



An
Bord
Pleanála

Inspector's Report ABP-300762-18

Development

The development will consist of the demolition of the existing single storey rear extensions and the construction of a new single-storey bay window to front and a part single, part two-storey rear extension with roof light and all associated site drainage and landscaping works.

Location

10 Ramleh Villas, Milltown Road,
Dublin 6.

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

4201/17

Applicant(s)

Susan and Gary Donnelly

Type of Application

Permission

Planning Authority Decision

Grant subject to conditions

Type of Appeal

Third Party

Appellant(s)

David and Valerie Clarke

Observer(s)

None

Date of Site Inspection

18/04/2018 and 25/04/2018

Inspector

Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site no. 10 Ramleh Villas is a two storey mid-terrace dwelling, located on the eastern side of Milltown Road, in the south Dublin suburb of Milltown. Ramleh Villas and Ramleh Close form an established residential area of terraced and semi-detached dwellings on generous plots. To the rear of the subject site and the adjoining dwelling at no. 9 is a part single part two storey infill dwelling no. 56A Ramleh Park. A number of the dwellings in both the Villas and the Park have extended to the side over garages and / or to the rear.

2.0 Proposed Development

- 2.1.1. Permission was sought for the demolition of an existing single storey rear extension (34sq.m.) and the construction of a part single part two storey rear extension (69sq.m.), with a single storey bay window to the front of a converted garage, all on a site of 364sq.m. The total floor area will be 189sq.m., leading to a plot ratio of 0.52 and site coverage of 35.7%.
- 2.1.2. A cover letter submitted with the planning states that a two storey extension between the subject and adjoining property (no. 11 Ramleh Villas, the appellant) was constructed under PL29S.125720 in 2002.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 18th of December 2017 the Planning Authority issued a notification of intention to GRANT permission subject to five standard conditions.

3.2. Planning Authority Reports

- 3.2.1. **Drainage Division:** No objection subject to standard drainage conditions.
- 3.2.2. **Planning Report:** Proposed development would not have a significant negative impact on the character and pattern of development in the area. The nature and extent of the proposed development is acceptable.

3.3. Third Party Observations

- 3.3.1. One objection was submitted to the Planning Authority from the residents of the adjoining dwelling at no. 11 Ramleh Villas. The grounds of the objection are similar

to those raised in the grounds of appeal, as discussed in section 6.0 below. A second submission stated that while they had no objection to the proposed development, they had concerns that the proposed flat roof may be used as a roof garden.

4.0 Planning History

- 4.1.1. **PL29S.125720:** Planning permission was granted for the demolition of existing garage to side and kitchen at rear of house and the construction of a two-storey extension, incorporating a garage to the side of house, with a single storey conservatory and kitchen to the rear.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

- 5.1.1. In the plan, the site is zoned '**Z1 Sustainable Residential Neighbourhoods**' which has the stated objective "to protect, provide and improve residential amenities". Within Z1 zones 'Residential' is a permissible use.
- 5.1.2. **Chapter 16** includes the Development Management Standards and has regard to Design, Layout, Mix of Uses and Sustainable Design. Applicable to the proposed development are the following:
- Indicative plot ratio for Z1 zones is 0.5 to 2.0,
 - Indicative site coverage for the Z1 zone is 45-60%
- 5.1.3. Section 16.2.2.3 also states that extensions should be confined to the rear in most cases, be clearly subordinate to the existing building in scale and design and incorporate a high standard of thermal performance and appropriate sustainable design features.
- 5.1.4. Appendix 17 of the development plan refers to the general principles for extensions

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third party appeal against the Planning Authority's decision was submitted to the Board by the owner / residents of the adjoining dwelling to the south 11 Ramleh Villas. The grounds of the appeal can be summarised as follows:

- No objection in principle, however the proposed first floor flat roof extension is unacceptable for the following reasons:
 - It is aesthetically out of keeping with other houses in Ramleh Villas.
 - Being above eaves level, it would be visually overbearing on no. 11
 - The proposed parapet / gable wall is unpleasant
 - The tall glass windows extending over the parapet will reduce the privacy of no. 11. This is aggravated by the angled boundary lines between the two properties.
- The applicants were requested to use a pitched rather than a flat roof. The ground floor extension should not dictate the design of the first floor extension.
- The pre-planning records show that the Planning Authority were concerned about the height of the proposed extension, yet this was not addressed in the planning report.
- The comparable extensions referred to by the Applicant are not similar to the proposed development.
 - 52 Ramleh Park – the 500m break in the eaves is centred in the rear building line
 - 54 Ramleh Park – the 900m extension over the eaves is 2.5m from the boundary
 - 3 Ramleh Villas – two storey extension has a pitched roof, under the eaves line.
 - 6 Ramleh Villas – Applicant was required to redesign the proposed extension so that the wall plate level of the first floor extension matches the existing and surrounding dwellings.
 - 16 and 18 and Ramleh Villas – single storey extension
 - 10 and 11 Ramleh Villas – joint two storey construction between both properties. Pitched roof extension that does not break the eaves line.
 - Two storey extensions in Ramleh Park, that do not break the eaves lines also at: 28, 33, 35, 47, 49, 66 and 79.

- 40 Ramleh Park – extension breaks the eaves line by 300mm and is well removed from adjoining dwellings.
- 62 Ramleh Park – extension breaks the eaves line by 600mm but is centred in the building.
- There are no precedents for the proposed development.
- The proposed first floor extension is contrary to section 17.9.8 of the development plan, as it disregards the appellants amenity, gives rise to a loss of privacy and will have an adverse impact on no. 11.
- The Board is requested to replace the proposed flat roof with a pitched roof.
- The appeal is accompanied by a number of drawings.

6.2. Applicant Response

6.2.1. A response to the third party appeal was submitted by an agent on behalf of the Applicant. The response can be summarised as follows:

- The proposed rear extension will not cause any undue negative impacts as the carefully considered design will ensure that the amenities of the adjoining dwellings are protected.
- In accordance with sections 16.2.2.3 & 16.10.12 and appendix 17 of the development plan the proposed extension complements the existing dwelling in scale, materials and finishes.
- In accordance with section 17.4 of the development plan, no windows are proposed on the southern side elevation. The northern side elevation windows are of opaque glass and will not overlook no. 11.
- In accordance with section 16.10.2 of the development plan, the proposed rear extension will be 21m from the rear boundary.
- The proposed extension will not be overbearing, will be designed to a high standard and will be appropriately scaled. It will comply with section 17.5 of the development plan.
- The proposed extension will not cause undue overshadowing of adjoining properties, as demonstrated in the sunlight and daylight analysis submitted. No.

11 Ramleh Villas being to the south of the subject site will experience a minimal impact, in line with the requirements of the BRE standard.

- The proposed development complies with the Planning Authority's policies on appearance, subordination, materials, contemporary extensions, separation distances, plot ratio, site coverage and private open space. The proposed development complies with policies SC25 and SC26 in terms of urban form and architecture.
- The proposed extension demonstrates how modern design can integrate successfully without any undue impacts on adjoining properties.
- The proposed first floor rear extension was reduced in size by omitting a projecting bay window. The appellants request that the extension have double pitched roof could not be facilitated due to the internal heights in the new rooms. The submitted extension comprises two harmonising cubes. A pitched roof would disrupt that harmony.
- Aerial image shows the number and types of extensions in the immediate area. That the proposed development is in keeping with this pattern of development was recognised by the Planning Authority.
- The proposed development has a plot ratio of 0.52 and site coverage of 35.7%, both of which comply with the Z1 zoning objective. The proposed extension will have an overall height of 6.7m which as noted by the Planning Authority will not have a negative impact on adjoining properties.
- The proposed first floor extension maintains the building line created by the single storey extension of no. 11. The propose extension will not extend beyond the adjoining rear extension.
- The proposed window on the northern elevation of the first floor extension will be of opaque glazing. No windows are proposed on the southern side adjoining the appellant therefore no overlooking can occur.
- A first floor extension on the boundary line was permitted at no. 54 Ramleh Park (WEB1188/16 refers). The proposed first floor extension of the subject dwelling is 3.38m from the boundary, greater than the 2.5m permitted at no. 54.

- Similar developments have been permitted at no 89 Ramleh Park (aerial image submitted) and no 62 Ramleh Park (aerial image submitted). The planning history for both properties shows that the Planning Authority were satisfied that a flat roofed first floor rear extension was in keeping with the proper planning and sustainable development of the area.
- The Board is requested to grant permission.

6.3. **Planning Authority Response**

6.3.1. None on file.

7.0 **Assessment**

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. I have assessed the proposed development including the various submissions from the applicant, the planning authority and the Observer. I am satisfied that the issues raised adequately identify the key potential impacts, as follows:

- Principle of development
- Impact on Residential Amenity

7.2. **Principle of Development**

7.2.1. The subject site is located in an area zoned for residential development. The proposed extension to an existing dwelling, subject to compliance with all other planning considerations, is acceptable in principle.

7.3. **Impact on Residential Amenity**

7.3.1. The appellant states that they do not object to the principle of the proposed development, only the flat roofed nature of the proposed first floor element of the extension.

7.3.2. I am satisfied that the proposed bay window extension to the front (west) and the ground floor single storey extension to the rear (east) are in accordance with the policies and objectives of the development plan and are in keeping with the pattern of development in the immediate area.

- 7.3.3. The proposed first floor rear extension, as shown on drawing no. 17039-203 has an overall height of approximately 6.2m from ground level. The proposed extension extends over the eaves line by approximately 940mm and extends 3m from the rear of the dwelling. The appellant's property at no. 11 is to the south of the proposed extension and will not experience any undue overshadowing. The 3.38m distance to the boundary with no. 9 will ensure that no overshadowing of their private amenity space will occur. Drawing no. 17039-202 shows the first floor extension on the southern side of the dwelling – adjoining the boundary line with the appellant property at no. 11. No windows are proposed on the southern elevation. That side pane of the corner window facing north is to be of opaque glazing. I am satisfied that no overlooking of the properties to the north or south will occur.
- 7.3.4. In terms of the breach of the eaves line, I am satisfied that the proposed development complies with Section 16.2.2.3 of the development plan which states that extensions should be confined to the rear in most cases, be clearly subordinate to the existing building in scale and design and incorporate a high standard of thermal performance and appropriate sustainable design features. The applicant states that due to the low level of the existing eaves, a first floor habitable room is only possible if the height of the proposed extension exceeds that of the existing eaves. It is submitted that the height difference is minimal, with little visual impact, particularly in the context of other extensions in the wider area. It is considered that the 2.5m room height proposed is not excessive.
- 7.3.5. Section 16.2.2.3 of the development plan, in referring to alterations and extensions states that they should be sensitively designed and detailed to respect the character of the existing building, its context and the amenity of adjoining occupiers. The appellant and the applicant have provided details of many extensions in the wider Ramleh estate where flat roofed first floor extensions have been permitted. I am satisfied that the proposed development is in keeping with the pattern of development in the area,

7.4. **Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the proposed development in a fully serviced built-up urban area and proximity to the nearest European site, no appropriate assessment issues arise and it is considered that the proposed

development would not 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. I recommend permission be GRANTED subject to the following conditions

9.0 Reasons and Considerations

Having regard to the pattern of development in the vicinity and the nature, scale and design of the proposed extension, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of neighbouring property, would not unduly detract from the setting of neighbouring structures, would represent an appropriate form of development that would be compatible with its surroundings, and would be acceptable in terms of pedestrian and vehicular safety. 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

3. Site development and building works shall be carried out only between the hours of 0800 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.

4. 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.

Gillian Kane
Planning Inspector

27 April 2018