



An
Bord
Pleanála

Inspector's Report ABP-301094-18

Development	Permission for two storey extension to rear
Location	42, Martin Street, Portobello, Dublin 8
Planning Authority	Dublin City Council Sth
Planning Authority Reg. Ref.	4438/17
Applicant(s)	Robert Renehan.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Hannah Deacon.
Observer(s)	None.
Date of Site Inspection	15 th of June 2018.
Inspector	Karen Hamilton

1.0 Site Location and Description

1.1. The subject site is a two storey mid terrace dwelling located along Martin St, Portobello, Dublin 8. The dwelling is located along the eastern side of Martin Street, close to the canal which runs (c. 20m) to the south. The dwellings have small rear gardens and there is a row of small flat-roofed sheds runs north/south as a boundary separation between the rear yards. The existing dwelling has a single storey rear extension.

2.0 Proposed Development

2.1. The proposed development would comprise the following:

- Construct a two-storey extension (23m²) at the rear of the dwelling with a flat roof (5.49m in height).

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission subject to 10 no. conditions of which the following are of note:

C 2- The house and extension shall be used as a single family dwelling only.

C 3- The southern side of the proposed corner window serving the first floor additional bedroom shall be opaque glazing.

C 4- The permission relates solely to that detailed in the statutory notices and does not refer to any other aspects of the development that may be shown on the lodged plans.

C 5- The external materials shall match the existing house in respect of materials and colour.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission and notes the following:

- The urban location of the site and the existing extensions and alterations to other dwellings along Martin St.
- The significance of the impact on adjoining property at No 40.
- The minor discrepancies to the drawings submitted.
- The impact on the Canal ACA.
- The location of gullies and response from the drainage section.

3.2.2. Other Technical Reports

Drainage Division- No objection subject to conditions.

3.3. **Prescribed Bodies**

Transport Infrastructure Ireland- No objection to proposal.

3.4. **Third Party Observations**

One third party observation was received from the appellant and the issues raised are summarised in the grounds of appeal

4.0 **Planning History**

None on the site.

5.0 **Policy Context**

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

The site is zoned in Z 1 *“To protect and/or improve the amenities of residential amenities”*.

Extension to dwellings.

Section 16.2.2.3: Alterations and extensions (general)

- Extensions will be sympathetic to the existing building and adjoining occupiers,
- Alterations and extensions to roof will respect the scale, elevational proportion and architectural form of the building.

Section 16.10.12: Extensions and Alterations to Dwellings

Relates to alterations and extensions to dwellings and states that development will only be granted where it will not have an adverse impact on the scale and character of the area and will not adversely affect amenities enjoyed by occupants of adjacent buildings.

Appendix 17 of the Plan sets out design guidance with regard to residential extensions;

- 17.3: Residential amenity: extensions should not unacceptably affect the amenity of the neighbouring properties,
- 17.4 Privacy: Extensions should not result in any significant loss of privacy to the residents of adjoining properties.
- 17.6 Daylight and Sunlight: care should be given to the extensions and the impact on the adjoining properties,
- 17.11 Roof extensions: the design of the roof shall reflect the character of the area and any dormer should be visually subordinate to the roof slop, enabling a large proportion of the original to remain visible.

The site is located within an area designated as the **Architectural Conservation Area (ACA)** for the canal, therefore the following polices apply:

CHC4: To protect the special interest and character of all Dublin's Conservation Areas.

Development will not:

1. Harm buildings, spaces, original street patterns,
2. Involve the loss of traditional, historic or important building forms

3. Introduce design details and materials, such as uPVC
4. Harm the setting of a Conservation Area
5. Constitute a visually obtrusive or dominant form.

5.2. Natural Heritage Designations

None relevant.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted from the resident of the dwelling to the north of the site and the issues raised are summarised below:

- The initial comments in relation to the impact on the residential amenity are reiterated.
- The planners' site inspection was prior to the submission of the observation and did not have access to the rear of the appellant's property.
- The area to the rear of No. 40 is not a kitchen but indeed a dining/ sitting area and the roof lights are the only source of daylight.
- The submission is accompanied by a Shadow study illustrating substantial overshadowing at key times of the year and most prominent from December to April and August to December.
- The report of the planner refers to the inaccuracies and states there "*is insufficient information for an informed decision to be made in this instance*" and a condition is included linking the permission to the development description which is surprising.
- The planner refers to a number of two storey extensions granted although those extensions granted on Martin Street are single storey.
- It is impossible for the works to be undertaken without interference with the single storey extension to the rear of No. 40 along the boundary and the

construction will be highly dangerous and load bearing on the adjoining property.

6.2. **Applicant Response**

An agent on behalf of the applicant has responded to the grounds of appeal and the issues raised are summarised below:

- The planner's site inspection and date of inspection is irrelevant to the final decision.
- The appellant's extension to the rear includes both a dining room (pitched roof) and bathroom (flat roof) extension to the rear.
- The planner's assessment is comprehensive and considers the policies and objective of the development plan.
- The appellant's roof edge, fascia board and bathroom vent are located on the applicants property.
- The shadow projection analysis is noted and it is considered the level of overshadowing would not materially impact the amenity of the appellant.
- The plot ratio and site coverage are consistent with the provisions of development plan.
- The appellant refers to Appendix 17.11 dormer windows, which is not relevant in this instance.

6.3. **Planning Authority Response**

None received

6.4. **Observations**

None received

7.0 **Assessment**

7.1. The main issues of the appeal can be dealt with under the following headings:

- Principle of development
- Residential Amenity
- Visual Amenity
- Built Heritage
- Other
- Appropriate Assessment

Principle of development

- 7.2. The proposed development includes the demolition of a single storey extension and construction of a two storey rear extension. The site is zoned for residential development in the current development plan and therefore subject to complying with other planning requirements as addressed in the following sections, the principle of the proposal is acceptable

Residential Amenity

- 7.3. The subject site contains a two storey mid terrace dwelling on a restricted plot which fronts directly onto Martin Street and has a small rear gardens which back onto the rear of dwellings along Warren Street. The site is typically characteristic of those sites in the vicinity. The grounds of appeal are submitted from the resident of the property to the north who argues that the two storey extension would have a negative impact on their residential amenity, in particular from overshadowing of the first floor.
- 7.4. Overshadowing: The subject site is located to the south of the appellant's dwelling (No. 40) who are concerned the two storey extension would cause overshadowing on their property. The appellant's property contains a single storey rear extension which extends the full width of the site, part of which has a pitched roof and 6 no. roof lights. The appellant has submitted shadow projection drawings which illustrate additional shadow projection over their southern roof lights mostly during the morning and early evening in March and December. I note the use of this area as a dining room and having regard to the restricted amount of overshadowing, I do not consider the proposed development would have a significant negative impact on the amenity of the residents of this property by reason of overshadowing.

- 7.5. Overlooking: The first floor extension includes a corner window facing east and south. The report of the area planner refers to the acceptance of first floor windows within an urban setting such as the subject site. The planners report referenced the corner location of the window and that perceived impact of overlooking and included Condition No 3 which requires the inclusion of opaque glazing from the first floor window. Section 16.10.12 and Appendix 17 of the development plan provides guidance on extensions which require the privacy of adjoining residents to be considered. The window is c. 8m from the opposing first floor windows to the rear of Warren Street, similar to other previous extensions in the vicinity. The corner aspect of the window faces south towards the canal. A similar proposal in the vicinity PL29S.247241, included a condition requiring obscure glazing on the lower panes of the first floor. I note the tight urban grain, small plot sizes and location of the first floor windows of dwellings in the immediate vicinity and I consider the location of the proposed first floor windows, with the insertion of obscure glazing acceptable.
- 7.6. Overbearing: The proposed first floor extension is 3.3m from the rear of the elevation of the dwelling and along the northern boundary and is 3.3m in width. 20m² of rear open space will be provided. The grounds of appeal are concerned the extension will be overbearing to the rear of their property. As stated above, it is of note the tight urban grain of the existing site and surrounding area and the existing two storey rear extensions of dwellings in the vicinity at the rear along Warren Street, which are of a similar style and I do not consider overbearing. The extension will not be overly visible from the appellant's rear amenity space.
- 7.7. Parity Wall: The appellant's dwelling along the north of the site includes a bathroom vent which faces onto the applicants site and guttering along the south. The appellant is concerned the proposed development will have a negative impact on both the vent and guttering. A response from the applicant's agent notes the guttering is overhanging onto the applicant's site. I consider that this is a civil/legal matters, subject to separate statutory controls outside of the planning system, and I note that under section 34(13) of the Planning and Development Act 2000, as amended, a person shall not be entitled solely by reason of a grant of planning permission to carry out any development.
- 7.8. Having regard to the design of the proposed development and the pattern of development in the vicinity I do not consider the proposed development would have

a significant negative impact on the amenities of the residents in the surrounding properties.

Built Heritage

- 7.9. The site is located along the edge of an Architectural Conservation Areas (ACA), designated along the canal. The grounds of appeal argue that the first floor will be visible from the canal and by reason of scale and bulk the proposal will have a negative impact on the setting of the designated ACA. The subject site is located two dwellings from the edge of a row of terrace dwellings, there are a number of two storey extensions to the rear of similar dwellings along Warren Street to the north east of the site. Policy CHC4 of the development plan provides guidance for appropriate development within designated ACA, where they protect the special interest and character and do not harm the setting. I note the character and setting of the canal include those green spaces with run parallel and whilst the first floor will be visible from along the canal I do not consider the design is out of character with the surrounding area, nor will it have a significant negative impact on the setting of the ACA. In addition, I do not consider those existing rear extensions of dwellings in the vicinity have a negative impact on the character and setting of the ACA.

Other

- 7.10. Drawings: The grounds of appeal are concerned with the discrepancy in drawings submitted and I note the report of the area planner refers to a new door in the rear shed and states there is sufficient information submitted to make an informed decision and Condition No. 4 which refers to the development permitted “*solely to that detailed in the statutory notices and does not refer to any other aspects of the development that may be shown on the lodged plans.*” I consider the inclusion of a new door in the rear shed minor in detail and does not have a significant impact on the development proposal and I consider it unreasonable to restrict such works within the overall proposal.

Appropriate Assessment

- 7.11. Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance 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 the conservation objectives of any European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

9.0 Reasons and Considerations

Having regard to the Z1 zoning objective, the policies and objectives of the Dublin City Development Plan 2016-2022, in particular Section 16.10.12 and Appendix 17, residential extensions and CHC4, impact on conservation areas, the design and layout of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity or have a negative impact on the character and setting of the Architectural Conservation 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) The southern side of the proposed corner window serving the first floor additional bedroom shall be opaque glazing.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of 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. The external materials to be used shall be the same as that used on the existing dwelling.

Reason: In the interest of visual amenity

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

Karen Hamilton
Planning Inspector

18th of June 2018