



An
Bord
Pleanála

Inspector's Report ABP-300615-18

Development	Construction of one and two-storey extensions to the rear and side of the house; construction of a dormer to the attic at the rear at roof level; construction of a garden wall in the rear garden.
Location	6, Nutley Avenue, Dublin 4
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4077/17
Applicant(s)	Treasa Drislane
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Phyl and Vincent Kearney
Observer(s)	None
Date of Site Inspection	11 th April 2018
Inspector	Una O'Neill

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1.0 Site Location and Description

- 1.1. The subject site is located on the northern side of Nutley Avenue, in the suburb of Ballbridge, east of Dublin City Centre, in a well-established residential area.
- 1.2. The site, which has a stated area of 864sqm, comprises a two storey semi-detached dwelling. The dwelling is south facing and has an extensive rear garden, approx. 44m deep.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Construction of two storey extension and single storey extension to rear of existing dwelling
 - Dormer extension to the rear
 - Alterations to front and side elevations

The floor area of the new build is stated to be 75.5sqm.

3.0 Planning Authority Decision

3.1. Decision

GRANTED subject to 8 conditions, including the following:

C2: Section 48 Development Contribution.

C3: Attic space shall only be used for storage.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority.

3.2.2. Other Technical Reports

Drainage Division: No objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

One received, the contents of which is largely covered in the grounds of appeal.

4.0 Planning History

The following permission relates to the adjoining semi-detached property, no. 7 Nutley Avenue:

PL29S.213182 – Permission GRANTED for extension to rear of no. 7 Nutley Avenue. A condition required a reduction in width at first floor level by 3.65m with boundary of no. 6, the appeal site.

C2: The proposed two-storey extension to the rere shall be amended as follows:

- (1) The proposed extension to the rere at ground floor shall be reduced in depth by 1.3 metres for a distance of 3.65 metres from the western boundary.
- (2) The proposed extension to the rear at first floor shall be reduced in width by 3.65 metres from the western boundary.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

- Zoning objective Z1, the objective for which is *‘to protect, provide and improve residential amenities.’*
- Section 16.10.12: Extensions and Alterations to Dwellings
- Appendix 17: Guidelines for Residential Extensions.

5.2. Natural Heritage Designations

The nearest Natura sites are the South Dublin Bay SAC (000201), and the South Dublin Bay and River Tolka SPA (004024), some 1km to the east and separated from the subject site.

6.0 The Appeal

6.1. Grounds of Appeal

An appeal has been submitted from the resident of no. 7 Nutley Avenue, the neighbouring dwelling. The grounds of appeal is summarised as follows:

- The two storey extension will affect the afternoon and evening light to no. 7 Nutley Avenue.
- The proposed extension is the full width of the dwelling and will affect light to the bedroom in no. 7, adjoining the boundary. The rear extension to no. 7 was reduced on appeal to ABP in 2005. The proposed extension to no. 6 should similarly be reduced in width.
- The scale of the single storey extension at 7.8m depth at the boundary and 4.6m height is unreasonable and will block light to no. 7. The depth of the extension to no. 7 was reduced by DCC/ABP and the depth of this current proposal to no. 6 should also be reduced.
- The scale of the extension will affect light to the back garden and deck area of no. 7.
- The dormer window on the roof to the rear will negatively affect light to no. 7.
- Construction hours are too long.

6.2. Applicant Response

The applicant has responded to the grounds of appeal as follows:

- The rear of the dwellings face north and therefore normal direct daylighting is not being affected by the extensions.

- Existing trees affect the light.
- Any reduction in light is due to the appellant's own decision to extend their adjacent bedroom a number of years ago.
- The proposed extension will restore privacy to rear garden given angle from which the neighbouring dwelling overlooks no. 6.
- A similar extension have been constructed at no.8.
- A 1.8m high wall exists between the two dwellings. The appellants have added a 600mm high trellis to the boundary, in addition to planting. The proposed ground floor extension will not significantly impact no. 7, however the applicant is willing to restrict the eaves height of the single storey extension to 2.7m at the eaves.

6.3. **Planning Authority Response**

None.

6.4. **Observations**

None.

6.5. **Further Responses**

The appellant has responded to the first party response as follows:

- The afternoon and evening light to the bedroom in no. 6 will be affected by the extension. There are no trees that impact at this boundary.
- We the appellants intended to build a first floor extension across the back of the house in 2005 but were refused this and the first floor extension was set back. It was understood that no.6 would never be allowed to build that close to the boundary either. An Bord Pleanala attached a condition which reduced the width of the extension at no. 7 by 3m and its depth by 1m.
- There is no impact on privacy of the neighbouring gardens. This is urban living.
- The trellis on top of the wall is see through and does no obstruct either the light or sunlight.

- The height of 2.7m at the eaves is higher than the wall and trellis. The length of the single storey extension will affect the patio and rear full height windows at rear of no. 7.
- The proposal to build a 12.5m long extension and a further internal wall of 2.8m is ridiculous. The single storey extension would be very high, an eyesore, and detrimentally affect sunlight and outlook and will affect the value of the property.

7.0 Assessment

7.1. The primary issue for assessment is design & impact on residential amenity.

Design and Impact on Residential Amenity

- 7.2. The extension to the rear involves the demolition of an existing single storey extension and its replacement with a two storey extension, which is 4.5m deep (measured from the rear wall of the original dwelling) and approx. 8.7m wide across the width of the house, with an overall height of 7.2m, finished with a double pitched roof. A further single storey extension is proposed to the rear of the proposed two storey extension, to form what is labelled a 'garden room'. This single storey element is constructed along the eastern boundary with no. 7 Nutley Avenue, measuring an additional 7.8m deep, with an overall height of 4.6m and finished with a hipped roof.
- 7.3. The depth of the neighbouring two storey extension at no. 7 is largely in line with the proposed two storey extension, however, I note that the neighbouring property has not constructed its first floor extension up to the boundary with no. 6, as per a condition of PL29S.213182, which required the extension at first floor level to be reduced in width by 3.65m from the boundary with no. 6. The original rear building line and window to the bedroom in no. 7 at this boundary was therefore maintained. Given the location of the proposed extension along this boundary, the existing bedroom in no. 7 will likely be affected to a limited degree by loss of light in the evening (given its northern orientation) but there will be a significant loss of outlook given the positioning of the neighbouring bedroom window between the proposed extension and the existing extension to no. 7, as amended by An Bord Pleanala. While the dwelling given the plot size is capable of accommodating an extension of the scale proposed, given the context of the adjoining building line and extension at no.7 (which was limited by condition by An Bord Pleanala), it is my view that, should

the Board be minded to grant permission, a condition is warranted for a reduction in width of the first floor extension for reasons related to outlook. This amendment will necessitate a reconfiguration of the first floor layout, with the potential loss of the proposed large walk-in-wardrobe/en-suite to maintain the number of bedrooms proposed.

- 7.4. The additional single storey extension proposed is built against the boundary with no. 7, is an additional 7.8m deep and 4.6m high with a hipped roof form. The depth of this part of the extension, while long, will not in my view result in a significant loss of outlook given its hipped design and given the context of the generous width and depth of the existing gardens serving these houses. Furthermore given the orientation of the rear in a northeast facing direction, I am of the view that overshadowing of the rear garden of no. 7 and any impact in terms of outlook will not be so significant as to warrant a reduction in depth of the single storey element.
- 7.5. The dormer extension to the rear has a pitched gable fronted profile. I note there are no dwellings to the rear of the appeal site and also note the property to the west has a third floor rear full length window. In my view the dormer element will not significantly impact on the amenities of no. 5 or no. 7 and will not result in overshadowing of no. 7.
- 7.6. The alterations proposed to the front of the dwelling replacing the existing flat roof and the amendments to the elevation are considered acceptable in terms of visual amenity.

Other Matters

- 7.7. The permitted hours of operation are as per applied to all construction sites in Dublin City and in my view it would be unreasonable to limit the hours to weekdays only as per the suggestion within the grounds of appeal.
- 7.8. I have no information before me to believe that the proposed development, if permitted would lead to devaluation of property values in the vicinity. I consider that the works proposed are acceptable and would not detract from the visual or residential amenities of the area, subject to condition.

Appropriate Assessment

7.9. 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. Permission is recommended subject to conditions.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The proposed first floor extension shall be set back 3m from the eastern

boundary with no. 7.

Revised drawings showing compliance with this requirement 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. 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.

4. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

5. 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.

Una O'Neill
Senior Planning Inspector

23rd April 2018