



An  
Bord  
Pleanála

## Inspector's Report ABP301100-18

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<b>Development</b>	Widening of front gate and internal alterations of existing house, demolition of single-storey to rear and construction of single-storey and two-storey extension to rear.
<b>Location</b>	13 Mountpleasant Terrace, Ranelagh, Dublin 6.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	WEB 1625/17.
<b>Applicants</b>	Camilla Cullinane and Thomas O'Brien.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party -v- Grant.
<b>Appellants</b>	(i) John Coady, (ii) Aileen Sheridan.
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	25 <sup>th</sup> June 2018
<b>Inspector</b>	Paul Caprani.

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## 1.0 Introduction

ABP301100-18 relates to two third party appeals against the decision of Dublin City Council to issue notification to grant planning permission for the widening of the front gateway and the internal remodelling of an existing terraced house together with the demolition of an existing single-storey return and extension and its replacement with a new single-storey extension and two-storey extension to the rear of the property. The grounds of appeal argue that the proposed development would have an adverse impact on adjoining residential amenity and is out of character with the prevailing residential character of the area.

## 2.0 Site Location and Description

- 2.1. The appeal site is located in the inner suburban area of Ranelagh to the south of the city centre. Mountpleasant Terrace runs in an east/west direction and links with Dartmount Road and Dartmount Square to the east. No. 13 Mountpleasant Terrace faces westwards and is located between Mountpleasant Terrace and Bannaville. It is located within a block of modest two-storey terraced dwellings with an external brick finish and a small front garden. The block of terraced dwellings together with the residential development in the immediate vicinity appear to date from the mid to late 19<sup>th</sup> century.
- 2.2. The site in which the dwelling is located is rectangular and has a width of just under 6 metres and an overall length of 40 metres. At ground floor level the dwelling accommodates two reception rooms in the main part of the building and a kitchen, toilet and bathroom in the rear return which runs along the northern boundary of the site. Two small bedrooms are located at first floor level.
- 2.3. No. 11 Mountpleasant Terrace to the immediate south occupies a corner site and incorporates a small single-storey return to the rear. No. 15, the dwellinghouse to the immediate north, incorporates both single storey and a two-storey extension to the rear.

2.4. The residual backgarden behind the single-storey return of No. 13 Mountpleasant Square is c.17.7 metres in length. A small private laneway runs to the rear of gardens Nos. 11, 13 and 15 Mountpleasant Square.

### 3.0 Proposed Development

3.1. Planning permission is sought for the following under the current application.

- The widening of the vehicular entrance to the front of the house.
- The demolition of the existing single-storey return to the rear and its replacement with a larger single-storey and part two-storey extension to the rear. At ground floor level it is proposed to create a new kitchen/dining area to the immediate rear of the main two-storey element. This part of the extension is 6 metres in length and extends the entire width of the site.
- It is also proposed to incorporate a new corridor/gallery at ground floor level linking the kitchen area with a new two-storey element to the rear of the garden.
- The extension is to envelop a courtyard area to the rear. The courtyard is 11.25 metres in length and 3.72 metres in width.
- It is proposed to provide two bedrooms and a bathroom at ground floor level and an additional two bedrooms and bathroom at first floor level. A small internal courtyard area is also provided (4 metres by 2.625 metres) in the south-eastern corner of the site onto which the rear bedrooms and bathrooms will face.
- The rear two-storey element will involve excavation of ground levels by c.1 metre. The single-storey kitchen extension to the rear together with the proposed glazed corridor/gallery will rise to a height of 3.165 metres and will incorporate a mono-pitched roof.
- Whereas a two-storey element to the rear will rise to a height of 5.87.5 metres.

3.2. The total area of buildings to be demolished on the site amounts to 27 square metres while the total new floor area to be provided amounts to 131 square metres giving an overall gross floor area of the house of 199 square metres.

## 4.0 **Planning Authority's Decision**

### 4.1. **Decision**

Dublin City Council issued notification to grant planning permission for the proposed development subject to 9 conditions. Condition No. 3 required the following revisions.

- a) The first floor bedroom window on the north-eastern elevation of the proposed development shall be omitted.
- b) Opaque screens along the garden boundary shall be omitted.
- c) The first floor window in the side (south-eastern) elevation of the proposed two-storey extension shall be fitted with an externally mounted louvre with slats which angle views upwards.
- d) The existing vehicular entrance shall be widened to a maximum of 3.5 metres in width.

### 4.2. **Planning Authority's Assessment**

4.2.1. A report from the Engineering Department – Drainage Division states that there is no objection subject to standard conditions.

4.2.2. The planner's report describes the proposed development together with the site and its surroundings. It also makes reference to a covering letter submitted with the application which states that the application was discussed with the owners of the adjoining houses to the north and south (No. 11 and No. 15 Mountpleasant Terrace) and it is stated that the neighbouring property owners endorse the subject application on the basis that it does not materially impact on the residential amenities of either neighbouring property.

4.2.3. It is considered that the proposed extensions could be accommodated on the site subject to a number of conditions and these conditions are set out in Condition No. 3

of the Planning Authority's notification to grant planning permission. It is therefore recommended that planning permission be granted for the proposed development.

#### **4.3. Observations**

Two observations from the current appellants were submitted the contents which have been read and noted.

#### **5.0 Planning History**

No planning history files are attached and the planner's report states that there is no recent planning history pertaining to the site.

#### **6.0 Grounds of Appeal**

##### **6.1. Appeal by Aileen Sheridan of 4 Mountpleasant Parade**

No. 4 Mountpleasant Parade is located to the east of the appeal site and is separated from the appeal site by the private lane which runs to the rear of Nos. 11 to 15 Mountpleasant Terrace. The grounds of appeal are stated in full below.

This proposed two-storey extension will:

- Severely impact on natural light coming into the appellant's backgarden.
- Severely shorten the evening sun coming into the backgarden.
- Severely impact on property outlook.
- Give concern for our privacy.
- Obstruct the view from our hall return – from a natural environment to concrete.
- Have an impact on the value of our property.
- The appellants have grave concerns in respect of the proposed two-storey structure.

## **6.2. Appeal by John Coady resident of No. 5 Mountpleasant Parade**

6.2.1. No. 5 is located to the immediate north of No. 4 Mountpleasant Parade.

- It is considered that the height of the proposed development would block the light, and particularly sunlight from entering the appellant's backgarden and kitchen. The height will also have a negative visual impact on the appellant's house as the applicant will be looking out on a very high cement wall.
- The proposed development is out of character with the surrounding area and impacts on people's entitlement to light and air.

## **7.0 Appeal Responses**

### **7.1. Applicant's Response to the Grounds of Appeal**

7.1.1. A response was received on behalf of Tiago and Jane Architects.

7.1.2. The response says that the subject site was purchased by the applicants in order to establish a family home and a base for sustainable city living. The response goes on to set out the site and its surroundings including the configuration of buildings surrounding the site. It states that the application falls well within the requirements set out in the development plan in relation to site coverage and plot ratio. Reference is also made to the planning officer's reports which considers that the new extension will not have a significant impact on the established character and pattern of development in the area. It is stated that all houses in the immediate vicinity incorporate rear returns and additions to the original fabric. Reference is made to many precedents for similar type development including a two-storey development at 7 Mountpleasant Terrace. In seeking to minimise the impact on neighbours the applicant is proposing to lower the ground levels of the rear garden at No. 13 to reduce any potential visual or overbearing impact arising from the development.

7.1.3. After purchasing the dwelling and upon a request from the neighbour, the applicants removed a large tree that existed on the very location where the two-storey extension is being proposed. The proposed ridge level of the two-storey gable at this location is well below the height of the removed tree and only extends half of the width of the site.

## 7.2. **Planning Authority's Response to the Grounds of Appeal**

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. The subject site is governed by the zoning objective Z1 which seeks to protect, provide and improve residential amenities.
- 8.2. Section 16.10.12 specifically relates to extensions and alterations to dwellings. It states that 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 buildings should be followed as closely as possible, and the development should integrate with the existing building through the use of similar finishes and windows. Extensions should be subordinate in terms of scale to the main unit.
- 8.3. 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 buildings in terms of privacy, access to daylight and sunlight.

## 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 both third part appeals. I consider that the critical issues in determining the current application and appeal before the Board are as follows:

- Impact on Natural Light and Overshadowing
- Impact on Property Outlook
- Overlooking and Privacy Issues



- The Proposed Two-Storey Element to the Rear
- Impact on Existing Character of the Area

### 9.1. **Impact on Natural Light and Overshadowing**

The Board will note from the pictures attached and the maps and plans submitted with the application that the Mountpleasant area incorporates a relatively tight urban grain with a high density of housing on relatively modest plots. While the houses fronting onto Mountpleasant Terrace, including the subject site, incorporate relatively generous backgardens, the same cannot be said in respect of the houses fronting onto Mountpleasant Parade to the immediate east where both appellant's houses are located. The rear garden/yards of Nos. 4 and 5 Mountpleasant Parade are less than 10 metres in depth. Notwithstanding this, a private lane also separates the rear garden of the appeal site from the main dwellinghouses at Nos. 4 and 5 Mountpleasant Parade. This allows for a separation distance of c.12 metres between the rear boundary of the appeal site and the main buildings on Nos. 4 and 5 Mountpleasant Parade.

I note that in the case of No. 4, there is an existing rear single-storey extension along the entire common boundary with no. 5. This extension somewhat obscures view of the applicants rear garden (see photo attached).. Having regard to the tight urban grain and the close proximity of buildings and sheds in and around the subject site and the appellant's rear gardens, together with the presence of mature landscaping between the subject site and the houses in question, I do not consider that the proposed two-storey element will give rise to a significant level of overshadowing or will adversely impact on sunlight and daylight penetration in the rear gardens of the dwellings facing onto Mountpleasant Parade. Furthermore, while the proposed extension is two-storeys, it is less than 6 metres in height and does not exceed the ridge heights of the surrounding dwellings in the vicinity. The height of the proposed development is therefore acceptable in my view.

### 9.2. **Impact on Property Outlook**

The resident of No. 4 Mountpleasant Parade argues that the proposed development would have an adverse impact on the outlook from the rear of her property. The Board will be mindful of the fact that the site is located within a compact urban area. Currently the appellant's outlook from the rear of the dwelling faces onto a private

laneway and the rear garden of third party lands. The appellant in this instance is not legally entitled to the preservation of any view, as the views and prospects from the rear garden of No. 4 is not listed as a protected view in the development plan. It would appear to me to be wholly unreasonable to refuse planning permission for an extension to the rear of a dwelling purely on the grounds that it could materially affect the outlook from a private residential dwelling.

### **9.3. Overlooking and Privacy Issues**

The only potential for overlooking in my opinion relates to the first floor element of the proposed extension at the rear of the garden. However, I note that the architect, in designing the first floor, has sought to ensure that no windows directly look eastwards onto the rear garden of Nos. 4 and 5 Mountpleasant Parade. The only window in my view that could potentially overlook Nos. 4 and 5 Mountpleasant Parade concerns the window proposed on the eastern elevation of the larger bedroom at first floor level. This small window currently overlooks the small internal courtyard at the south-eastern corner of the site. The larger bedroom at first floor level is dual aspect incorporating a window on the western elevation as well as the eastern elevation. Condition 3(c) of the Planning Authority's decision required the omission of the window facing eastwards onto the appellant's property. If the Board consider it appropriate to incorporate this condition, the proposal would not result in any overlooking of the appellant's property as the entire eastern elevation at first floor level will incorporate a blank wall. I therefore do not consider that the proposed development results in an unacceptable increase in overlooking so as to adversely affect the amenities of the area.

### **9.4. The Proposed Two-Storey Element to the Rear**

The grounds of appeal argue that the proposed two-storey element is inappropriate on the subject site. It is clear from the photographs attached and from the drawings submitted with the application that the vast majority of dwellings in the immediate vicinity of the subject site are two-storey in nature. The prevailing character of the area therefore comprises of two-storey buildings. I have argued above in my assessment that the proposed development will not give rise to any significant amenity concerns in relation to daylight penetration, overshadowing or overlooking and therefore will not significantly or materially impact on adjoining amenities. In this

context I consider the proposed two-storey nature of the development to be acceptable. Any marginal adverse impact arising from the proposed development in terms of adversely affecting surrounding residential amenity, must be balanced against the reasonable expectation that a family be permitted to extend their homes in order to cater for changing family circumstances and emerging family needs. It is apparent from the existing layout that the modest size of the existing dwelling would not cater for the needs of a large family.

#### **9.5. Impact on Existing Character of the Area**

The overall design of the development is not in my opinion out of character in the area having particular regard to the nature of more modern and recent extensions to the rear of dwellings in the immediate area. I refer the Board to the single-storey and two-storey extension to the rear of No. 15 to the immediate north. Furthermore, the extension is located in a secluded area to the rear of a terrace of dwellings facing onto Mountpleasant Terrace and is also screened by the presence of Nos. 5, 7 and 9 Mountpleasant Terrace on lands to the south of the site. The proposed extension will not be readily visible from public vantage points on surrounding street network. The Board will also note that, notwithstanding the fact that the subject site is surrounded by residential development governed by the Z2 zoning objective, the subject site and the dwellinghouses surrounding the subject site at Mountpleasant Avenue, Mountpleasant Terrace and the streets in the immediate vicinity are not located in a Residential Conservation Area and none of the dwellings adjacent to the site are listed on the Record of Protected Structures. Having regard to the Z1 zoning objective relating to the site, a more relaxed approach in my view can be adopted in relation to design and thus there is no need to strictly mimic or mirror the character of the existing dwellinghouses in the area.

#### **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 Board should uphold the decision of the planning authority and grant planning permission for the proposed development subject to conditions set out below.

## 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 zoning objective relating to the site and the size and scale of the development 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 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. The proposed development shall incorporate the following amendments:
  - (a) The opaque screens along the garden boundary at the south-eastern corner of the site shall be omitted.
  - (b) The first-floor bedroom window facing eastwards onto the private lane serving the largest bedroom at first floor level shall be omitted.
  - (c) The existing vehicular entrance shall be widened to a maximum of 3.5 metres in width and the remaining front boundary shall match the existing wall and railing boundary in height, materials and finish.

Details indicating the above changes shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** To protect adjoining privacy and amenity.

3. The following arrangements shall be incorporated with regard to the vehicular entrance.
  - (a) The vehicular access shall not have outward opening gates.
  - (b) Footpath and kerb is to be dished and widened at the entrance in accordance with the requirements of the Area Engineer, Road Maintenance Department.
  - (c) All costs incurred by Dublin City Council include any repairs to the public road and services necessary as a result of the development shall be at the expense of the developer.

**Reason:** To ensure a satisfactory standard of development in the interest of public safety.

4. 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:** In the interest of public health.

5. 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.

6. Site development and building works shall be carried out only between the hours of 7 a.m. to 6 p.m. hours Mondays to Fridays inclusive, between 8 a.m. to 2 p.m. 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.

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Paul Caprani,  
Senior Planning Inspector.

26th June, 2018.