the roofslope, given the rear roofslope is being removed in its entirety and replaced with a flat roof. However, I have considered all points of Section 17.11 of the development plan, and I consider that equally of merit in the consideration of this proposal is the surrounding buildings, the age of the dwellings in question, their limited size in terms of meeting modern family needs, and the context of the site from the rear, which has no impact on the character as viewed from the street. In my view the reduction in width is



unwarranted and the proposal is not overbearing or visually obtrusive. The dwellings within this terrace are limited in their size, which has resulted in a large number of rear extensions and roof windows on adjoining properties. I note the precedent established by reg ref 4135/15, which has recently been constructed. Overall, I am of the view that the design as proposed will not result in a significant level of overbearance, overlooking, overshadowing or such a significant loss of residential amenity to the adjoining dwellings as to warrant amendment or refusal. Should the Board be minded to grant permission, it is my view that Condition 3(a) should be omitted.

- 7.8. Section 16.10.2 of the development plan states under the heading 'Aspect, Natural Light and Ventilation' that 'living rooms and bedrooms shall not be lit solely by roof lights and all habitable rooms must be naturally ventilated and lit'. Condition 3(c) states the 2 no rooms to the front of the house at first floor / attic level shall not be used as bedrooms. The reason given relates to the statement within Section 16.10.2 in relation to roof lights.
- 7.9. I consider the term roof lights to be different to velux/roof windows. Roof lights are generally non-openable and are utilised for light. Roof windows are generally openable and provide for light as well as natural ventilation. The planners report uses the term roof light, as does the applicant's description of development, although condition 3(b) refers to velux windows. I am of the view that the velux windows/'rooflights' as drawn on the front roof slope of the dwelling are of a type that are generally designed to be openable and therefore the use of the rooms as bedrooms served by these velux windows is not contrary to Section 16.10.2. The bedrooms in question are 9sqm and 10sqm in area and therefore are of a scale that would allow them to be lit and easily ventilated from the proposed south facing velux windows. In my view condition 3(c) should be omitted.
- 7.10. The applicant proposed wider velux windows at Further Information stage to address concerns raised in relation to natural light and ventilation. The scale of the velux windows as originally proposed by the applicant is preferable in terms of visual impact and will provide for sufficient light and ventilation.
- 7.11. Having considered the existing context of the site, including the view of the terrace from the street, and the existing pattern of development to the rear of this terrace, I

do not consider the proposed first floor rear extension will have a serious negative impact on the residential amenity of neighbouring properties. I consider it reasonable to facilitate a modest extension of the subject dwelling for modern family needs, particularly given the restricted nature of this site by virtue of the terrace design and plot widths. It is my view that Condition 3 of the Planning Authority decision should be amended accordingly.

#### **Condition 4**

- 7.12. Condition 4 of the planning permission states the proposed 2.5m wide vehicular access onto Blackhorse Avenue shall be omitted, in the interests of traffic safety. The report of the roads department indicates the use of the front garden area for vehicular access would result in a serious traffic hazard due to inadequate sightlines and the alignment of Blackhorse Avenue at this location. The applicant states that other dwellings within the terrace, including the neighbouring property, have vehicular accesses.
- 7.13. Having reviewed the plans submitted and observed the road conditions on site, I am of the view that the proposed vehicular access, which is located on a bend in the road, would result in a traffic hazard. I note that there is a rear laneway and garage serving the proposed dwelling, which would be more appropriately used for parking. I also note that the adjoining property to the east was not permitted a vehicular access and the access that exists is unauthorised. It is my view that Condition 4 is warranted and should not be amended.

#### **Appropriate Assessment**

- 7.14. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any 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 a European site.

### **8.0 Recommendation**

- 8.1. Having regard to the nature of the conditions the subject of the appeal, 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, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to **AMEND** condition number 3 so that it shall be as follows for the reason set out.

## 9.0 Reasons and Considerations

9.1. Having regard to the existing pattern of development within this terrace, it is considered that the rear first floor extension would not detract from the character of the area or seriously injure the amenities of property in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and condition 3 should be amended. Condition 4 is warranted for reasons of traffic safety and should not be amended.

## 10.0 Conditions

3 The proposed development shall be amended as follows:

- (a) The depth of the first floor extension and scale of the velux windows shall be in accordance with the plans and particulars lodged with the application dated 25<sup>th</sup> July 2017.

**Reason:** In the interests of residential amenity.

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Una O'Neill  
Senior Planning Inspector

27<sup>th</sup> March 2018