



An
Bord
Pleanála

Inspector's Report ABP300600-18

Development	Two-storey rear extension including a first floor balcony and attic conversion with 4 no. velux windows on rear pitch.
Location	38 Lansdowne Park, Dublin 4.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	4086/17.
Applicant	Dervla Browne.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party -v- Grant.
Appellant	Eileen Quinn.
Observers	None.
Date of Site Inspection	23 rd April, 2018.
Inspector	Paul Caprani.

Contents

1.0 Introduction	3
2.0 Site Location and Description	3
3.0 Proposed Development	4
4.0 Planning Authority's Decision	4
4.1. Planning Authority Assessment.....	4
4.2. Observations	5
4.3. Internal Report	5
5.0 Planning History.....	5
6.0 Grounds of Appeal.....	5
7.0 Appeal Responses.....	7
8.0 Development Plan Provision.....	8
9.0 Planning Assessment	9
10.0 Appropriate Assessment	12
11.0 Conclusions and Recommendation.....	12
12.0 Decision	12
13.0 Reasons and Considerations	12
14.0 Conditions	13

1.0 Introduction

ABP300600-18 relates to a third-party appeal against the decision of Dublin City Council to issue notification to grant planning permission for a two-storey rear extension together with balcony and attic conversion and four new rooflights to the rear slope of an existing two-storey dwellinghouse at 38 Lansdowne Park, Dublin 4. The grounds of appeal argue that the proposed development will have an unacceptable impact on surrounding residential amenity.

2.0 Site Location and Description

- 2.1. No. 38 Lansdowne Park is located in a residential area to the south-east of the city, approximately 2.5 kilometres to the south-east of the city centre. Lansdowne Park links Shelbourne Road to the east to the Northumberland Road further west. The Northumberland Road leads onto Ballsbridge approximately 1 kilometre further south-east. The Aviva Sports Stadium is located approximately 300 metres to the east of No. 38 Lansdowne Park. No. 38 is located near the entrance to a small cul-de-sac where approximately 30 houses are located around a central area of open space. No. 38 is located on the western side of the entrance into the cul-de-sac and is to the immediate north of the corner site at the junction of the entrance into the cul-de-sac (No. 39). The residential cul-de-sac backs onto the former Beggars Bush Army Barracks.
- 2.2. No. 38 faces eastwards and accommodates a two-storey terraced dwelling accommodating a kitchen, living and dining room area at ground floor level (gross floor area 41.85 square metres) and two bedrooms together with a bathroom and a dressing room at first floor level (38.18 square metres). The total area of the dwellinghouse amounts to just over 80 square metres. A decking area and landscaped mature garden is located to the rear of the site. The rear garden of the site is irregularly shaped and has a width of 5.6 metres and a length ranging from 6.6 metres to the 9.6 metres. A common drain runs in an east/west direction through the rear garden. The house rises to a ridge height of just over 7.6 metres.

3.0 Proposed Development

Planning permission is sought for the construction of a new two-storey extension to the rear of the dwellinghouse. At ground floor level the proposed development is to extend to the rear by 2.8 metres creating an additional living and dining area. The proposal will involve the reconfiguration of the existing kitchen, dining and living areas. A new living room is to be provided at ground floor level in the front room of the existing house. At first floor level it is proposed to extend the main bedroom at the back of the house to create a new master bedroom and new en-suite. The existing bedroom (Bedroom No. 2) to the front of the house is to remain unaltered while a new en-suite bathroom and balcony area is proposed to the rear of the house overlooking the rear garden. It is also proposed to provide a new attic room within the roof pitch with a maximum floor to ceiling height of 2 metres. The new attic room has a maximum width of 4.6 metres and a length of just under 3 metres. Four new velux windows are proposed on the rear pitch of the dwelling. At first floor level two new double doors are proposed to the rear of the master bedroom opening out onto a balcony area (1.45 metres by 3.6 metres), a new clear glass balustrade runs along the perimeter of the balcony. New double sliding doors are proposed to the rear at ground floor level. The proposed extension does not impinge on the common boundary drain which runs through the rear garden of the subject site. A new paved terraced area is proposed to the rear of the dwelling.

4.0 Planning Authority's Decision

Dublin City Council issued notification to grant planning permission for the proposed development subject to 7 conditions. Condition No. 2 of the grant of planning permission omitted the proposed balcony to the rear at first floor level.

4.1. Planning Authority Assessment

The planning application was lodged on 17th October, 2017. The planning application form indicates that the total area of the dwellinghouse will increase from 80 square metres to just under 101 square metres as a result of the proposed development.

4.2. Observations

A letter of objection was submitted by the current appellant, resident of No. 41 Lansdowne Park, the contents of which have been read and noted. A separate objection was submitted by the resident of No. 37 Lansdowne Park the dwellinghouse to the immediate north.

4.3. Internal Reports

- 4.3.1. A report from the Engineering Department Drainage Division stated that there is no objection to the proposed development subject to standard conditions.
- 4.3.2. The planner's report sets out the proposed development and sets out the policies and provisions set out in the current development plan as they relate to the proposed development. It is considered that the depth of the extension at ground and first floor level is deemed to be reasonable and would not seriously impact on neighbouring properties. It is stated that the balcony at first floor level will create additional overlooking and should be omitted by way of condition. The proposed velux rooflights to serve the attic level are also deemed to be acceptable. In general, it is concluded that the proposal is in line with the residential zoning objective for the site and is therefore acceptable and in accordance with the proper planning and sustainable development of the area. In its decision Dublin City Council granted planning permission subject to 7 conditions as already stated.

5.0 Planning History

- 5.1. There are no planning history files attached.
- 5.2. The planner's report makes reference to one relevant history file. Under 0677/97 planning permission was granted for a new single space off road parking bay in the front garden.

6.0 Grounds of Appeal

- 6.1. The decision of Dublin City Council to issue notification to grant planning permission was the subject of a third-party appeal by Brian Watchorn Architect and Surveyor on behalf of Eileen Quinn of No. 41 Lansdowne Park. No. 41 Lansdowne Park is

located south-west of the subject site and fronts onto that section of Lansdowne Park that links the Shelbourne Road with the Northumberland Road.

- 6.2. The grounds of appeal argue that the omission of the first-floor balcony does not adequately address the appellant's concerns in respect of the proposed development. It is stated that the appellant's garden is a great source of pleasure to her which she spends as considerable amount of time in throughout the year. The appellant expresses great concern in relation to the loss of privacy which the proposed development will give rise to. It is an express statement in the development plan (Section 17.9.8) that the design of residential extensions should have regard to amenities of adjoining properties and in particular the need for light and privacy. The proposed first floor extension will bring the rear wall of the master bedroom closer to the appellant's property thereby greatly increasing the sense of overlooking. Furthermore, the proposed attic room, which it is argued is intended for habitable purposes, incorporates four velux windows - one of which is an escape window. If it is the intention to use this room for storage purposes, then the provision of four roof windows is wholly unnecessary. The incorporation of these rear velux roof windows greatly impacts on the appellant's ability to enjoy her rear garden due to loss of privacy. It is argued that the proposed development shows no regard to the amenity of adjoining properties and in particular the need for light and privacy.
- 6.3. It is argued that the proposed development greatly reduces the already small garden from 46 square metres to 30 square metres and would represent a substandard development in terms of the provision of private open space. This would set an unacceptable precedent for the area.
- 6.4. It is also argued that the proposed development will have a significant impact on the daylight which the appellant's property currently enjoys. This together with the increase in levels of overlooking, will have a significantly detrimental effect on the appellant's property and will result in the consequently loss of the property.
- 6.5. The proposed development, if permitted, would set a precedent for similar type developments in other neighbouring dwellings the cumulative impact of which would be totally unacceptable in a residential estate where private open space is already at a premium. For the above reasons it is argued that An Bord Pleanála should refuse planning permission for the proposed development.

7.0 Appeal Responses

7.1. A response was received on behalf of the applicant by ABA Architects. The appeal response is outlined below.

It is argued that the first-floor façade is situated 1.34 metres closer to No. 41 and this represents a mere 10% of the distance from the existing first floor façade to the nearest point on the boundary of No. 41 (this distance being 12.3 metres). It is contended that this is a very modest variation which will have no material effect on the existing privacy of No. 41. The window element projects a further distance but all windows on the proposed bathroom element will be obscured so privacy is not an issue.

The loss of daylight is almost negligible with respect to the impact on No. 41. There will be no impact in terms of sunshine penetration and a diagram in the grounds of appeal indicates that there will only be a very marginal element in terms of loss of daylight or sunlight.

The garden of No. 41 is currently overlooked by adjacent houses and the proposed change is marginal. The decision to omit the proposed balcony (which is not being appealed by the applicant) should alleviate fears in this regard.

The only reason the attic works were included in the application was to ensure that such works had been carried out concurrently with the rear extension. These works would have otherwise been exempted development in accordance with Section 4(1)(h) of the Planning and Development Act. No roof windows are proposed on the front roof pitch of the dwellinghouse as the applicant is mindful of the architectural character of Lansdowne Road. In creating any attic space, the applicant is mindful of the requirement for fire safety and for this reason a low level escape window has been incorporated.

It is stated that the ground floor works should not require planning permission so the argument about the reduction of garden space only becomes an issue if it reduces below 25 square metres and therefore no longer remains exempt. While existing rear gardens on Lansdowne Park are smaller than other suburban houses, it is argued that a correct balance has been struck between the provision of a house extension and maintaining a residual garden size. The argument that the proposed

development will set an undesirable precedent cannot be sustained in light of the numerous existing ground floor extensions on Lansdowne Road.

It is argued that the proposed development fully accords with Section 17.9.8 of the development plan particularly having regard to the removal of the first-floor balcony.

7.2. It appears that Dublin City Council have not submitted a response to the grounds of appeal.

8.0 Development Plan Provision

8.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022.

8.2. The subject site is zoned Z1 which seeks to “protect, provide and improve residential amenities”.

8.3. 16.10.12 relates to extensions and alterations of dwelling.

8.4. The design of residential extensions should have regard to the amenities of adjoining properties and in particular, the need for light and privacy. In addition, the form of the existing building should be followed as closely as possible as the development should integrate with the existing building through the use of similar materials and windows. Extensions should be subordinate in terms of scale to the main unit.

8.5. Applications for planning permission to extend dwellings will only be granted where the Planning Authority is satisfied that the proposal will:

- Not have an adverse impact on the scale and character of the dwelling.
- Not adversely affect the amenities enjoyed by occupants of adjacent dwellings in terms of privacy, access to daylight and sunlight.

8.6. Appendix 17 also sets out guidelines for residential extensions.

8.7. Section 17.2 relates to general principles and states that new extensions whether they are for single or two-storey can have an effect on the immediate environment and accordingly the following principles should be addressed in all proposals for extensions. Proposals should:

- Not have an adverse impact on the scale and character of the dwelling.

- Have no unacceptable effects on the amenities enjoyed by occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.
- Achieve a high quality of design.

9.0 Planning Assessment

I have read the entire contents of the file, visited the site in question and have had particular regard to the issues raised in the grounds of the third party appeal. I consider the critical issues in determining the application and appeal before the Board are:

- Increased Potential for Overlooking
- Impact on Daylight and Sunlight
- Impact on Residual Private Open Space
- Proposed Attic Conversion

9.1. Overlooking Issue

The proposed rear garden extension will in no way exacerbate overlooking to any material extent in respect of the rear elevation of No. 41. The rear elevation of No. 41 is located at a right angle to the rear elevation of No. 38 and as such the scope for direct overlooking is negligible. The rear of No. 38 does face onto the rear garden of No. 41 however the Board should note that the gardens in question are not contiguous and are separated by the rear garden of No. 40. The proposed development results in an extension of the rear dwelling at first floor level by 1.343 metres. This in my view is not a significant extension and will have a marginal impact in terms of extending the applicant's dwelling closer to the appellant's rear garden. With the omission of the balcony, the proposed extension at first floor level becomes more modest. I would also agree with the applicant's contention that the incorporation of a new en-suite bathroom, while extending the rear building line of the proposed first floor extension by a total of 2.7 metres, the en-suite bathroom is to be fitted with obscure glazing and as such will not result in a greater potential of overlooking of adjoining dwellings or gardens associated with rear dwellings. Thus, having regard to the modest scale and size of the proposed rear extension together with the separation distance of 11 metres between the main part of the rear two-

storey extension and the appellant's boundary, I do not consider that the proposal in this instance exacerbates or accentuates the potential or overlooking to any material extent. It is reasonable in my view that the applicant should be permitted to extend the dwelling to cater for the needs of changing family circumstances provided that such an extension does not have a material or significant impact on adjoining residential amenity. I consider the size and scale of the development at first floor level to be relatively modest and will not have any material impact on surrounding residential amenity in terms of overlooking. I also acknowledge that the rear gardens in this instance are relatively modest in size and the proposed application takes cognisance of this in terms of the size and scale of the extension proposed.

9.2. Impact on Daylight and Sunlight

As in the case of overlooking, I would reiterate that the size and scale of the proposed extension to the rear of the dwellinghouse is modest in this instance and having regard to the separation distances between the subject site and the appellant's property, I consider that the proposed extension in this instance will have no impact whatsoever in terms of access to daylight whereas the impact in terms of reducing sunlight to the appellant's rear garden would be negligible. The first-floor extension is stepped back from the ground floor extension thereby allowing for more sunlight penetration to the rear of the dwellinghouse. Any impact in terms of sunlight penetration is likely to occur in the applicant's rear garden as opposed to the rear of the appellant's property. The appellant's rear garden is north facing and is therefore likely to suffer from some levels of overshadowing primarily as a result of the appellant's own dwelling and dwellings on either side of the appellant's property. Having regard to the separation distance between the appellant's rear garden and the applicant's house together with the existing ridge height of the applicant's dwelling the impact in terms of increased overshadowing of the appellant's garden will not be material.

9.3. Impact in Terms of the Reduction of the Appellant's Private Amenity Space

- 9.3.1. The only party which will be impacted upon in terms of the reduction of private amenity space will be applicant. Any reduction in private amenity space will be obviously compensated by the fact that the proposed extension will provide increased living space within the dwellinghouse. The existing dwellinghouse was

relatively modest in size (80 square metres) and as already stated, the applicant should be permitted the reasonable expectation of extending a dwellinghouse in order to cater for the changing needs of a family provided that such an extension does not impact on surrounding residential amenity. I have argued above that the impact of the proposed extension in terms of surrounding residential amenity would be negligible.

- 9.3.2. Furthermore, the overall footprint of the extension is modest amounting to a mere 16 square metres. The residual open space in the remainder of the garden amounts to approximately 30 square metres which is above the minimum requirements of 25 square metres which is deemed to be acceptable under the exempted development regulations for extensions. I therefore consider the overall increase in the footprint of the extension to be acceptable and would result in an appropriate level of amenity for the occupants of the said dwellinghouse. Furthermore, the Board will note that there are numerous precedents for rear storey extensions which have reduced the size of rear gardens in the vicinity. The Board will note that the adjoining dwellinghouse to the immediate north (No. 37) has incorporated a rear storey extension (albeit single-storey) with a similar footprint to the extension proposed.

9.4. **Proposed Conversion of Attic**

- 9.4.1. The proposed attic space is again relatively modest in size and incorporates a maximum floor to ceiling height of 2 metres. This is below minimum standards for floor to ceiling heights for habitable room which require minimum floor to ceiling heights of 2.4 metres. As such the proposed attic conversion cannot be used as a habitable space as it would contravene Building Regulations. The incorporation of velux windows to the rear would not in my view, exacerbate overlooking to any material extent primarily on the grounds that the attic conversion will not be used as a habitable space and therefore is likely to be used on an intermittent basis. Furthermore, because of the configuration of the appellant's house at a right angle to the applicant's house it will ensure that no material overlooking issues will arise in terms of direct overlooking of rooms within the appellant's dwelling. The incorporation of multiple rooflights on the rear pitch of the applicant's dwelling will not materially impact on the visual amenities of the area as these velux rooflights will not be readily visible from vantage points within the public realm. The incorporation of velux windows will provide a source of natural ventilation and natural sunlight and

daylight penetration to the attic area which is more sustainable and energy efficient. If the Board do not accept the above argument and feel it is appropriate that one or more velux lights be omitted from the rear roof pitch this in my view could be adequately addressed by way of condition.

10.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity 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 a European site.

11.0 Conclusions and Recommendation

Arising from my assessment above I consider that the proposed development is acceptable due to the modest size and scale of the extension proposed and I do not consider that the proposed extension will have any adverse material impact on the residential amenities of the appellant's dwelling or any other dwellings in the vicinity and is therefore in accordance with the proper planning and sustainable development of the area.

12.0 Decision

Grant planning permission for the proposed development in accordance with the plans and particulars lodged, based on the reasons and considerations set out below.

13.0 Reasons and Considerations

Having regard to the Z1 residential zoning objective relating to the subject site and having regard to the modest size and scale of the proposed extension it is considered that subject to conditions set out below the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not

seriously injure the visual amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 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 the 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. Prior to the commencement of development, the applicant shall submit revised drawings to the planning authority for written agreement omitting the proposed balcony at first floor level.

Reason: In the interest of residential amenity.

3. The proposed windows of the new en-suite bathroom at first floor level shall incorporate obscure glazing.

Reason: In the interest of residential amenities of the area.

4. The external finishes of the proposed extension shall be the same of those of the existing dwellings in respect of colours and textures. Details of the proposed materials shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

5. Site development and building works shall be carried out only between the hours of 7 a.m. to 6 p.m. Monday to Friday inclusive, between 8 a.m. and 2 p.m. on Saturdays and not at all on Sundays or Bank 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 shall be the subject of a written agreement with the planning authority.

Reason: In the interest visual amenity.

7. 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: In the interest of visual amenity.

Paul Caprani,
Senior Planning Inspector.

2nd May, 2018.