



An
Bord
Pleanála

Inspector's Report ABP300891-18

Development

Demolition of existing 30m² single-storey extension and the construction of a two-storey 72m² extension to the rear and side of the property together with new rooflight on the rear pitch of dwelling.

Location

No. 1 Goldenbridge Avenue,
Inchicore, Dublin 8.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

4244/17.

Applicants

Bobby and Luciana Fitzpatrick.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

Third Party -v- Grant.

Appellants

Jason Brown and Lisa McNulty.

Observers

None.

Date of Site Inspection

2nd May, 2018.

Inspector

Paul Caprani.

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1.0 Introduction

ABP300891-18 relates to a third-party appeal against the decision of Dublin City Council to issue notification to grant planning permission for the demolition of an existing single-storey extension and the construction of a two-storey extension to the rear and side of No. 1 Goldenbridge Avenue, Inchicore, Dublin 8. The grounds of appeal argue that the proposal results in loss of light and privacy through overlooking and that the existing structure in the rear of the site operates a studio and not a shed as stated in the documentation submitted with the application and it is also argued that the studio was not constructed in accordance with plans.

2.0 Site Location and Description

- 2.1. No. 1 Goldenbridge Avenue is a two-storey house located at the western end of a row of dwellings in the suburban area of Goldenbridge, Inchicore, Dublin 8. The residential area of Goldenbridge is located to the immediate north of the Grand Canal and to the south of Emmet Road between Kilmainham and Inchicore. The Golden Bridge Estate comprises of a large inter-war, garden-city-type suburban estate located approximately 3 kilometres south-west of Dublin City Centre. The subject site is located at the corner of Goldenbridge Avenue and Connolly Avenue.
- 2.2. The site accommodates a two-storey dwelling with a large side garden contiguous to Connolly Avenue. The house accommodates a single-storey extension to the rear which extends beyond the building line to the western side of the house. The ground floor accommodates living accommodation with a kitchen and dining area located in the extension to the rear. Three bedrooms are located at first floor level. Also a studio/shed area is located in a separate single-storey structure located at the rear boundary of the site backing onto the common boundary with No. 56 Connolly Avenue which faces westwards onto Connolly Avenue. There are also two single storey sheds in the rear garden.

3.0 Proposed Development

Planning permission is sought for the demolition of the existing single-storey extension to the rear and the construction of a new two-storey extension of 36 square metres over two floors (total area 72 square metres). The proposed extension extends beyond the building line of the western gable of the existing house as per the existing single-storey extension. The proposed roof is hipped on four sides and intersects with the original roof of the main dwelling. The extension incorporates a maximum length along the western boundary of 7.3 metres and a width of 7.8 metres.

It incorporates a new kitchen and dining area at ground floor level together with a new toilet at ground floor level. Two new bedrooms are to be provided at first floor level. In terms of fenestrations arrangements, one window is proposed on both the side (western elevation) and rear elevation at first floor level. A new door and window is proposed at ground floor level on the western elevation and French doors together with a new window serving the kitchen area is proposed at ground floor level on the rear elevation. A new velux roof is proposed within the existing rear pitch of the dwelling to serve the entrance area into the more easterly bedroom at first floor level. The proposed roof of the extension is to match the existing roof while the external walls are described as incorporating a masonry finish on the drawings submitted. It is not proposed to make any alterations to the two existing sheds in the rear garden.

4.0 Planning Authority's Decision

4.1. Planning Authority's Decision

Dublin City Council issued notification to grant planning permission for the proposed development subject to 8 standard conditions on 17th January, 2018.

4.2. Documentation submitted with the Planning Application

The planning application was accompanied by a planning fee, a planning application form, public notices and drawings. An architect's report was also submitted setting out details of the architectural character of the area and the proposed extension. It states that the existing ground floor extension is an accumulation of two extensions

built onto the original house over time. The thermal efficiency of these extensions is unknown. The demolition of the existing single-storey extension and the rebuilding of the ground floor part of the new extension on the same footprint ensures adequate structural report and avoids a long two-storey extension on either side of the house. The proposed extension only projects 3.85 metres to the rear of the existing building line and therefore retains an appropriate separation distance from the adjoining neighbour to the north (56 Connolly Avenue). This mitigates against any overbearing or reduction in light as indicated in the shadow casted drawings submitted as part of the application. The overall design matches the architectural character and reflects the eaves level at first floor. It is also stated that the proposed extension at first floor has no windows directly facing on any third-party bedrooms at a distance of less than 21 metres. It is stated that the proposal also seeks to maintain the existing building lines. It is therefore considered that the overall extension is acceptable and in accordance with the proper planning and sustainable development of the area.

4.3. Internal Planning Reports

- 4.3.1. A report from the Engineering Department Drainage Division states there is no objection to the proposed development from a drainage point of view subject to standard conditions.
- 4.3.2. A letter of objection from the current appellant was submitted the contents of which have been read and noted. Amongst the issues raised is the fact that the architect's report submitted with the application is incorrect in stating that the proposed extension accords with the same footprint of the existing extension on site. It is argued that previous development on site has not been carried out in accordance with the plans and particulars and the proposal will impact on the residential amenity of the area through overlooking and being overbearing. It is also suggested that the proposal will give rise to excessive overshadowing.
- 4.3.3. The **planner's report** notes that the adjoining house at No. 2 Goldenbridge Avenue has a single-storey rear of a similar depth to the existing single-storey extension on the subject site. It concludes that the provision of a two-storey rear extension along the boundary should not result in the development being overbearing in the context of the adjoining property. While the proposed development would result in a shadow being cast across the single-storey rear extension of No. 2 Goldenbridge Avenue

and into its rear garden however, this would largely be confined to the upper floor of that property. It is noted that there are a number of properties approved by the Planning Authority which would exceed the scale of the extension currently before it. Reference is made to the extensions at Nos. 29 and 30 Connolly Avenue. It is noted that An Bord Pleanála have approved two-storey rear extensions of a similar scale to the proposed development. On balance therefore it is considered that the development on the whole is acceptable. Dublin City Council therefore granted planning permission for the proposed development.

5.0 Planning History

The planner's report makes reference to a number of applications which are briefly set out below.

Under **Reg. Ref. 2751/99** permission was granted for a two-storey rear extension to No. 30 Connolly Avenue.

Under **Reg. Ref. 1373/05** planning permission was granted for a two-storey rear extension at No. 29 Connolly Avenue.

Under **Reg. Ref. 2441/11** permission was granted for a single-storey extension and a new 2.3-metre-high timber fence along the rear garden on the subject site.

Under **Reg. Ref. 3670/09** planning permission was granted for the conversion of an existing single-storey rear garage to a single-storey studio on the subject site. Details of this planning application are contained in a pouch to the rear of the file.

Under **Reg. Ref. 5314/05** Dublin City Council refused planning permission for the construction of a detached two-storey dwelling in the side garden of the house and the creation of a separate entrance with off-street car parking. Planning permission was refused because the proposal would result in a severe infringement of the existing building line, would be out of character with the existing streetscape and would therefore detract from the residential and visual amenities of the area.

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 the residents of No. 2 Goldenbridge

Avenue, Inchicore, the house adjoining the east of the subject site. The grounds of appeal are set out in a covering letter and the original observations submitted to the Planning Authority.

- The grounds of appeal argue that the subject site has already been extensively developed and would directly overlook the appellants' house resulting in further loss of light and privacy.
- The architectural report submitted with the application is incorrect in stating that the proposed extension occupies the same footprint as the current single-storey extension on site.
- The description in the architect's report of the existing dwelling, being a building having two bedrooms and one box room is incorrect, as the existing residence would be more adequately described as having three bedrooms. The architect's description of the proposed development as been a discreet scaled down subservient structure is not accepted by the appellants. It is suggested that the proposed extension is designed to minimise the impact on the subject site as opposed to the appellants' site.
- The original observation submitted to the Planning Authority goes on to set out a number of other perceived inaccuracies in the architect's report submitted with the application including statements in the report in respect of overlooking and overshadowing etc.
- The observation also goes on to state that the drawings submitted with the application did not adequately describe or reflect what is on site. The drawings consistently refer to the building in the rear of the as being a shed, where in fact it is a single-storey studio and it is argued that the studio was granted permission under Ref. 3670/09 does not conform with the drawings submitted with the planning application. It is stated that if the building constructed on site do not comply with the original permission granted this could have implications for the shadow casting analysis undertaken as part of the current application. A number of other inconsistencies with the drawings were also set out.
- In conclusion therefore, it is argued that the proposed application will have an adverse impact on the appellants' light and privacy due to the overbearing

nature of the proposal and the fact that the site in question has already been overdeveloped.

7.0 Appeal Responses

7.1. A response was received on behalf of the applicant by Michael Halligan, Planning Consultants. The response is outlined below.

- From the outset it is argued that the proposed extension constitutes a reasonable extension to an existing small terraced dwelling in a built-up suburban area which shall have a minimal impact on the residential amenities of the adjoining dwelling.
- Reference is also made to the Local Authority Planner's Report which considers the proposed extension to be of a reasonable scale and size and refers to a number of other similar type precedents in the area.
- The response also sets out the policies and provisions contained in the Dublin City Development Plan and it is stated that the proposal fully complies with the policies and provisions therein.
- With regard to loss of light and privacy it is stated that the studio will have no material impact in terms of loss of light. The shadow casting assessment submitted with the application confirms this. The Planning Authority's report also notes that any shadow cast to the rear elevation of No. 2 would be confined largely to the upper floor of the property. There will be no impact on privacy. The appellants' property will not be totally enclosed on three sides as suggested in the grounds of appeal. The garden will continue to have unrestricted access north and east. Furthermore, the westerly and north-westerly skyline from the appellants' bedroom or rear garden will not be significantly affected. The applicant will be permitted under the exempted development provisions to construct a two-storey extension to the rear which would have the same impact on light as the proposed extension.
- In terms of overlooking there will be no additional overlooking of the appellants' rear garden caused by the proposed extension other than the level of overlooking which currently occurs from adjoining dwellings on site.

- With regard to the existing studio, it is stated that the studio in the rear garden has planning permission and consists of the conversion of a garage which has been in existence since this estate was built in the 1930s.
- In relation to the building line, it is stated that the proposed building line on the single floor extension is 1.5 metres beyond the gable of the existing house. The proposed extension will be 1.8 metres and will not be materially different. It is stated that there are many examples in the immediate neighbourhood of two-storey extensions which extend beyond the side building line.
- Any mislabelling in the drawings of the studio as being a shed is not a material consideration.
- Finally, it is stated that there is many precedents in the area for similar type developments and these are listed in the applicants' response to the grounds of appeal.
- In conclusion it is reiterated that the proposal represents an appropriate balance between the need to extend the house while avoiding undue interference with the amenities of adjoining properties. The proposal is therefore in accordance with the proper planning and sustainable development of the area.

8.0 Development Plan Provisions

8.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022. The subject site is governed by the zoning objective Z1, "to protect, provide and improve residential amenities". Section 16.10.12 of the Dublin City Development Plan specifically relates to extensions and alterations. It states:

The design of residential extensions should have regard to the amenities of adjoining properties and in particular, the amenity for light and privacy. In addition, the form of the existing building should be followed as closely as possible and the development should integrate with the existing building using similar finishes and windows.

8.2. Applications for planning permissions to extend the dwelling will be granted permission provided that the proposed development:

- It has no adverse impact on the scale and character of the dwelling.
- It has no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to sunlight.
- Section 16.2.2.3 relates to alterations and extensions. It states that in Dublin City Centre the form and grain of the built environment provides fewer opportunities for major expansion than in the more suburban parts of the city and county. This leads to substantial pressure for extensions and alterations to existing buildings. Works of alteration and extension should be integrated with the surrounding area, ensuring that the quality of the townscape character of buildings and areas is retained and enhanced and environmental performance and accessibility of the existing building stock should also be enhanced.

8.3. Dublin City Council will seek to ensure that alterations and extensions will be sensitively designed and detailed in respect of the character of the existing building, its context and the amenity of adjoining occupiers. Alterations and extensions should:

- Respect any existing uniformity of street, together with significant patterns, rhythms and groupings of buildings.
- Retain a significant proportion of the garden space, yard or other enclosure.
- Not result in the loss of, obscure or otherwise detract from architectural features which contribute to the quality of the existing building.
- Retain characteristic townscape spaces or gaps between buildings.
- Not involve the infilling, enclosure or harmful alterations or front lightwells.

8.4. Furthermore, extensions should be confined to the rear in most cases. And should

- Be clearly subordinate to the existing building and scale of design.
- Incorporate a high standard of thermal performance and appropriate sustainable design features.

8.5. Alterations and extensions at roof level are to respect the scale, elevation, proportions and architectural form of the building and should:

- Respect the uniformity of terraces or groups of buildings with consistent roofline and will not adversely affect the character of terraces with an attractive varied roofline.

9.0 Planning Assessment

I have read the entire contents of the file, have had particular regard to the issues raised in the third-party appeal and have visited the subject site and its surroundings. I consider the key issues in determining the current application and appeal can be contained to those issues raised in the third-party appeal namely:

- Height, Scale and Size of the Proposed Extension.
- Loss of Light and Privacy.
- Overlooking.
- Existing Development on the Subject Site.

9.1. Height, Scale and Size of the Proposed Extension

- 9.1.1. Concerns are expressed in the grounds of appeal that the overall size and scale of the proposed extension is unacceptable, specifically having regard to the level of existing development in the rear garden. The appeal also suggests that the applicant is somewhat disingenuous in stating that the proposed extension represents the footprint of the existing extension to the rear on site. The information contained on file indicates that the existing extension occupies a floor area of 30 square metres while the overall proposed extension will occupy an area of 72 square metres, 36 square metres at ground floor level and 36 square metres at first floor level. In terms of extending the footprint to the overall development. The proposal will increase the footprint by 20%, which is not that significant in the context of the overall site. The increase in footprint is primarily located at the gable end of the dwelling away from the appellants' house. Furthermore, it is appropriate in my view that the applicant in this instance ostensibly replicates the same footprint of the existing extension to the rear together with a more extensive footprint to the western side of the dwelling, as this would reduce the potential impact arising from the proposed development when compared with providing a similar sized extension exclusively to the rear of the dwelling. A long, elongated extension to the rear of the dwelling occupying an area of

72 square metres on two floors would have a greater potential to impact on surrounding amenity in terms of overlooking and overshadowing. The Board will note that the proposed extension along the common boundary between the applicants' and the appellants' property is approximately the same depth.

9.1.2. In terms of the overall height and scale of the proposed extension, as already stated above I note that the overall depth of the extension remains ostensibly the same to the rear of the proposed dwelling. The proposed wrap-around extension on the western gable of the building has been increased in depth by approximately 300 millimetres and has been extended further south along the gable end of the building. However, these alterations in my view are modest in extent and do not result in an extension of a size that can be considered inappropriate in terms of overall scale and bulk. The proposed extension in my view is ancillary and subservient to the main structure of the building and the overall height of the extension remains below the ridge height of the existing structure. In conclusion therefore, I consider the overall size and scale of the extension to be acceptable and in accordance with the requirements set out in the development plan in relation to the nature and scale of extensions permitted.

9.2. **Loss of Light and Privacy**

9.2.1. In respect of loss of light and privacy, the two-storey nature of the proposed extension to the rear will result in some level of additional overshadowing of the rear elevation of No. 2. It should be noted that the rear garden of the appellants' dwelling is currently north facing and is therefore overshadowed all day during the winter months. The shadow casting analysis for June and September indicate that some additional overshadowing will occur during the evening time. However, the impact in my view is marginal and will not have any profound or significant effect on the appellants' amenity having regard to the existing built up nature of the surrounding environment. The increased levels of overshadowing which would occur would not in my opinion constitute reasonable grounds to refuse planning permission for the proposed development. Any potential impact on surrounding amenity must be balanced against a reasonable expectation that the applicants would be permitted to extend their house to cater for changes in family circumstances as the need arises. The Board will note that the existing house on site is a relatively modest sized inter-war suburban house accommodating 2-3 bedrooms.

9.2.2. Finally, in relation to the issue of overshadowing, I do not consider that the existing single-storey studio building in the rear garden in any way exacerbates or accentuates overshadowing having regard to its size and location north of the existing houses. I would therefore agree with the conclusions reached in the Local Authority's planner's report that the level of overshadowing arising as a result of the proposed development would not have a significant impact on the amenity of the appellants' dwelling.

9.3. **Overlooking**

9.3.1. The main potential threat for overlooking arises from the incorporation of additional windows particularly at first floor level and orientation of these windows in the context of surrounding development. The proposed extension incorporates a window and door, sliding type patio doors to the rear which faces northwards onto the existing shed/studio in the back garden and the gable wall of No. 56 Connolly Avenue. This gable wall does not incorporate any windows and therefore no direct overlooking will occur in the case of No. 56. Similar fenestration arrangements are proposed at the western end of the proposed extension. These windows look onto the applicants' side garden and onto the adjoining road at Connolly Avenue. The nearest houses west of the subject site at No. 27 and No. 28 Connolly Avenue and these are located c.25 metres from the proposed extension. This separation distance in my view is acceptable and will not give rise to any material overlooking issues.

9.3.2. In terms of overlooking the appellants' garden the proposal will extend the building line to the rear of the appellants' dwelling at first floor level by approximately 3.85 metres. However, the fenestration arrangements will not result in direct overlooking of the appellants' garden over and above that which already exists to the rear of the subject site. Obscure views of the appellants' garden will exist and will be similar to that which currently exist at first floor level from the applicants' dwelling. The extension of the rear building line at first floor level will not appreciably result in any additional overlooking over and above that which currently exist at first floor level.

9.4. **Existing Development on the Subject Site**

9.4.1. The grounds of appeal argue that the drawings submitted with the application consistently refer to the structure at the northern boundary of the rear garden as being a shed when in fact it constitutes a studio. Whether or not the drawings refer to

the structure as a shed or a studio is not a significant or material consideration in determining the appeal in my opinion. Whether the shed/studio was carried out in exact accordance with the plans and particulars granted under Reg. Ref. 3670/09 is not a matter for An Bord Pleanála. If any unauthorised development has taken place in the rear garden of the subject site this is a matter for the Planning Authority as an enforcement authority and is not a matter for An Bord Pleanála.

- 9.4.2. The grounds of appeal also suggest that the proposed extension in conjunction with existing sheds and studios in the back garden results in an overdevelopment of the applicants' site. It is clear from the drawings submitted and my site inspection that the application site has the benefit of a large side garden and therefore even with the proposed extension and existing sheds, there is sufficient residual open space to ensure that an acceptable level of amenity is afforded to the application site in the event that the current application before the Board is constructed.
- 9.4.3. Finally, the grounds of appeal suggest that the application in this instance is purely predicated and designed to ensure that the applicants' amenity in the rear garden is maintained at the expense of the appellants' amenity. I have argued above that the proposed extension in this instance is configured so as to ensure that it does not result in a long, elongated extension to the rear of the house. In doing so, I would agree with the applicants' contention that the proposed development will not have a significant or material impact on surrounding residential amenity - including the appellants' amenity at No. 2 Goldenbridge Avenue.

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 the proposed development to be in accordance with the proper planning and sustainable development of the area and I

therefore recommend that An Bord Pleanála uphold the decision of Dublin City Council and grant planning permission for the extension as proposed.

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

It is considered that the proposed extension, subject to conditions set out below, would not seriously injure the residential amenities of the area, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development 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. 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.

3. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to residential use as specified in the lodged documentation, unless otherwise authorised by a prior grant of planning permission.

Reason: To protect the amenities of property in the vicinity.

5. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

6. Site development and building works shall be carried out only between the hours of 7 a.m. to 6 p.m. Mondays to Fridays inclusive and between 8 a.m. and 2 p.m. on Saturdays and not at all on Sundays or 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: To safeguard the residential amenities of property in the vicinity.

7. Site development works shall be carried out in such a manner that adjoining streets are kept clear of debris, soil and other material.

Reason: In the interest of visual amenity.

Paul Caprani,
Senior Planning Inspector.

2nd May, 2018.