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Bord  
Pleanála

## Inspector's Report ABP-301248-18

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<b>Development</b>	Retention of a two storey extension to the rear of house.
<b>Location</b>	3 Victoria Village, Rathgar, Dublin 6.
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	4636/17
<b>Applicant(s)</b>	Denise McNulty
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third V Grant
<b>Appellant(s)</b>	Ms Brid Tunney
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	22 <sup>nd</sup> June 2016
<b>Inspector</b>	Ronan O'Connor

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## 1.0 Site Location and Description

- 1.1. The appeal site is located with a gated development, Victoria Village, and on site is a two-storey mid terrace property, part of a terrace of four dwellings (1 to 4 Victoria Village). No.'s 2 and 3 sit forward of the building line of No.'s 1 and 4.
- 1.2. Victoria Village is accessed via Victoria Villas, which in turn is accessed off Rathgar Avenue.

## 2.0 Proposed Development

- 2.1. Retention of a two storey extension to the rear of house.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Grant permission. There are no conditions of note.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority.

Points of note are as follows:

- The 15.7 sq. m. of private open space to the rear is below Development Plan.
- Having regard to the restricted site size, the pattern of development in Victoria Village where rear gardens are small, and the provision of floor area to the existing dwelling, the relationship of the ground floor extension to the rear garden was considered acceptable.
- First floor extension is modest in scale.
- Not considered that undue overlooking of properties results from the development.

- The two storey extension to the rear does not impact negatively on the property, or the adjoining neighbours.
- Recommended that permission be granted.

### 3.2.2. Other Technical Reports

Drainage – No objection.

## 3.3. Prescribed Bodies

3.3.1. None.

## 3.4. Third Party Observations

3.4.1. An observation from the neighbouring property was received. The issues raised are covered in the grounds of appeal.

## 4.0 Planning History

4.1.1. None.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The site is located in an area that is zoned Objective Z1 (To protect, provide and improve residential amenities). Under the provisions of the Dublin City Development Plan 2016-2022. Under this land use zoning objective, residential development is a permissible use.

5.1.2. Relevant sections of the Development Plan include:

- Paragraph 16.10.12 of the Plan relates to extensions to residential properties.
- Appendix 17 of the Plan provides guidance on residential extensions.

### 5.2. Natural Heritage Designations

5.2.1. None.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The grounds of appeal, as submitted on behalf of the Third Party Appellant, are as follows:

- Lack of consultation and prior notice of works from the applicant
- Enforcement Matters
- What has been built is not what is shown on the application drawings. There are considerable discrepancies within and between the drawings.
- Loss of privacy as a result of overlooking.
- Impact on properties values.
- New staircase not on drawings.
- Attic room requires planning permission/rooflights are not shown/rear, side and section shows little or no relationship to what has been built.
- No details of soundproofing/fireproofing.
- Excessive height compromises the roof drainage/interferes and impinges on appellant's property and roof.
- Application should have been withdrawn or refused.

### 6.2. Applicant Response

6.2.1. A response to the Third Party Appeal has been submitted on behalf of the applicant. This is summarised as follows:

- No reason why the decision of the planning authority should not be upheld.
- Details of the application with presented to neighbours, including the appellant.
- Height of parapet was lowered at the request of neighbours.
- Not aware of any substantive or material inaccuracies in the drawings.
- Staircase/Rooflights are shown on drawings.

- Floor to ceiling heights and roof profile are as per the drawings.
- Render has not been completed to the side elevation.
- Attic room does not require planning permission regardless of their function
- Area of the attic is not including in the 40sq. m. exemption limit for domestic conversions.
- Velux rooflights do not require planning permission,
- There are minor on-site adjustments to the parapet level – do not substantively deviate from the design intention or overall appearance.
- Fireproofing and soundproofing between attics is not a matter for planning.
- Drainage has not been impacted upon.
- Overlooking is not possible as there are no windows in the extension facing the neighbour's property – this is recognised in the planner's report.
- No evidence to support the claim of devaluation of property.
- Development complies with Development Plan.
- No negative impact on the scale or character of the existing house.
- Does not impact privacy, sunlight or daylight of neighbouring properties.
- Proposed window sizes follow the scale of the existing windows.
- Extension does not project further than the face of the neighbouring house at first floor level.
- Flat roof profile ensures it is subordinate to the main dwelling and lowers any potential impact on the neighbouring properties.

### **6.3. Planning Authority Response**

6.3.1. None.

### **6.4. Observations**

6.4.1. None.

## 6.5. Further Responses

6.5.1. None.

## 7.0 Assessment

7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

- Principle of Development
- Residential Amenity
- Design
- Other Issues
- Appropriate Assessment

### 7.2. Principle of Development

7.2.1. The site is zoned 'Z1' under the Dublin City Development Plan, 2016-2022. The stated objective for 'Z1' zoned land is "to protect, provide and improve residential amenities'. The principle of residential development is generally acceptable on 'Z1' zoned land, subject to safeguards.

### 7.3. Residential Amenity

7.3.1. There are three adjoining properties with the potential to be impacted upon. The appellant's property, at No. 2 Victoria Village, is to the south, No. 4 Victoria Village is to the north and No 3 Victoria Villas, to the west (rear) of the appeal site.

7.3.2. The appellant has raised the issue of overlooking and loss of privacy. However, there are no windows to either side elevation of the extensions and as such there is no direct overlooking of either No. 2 or No. 4 Victoria Village. Any indirect views towards the garden of No. 2 are partially obscured by the setback from the rear building line of No. 2. Any indirect views that do occur from the first floor rear windows are to be expected in this type of terraced arrangement and I note there are indirect views from the first floor windows of No. 2 towards the garden of the appeal site.

- 7.3.3. While there is a window in the side elevation of No. 3 Victoria Villas, facing east, this is a stained glass window through which visibility is obscured, and as such no overlooking of this window will result.
- 7.3.4. In relation to loss of daylight and sunlight, the appellant's property at No. 2 is located south of the appeal site and is therefore unaffected, having regard to daylight and sunlight.
- 7.3.5. While there is some impact on the daylight and sunlight levels to No. 4, the windows to the rear of this property still receive daylight and sunlight from a westerly direction. I note the first floor window closest to the appeal site is an obscured bathroom window. I do not consider the impact on No. 4 to be so adverse as to warrant a refusal in this instance.
- 7.3.6. In relation to loss of outlook and the visual impact of the extensions, the extensions are rather prominent from the rear garden of No. 4. The tapered form of the ground floor extension also results in this element appearing slightly more prominent than otherwise would be the case. However, given that the extension steps down to a single storey, in my view there is sufficient outlook remaining from the garden of No. 4 so as to preserve the amenity of this property. In relation to No. 2 Victoria Villas, I note the ground floor element extends beyond the rear elevation of No. 2 but not so much as to result in a material loss of outlook from this property.
- 7.3.7. I also note the principle of two-storey extensions to the rear of these properties has been established, with the two-storey extension permitted at No. 2 Victoria Villas (Planning Ref 4698/05) which has been completed.
- 7.3.8. In conclusion, there is no material impact on the residential amenities of neighbouring properties in my view and I do not consider that the proposal would have a negative impact on property values in the vicinity, including the appellant's property at No. 2 Victoria Villages.

#### 7.4. **Design and impact on the character of the conservation area**

- 7.4.1. The dimensions on the drawings indicate the ground floor element of the extension has a depth of 6 m from the main rear elevation and the floorplan follows the angled trajectory of the boundary wall to the north. The maximum height is shown as 3.3m. The first floor element has a depth of 3 m and is set back from the rear return of the appellant's property to the south. The height is shown as 6.4m.



- 7.4.2. Having regard to the limited scale of the development, and having regard to the scale of development on neighbouring sites, the overall bulk and of the extensions are appropriate, in my view, and are subordinate to the existing dwelling.
- 7.4.3. The extensions are only partly visible from the street and therefore the visual impact is limited accordingly.

#### 7.5. **Other Issues**

- 7.5.1. The appellant has raised the issue of inconsistencies in the drawings. My observations on site were that the extensions were as per the drawings submitted.
- 7.5.2. The appellant has raised the issue of drainage and contends that the proposal will interfere with drainage gutters from the roof. The drawings show that the existing drainage from the roof is to be maintained, and this appears to be the case on site. Therefore drainage will be unaffected.
- 7.5.3. The appellant has raised the issue of fireproofing and soundproofing between attics which are not planning matters, and are controlled by other legislative codes.
- 7.5.4. I also note that the appellant has raised issues related to enforcement. It is of note that the Board does not have a role in Enforcement and in this respect regard is had to Section 10.1 of the Development Management Guidelines 2007 which provides: *Enforcement of planning control is the responsibility of the planning authority and this is the case, of course, whether the planning decision, including conditions, was made by the planning authority or the Board.*

#### 7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development, extensions to an existing property, within a serviced 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 permission be granted for the following reason:

## 9.0 Reasons and Considerations

Having regard to the design, layout and appearance of the extensions, and the pattern of development in the vicinity, 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 amenities of property in the vicinity. 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 retained 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.

Reason: In the interests 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

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Ronan O'Connor  
Planning Inspector

26<sup>th</sup> June 2018