



An  
Bord  
Pleanála

## Inspector's Report ABP301107-18

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<b>Development</b>	Construction of 1 <sup>st</sup> floor extension to rear, alterations to front porch and internal alterations and ancillary works.
<b>Location</b>	17 Suir Road, Kilmainham, Dublin 8.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	WEB 1612/17.
<b>Applicants</b>	Ronan and Denise Plant.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	First Party -v- Condition No. 2
<b>Appellants</b>	Ronan and Denise Plant.
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	26 <sup>th</sup> June 2018
<b>Inspector</b>	Paul Caprani.

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## 1.0 Introduction

ABP301107-18 relates to a first party appeal against Condition No. 2 attached to Dublin City Council's notification to grant planning permission for a first floor extension together with alterations to an existing dwellinghouse at No. 17 Suir Road, Kilmainham, Dublin 8. Condition No. 2 requires that the first floor extension shall be reduced in depth by 1 metre from 4.5 metres to 3.5 metres. The grounds of appeal argue that the reasoning behind this condition is not justified anywhere in Dublin City Council's decision.

## 2.0 Site Location and Description

- 2.1. No. 17 Suir Road is located in the inner suburban area of Kilmainham, approximately 4 kilometres from Dublin City Centre. No. 17 is located on the western side of the road between Goldenbridge Avenue and O'Leary Road. It is centrally located within a block of 6 two-storey terraced houses. The houses date from the inter war period and were designed and constructed in the early 1930s. They are typical of the garden city type suburban layout characteristic of early 20<sup>th</sup> century suburban residential planning. The site is located on a narrow plot width, just less than 5 metres. The overall depth of the site is just less than 29 metres. The dwelling accommodates a cobble lock driveway with off-street car parking and a single-storey flat roof extension to the rear which is less than 3 metres in depth. The dwellings on either side of the subject site both accommodate two-storey and single-storey extensions to the rear.
- 2.2. The dwellinghouse currently incorporates a small porch (0.7 metres x 1.96 metres in size) at the front entrance. The ground floor accommodates a living room and dining room at ground floor level with a kitchen area in the single-storey extension to the rear. A downstairs toilet and store is also located under the staircase leading to the first floor level. At first floor level two bedrooms and a bathroom are provided.

### 3.0 Proposed Development

Planning permission is sought for the following:

- An enlargement of the ground floor extension extending the depth 3.1 metres to between 4.5 and 5 metres in depth to create a new dining/living area to the rear of the dwellinghouse. The ground floor extension is also to be extended to incorporate the full width of the site. The kitchen area is to be relocated into the central area of the ground floor layout.
- At first floor level it is proposed to relocate the bathroom and incorporate an additional bedroom to the rear at first floor level. This bedroom is to incorporate a depth of 4.5 metres and a width of 3.8 metres. It is slightly smaller than the footprint at the proposed extension at ground floor level.
- It is also proposed to incorporate a larger porch on the front elevation of the dwelling and incorporate two new velux rooflights in the rear pitch of the dwelling.

### 4.0 Planning Authority's Decision

Dublin City Council issued notification to grant planning permission for the proposed development subject to 7 conditions. Condition No. 2 stated the following:

2. The development hereby approved shall be revised as follows:
  - (a) The first floor extension shall be reduced in depth by 1 metre from 4.5 metres to 3.5 metres. The development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing with the planning authority, and such works shall be fully implemented prior to the occupation of the buildings.

**Reason:** In the interest of orderly development and visual amenity.

#### **4.1. Internal Reports**

- 4.1.1. A report from the Engineering Department Drainage Division states that there is no objection to the proposed development subject to the applicant complying with standard conditions.
- 4.1.2. The planner's report sets out details of the proposal and notes that there is no relevant planning history nor are there any observations on file in respect of the proposal. The planner's report states that the alterations proposed will provide a quality living space at ground floor level with an additional bedroom at first floor level. It is considered that the principle of the works is acceptable. However, the proposed 5.4 metre extension at first floor level will be considered excessive and would have a significant negative impact on the residential amenity of adjoining properties. For this reason, the extension shall be reduced in depth from 4.5 metres to 3.5 metres in length. It is considered that while the size of the room will be slightly below the standards set out in the development plan, the overbearing impact of the extension as proposed on the adjoining properties would be unacceptable.
- 4.1.3. It is also stated that the proposed alterations to the design of the porch are not in keeping with the overall character and approach taken along Suir Road. It is also stated that changes to the use and operation of the shed and access to the rear lane should not form part of the grant of planning permission.
- 4.1.4. Dublin City Council granted planning permission for the proposed development with the incorporation of Condition No. 2 (stated above) on the 8<sup>th</sup> February, 2018.

#### **5.0 Planning History**

There appears to be no planning history associated with the subject site.

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

- 6.1. The grounds of appeal specifically relate to Condition No. 2. It states that this condition is both onerous and oppressive resulting in a bedroom which is below the Dublin City Development Plan standards and this point is acknowledged in the planning report. In terms of overshadowing the rear extension is south facing and would have no material effect on either adjoining neighbour. Furthermore, it is noted

that neither neighbour objected to the development. It is stated that if the condition was implemented the room will be reduced to such an extent that it would be difficult to construct a wardrobe of any significant size within the room.

- 6.2. Reference is made to a number of precedents in the area where Dublin City Council have granted planning permission for similar type two-storey extensions. Specifically, reference is made to No. 38 Suir Road, No. 15 and No. 21 Goldenbridge Avenue.

## 7.0 Appeal Responses

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 zoned Z1 – “to protect, provide and improve residential amenities”.
- 8.2. Section 16.10.12 of the development plan specifically relates to extensions and alterations to dwellings.

It states that the 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 building 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 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 amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.
- 8.4. Further details in relation to extensions and alterations to dwellings and roof profiles are contained in Appendix 17 of the development plan.

## 9.0 Planning Assessment

- 9.1. I have read the entire contents of the file, visited the site in question and have had particular regard to the issues raised in the grounds of appeal. Having regard to the residential zoning objective for the site, the planning precedent for similar type extensions to residential developments in the wider area, and the fact that no observations were received objecting to the proposed development, I would agree with the planning authority that the principle of an extension to the rear of the dwellinghouse and the proposed internal alterations are acceptable. Hence the Board can restrict its deliberations to the issues raised in the grounds of appeal, namely whether or not it is appropriate to reduce the depth of the extension by one metre as required by Condition No. 2 of the planning authority's notification to grant planning permission.
- 9.2. Condition No. 2 seeks to reduce the depth of the first-floor extension by 1 metre. The garden in question is west facing. There are precedents for single storey extensions along this section of terraced housing although none of the houses in the vicinity accommodate 2 storey a two-storey element. Although there are precedents for two storey extensions for the rear of dwellings in the wider area. The photographs attached indicate that there are low boundary walls between the dwellings and this permits adequate sunlight penetration into the rear gardens. The provision of a two storey extension will result additional overshadowing particularly in respect of the dwelling to the immediate north, No.16. However the reduction on the depth of the extension by 1 meter will have a marginal impact in terms of reducing overshadowing. Any small reduction in the level of overshadowing needs to be balanced against the need to provide quality living accommodation for the applicants.
- 9.3. Likewise, a reduction in the depth of the rear extension at first floor level will have no material effect on overlooking. It is reiterated that neither neighbour objected to the proposed development on amenity grounds in terms of overshadowing and overlooking.
- 9.4. The reduction in the depth of the bedroom as required by Condition No. 2 reduces the gross floor area of the bedroom from an internal area of 13.4 square metres (3.2 metres x 4.2 metres) to an area of 10.24 square metres (3.2 metres by 3.2 metres).

The minimum floor area for a double bedroom is 11.4 square metres as indicated in Section 16.10.1 of the development plan which specifically relate to apartments. (There appear to be no minimum standards for bedrooms associated with houses).

- 9.5. The incorporation of Condition No. 2 therefore results in an overall bedroom size which is below the minimum standards (albeit for apartments) set out in the development plan. The incorporation of Condition No. 2 does not improve adjoining amenity in terms of overshadowing or overlooking to any material extent but would nevertheless result in a bedroom which falls below the minimum standards for a double bedroom. The reduction in the depth of the room therefore in my opinion does not add any added value in terms of design to the overall scheme or adjoining amenity, but would result in a reduction in living accommodation and living space for the occupants of No. 17 Suir Road.
- 9.6. It is imperative in my opinion that where residential developments do not adversely impact on adjoining amenity that the development management system seeks to facilitate the reasonable expectation of families to extend and improve the residential accommodation in order to suit changing family needs and aspirations.
- 9.7. Arising from my assessment above therefore I recommend that Condition No. 2 be omitted in its entirety.

## 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 **Decision**

Having regard to the nature of the condition of the subject appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and based on the reasons and considerations set out below, directs the said Council under subsection



(1) of section 139 of the Planning and Development Act 2000 to remove Condition No. 2 and the reason therefore.

## 12.0 Reasons and Considerations

Having regard to the existing pattern of development in the vicinity of the appeal site, together with the limited scale of the proposed development and the precedent in the immediate area for similar extensions to the rear, it is considered that the development as proposed in accordance with the plans and particulars lodged with the planning authority would not seriously injure the visual or residential amenities of the area and would provide better quality and living accommodation at the subject dwelling. It is therefore considered that the proposed development would be in accordance with the proper planning and sustainable development of the area. It is therefore considered that the modifications required as set out in Condition No. 2 would not be justified or warranted in this instance.

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Paul Caprani,  
Senior Planning Inspector.

26th June, 2018.