



An  
Bord  
Pleanála

## Inspector's Report ABP 301272-18

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<b>Development</b>	First Floor Extension to rear and side over existing ground floor extension and site services and development works.
<b>Location</b>	No. 69 Sundrive Road, Kimmage, Dublin 12.
<b>Planning Authority</b>	Dublin City Council.
<b>P. A. Reg. Ref.</b>	WEB:1642/17
<b>Applicant</b>	Mark Mellotte.
<b>Type of Application</b>	Permission
<b>Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First. .Party X Refusal
<b>Appellant.</b>	Mark Mellotte.
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<b>Date of Site Inspection</b>	7 <sup>th</sup> June, 2018.
<b>Inspector</b>	Jane Dennehy.

# Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	4
4.0 Planning History.....	4
5.0 Policy Context.....	5
5.1. Development Plan.....	5
6.0 The Appeal .....	5
6.1. Grounds of Appeal .....	5
6.3. Planning Authority Response .....	6
7.0 Assessment.....	6
8.0 Recommendation.....	8
9.0 Reasons and Considerations.....	9

## 1.0 Site Location and Description

- 1.1. The site of the proposed development is located on the north-east side of Sundrive Road and is that of an early nineteenth century terraced two storey house which opens directly onto the public footpath and which has been extended at ground floor level at the rear with a flat roof extension which is circa 3 – 3.5 metres in height. It adjoins a public park (Eamonn Ceant Park) at the rear and timber fencing is located on the boundary behind the house and adjoining open lands, (possibly formerly No 65 and 67 Sundrive Road) between the application site and No 63 Sundrive Road on the north-east side of the application site. The adjoining open lands are also fenced off along the frontage on Sundrive Road and incorporate pedestrian gate adjacent to the application site boundary.
- 1.2. To the north-east side of the vacant land there are some two storey buildings some of which have retail and commercial uses. To the south west there are terraced houses many of which have been extended at the rear, including the adjoining house which has a two storey rear extension. Sundrive Road is characterised by residential and retail and commercial development including cafes and takeaways and beyond Sundrive Road residential development in the Kimmage and Crumlin areas are further to the south.

## 2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for construction of a first-floor extension at the rear which incorporates a small projection to the side behind the rear building line similar to that of the ground floor extension. According to the lodged plans it has a depth of seven metres and a width of six metres and a height of 5.67 metres, the existing eaves height being five metres.

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated, 23<sup>rd</sup> February, 2018 the planning authority decided to refuse permission for the reason which is reproduced in full below.

*“The proposed development by reasons of its scale, bulk and depth would be visually obtrusive, result in undue overlooking and would be unduly overbearing when viewed therefrom adjoining properties. Therefore, it would materially and negatively impact the residential amenity and setting of the streetscape. The proposal would set an undesirable precedent for similar development. The proposed development would therefore contravene the zoning objective ‘Z1’, to protect provide and improve residential amenities and objectives of the Development Plan and be contrary to the roper planning and sustainable development of the area.”*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The planning officer having considered the proposed development having regard to the objectives and standards as set out in Section 16.10.12 of the Dublin City Development Plan, 2016-2022 considered the proposed development unacceptable on the basis of the reasoning reproduced in paragraph 3.1 above.

## 4.0 Planning History

- 4.1. **P. A. Reg. Ref. 2088/14:** According to the planning officer’s report permission was granted for a two storey extension and a condition was attached in which modifications required include restriction of the depth of the first floor element to a maximum depth of four metres and omission of an east elevation window.
- 4.2. The planning officer also includes an account of prior grants of permission for extensions and alterations at other properties in the vicinity. (P. A. Reg. Ref. 2934/10, - No 79 Sundrive Road, P. A. Reg. Ref. 6254/06, No 87 Sundrive Road and P. A. Reg. Ref. 2908/01 – No 71 Sundrive Road the adjoining property to the north-west side refer.)

4.3. According to the appeal it has been confirmed that the ground floor extension is exempt development; the planning authority having issued a declaration under Section 5 of the Planning and Development Act, 2000 as amended. (Reg. Ref. 0098/17 refers, a copy of which is included with the appeal.)

## 5.0 Policy Context

### 5.1. Development Plan

The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site location is within an area subject to the zoning objective: *“Z1: to protect provide for and improve residential amenities”*.

Guidance, standards and objectives for extensions and alterations to existing dwellings are set out in Section 16.10.12 and in Appendix 25.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

An appeal was lodged on 22<sup>nd</sup> March by the applicant on his own behalf according to which:

- The proposed development complies with development plan standards.
- The flat roof (commonly used in the area), minimises height and there are no windows. There is no overlooking, overshadowing, loss of daylight and privacy.
- The existing two storey extension at No 71 Sundrive Road. (the adjoining property) is one metres deeper than the proposed development. The extension at No 87 is deeper than the extension at No 71. The two storey extensions at several properties share boundaries with the adjoining properties. The extension at No 61 is deeper than the proposed development.
- No 69 is an end of terrace house with a side passage adjacent to a vacant site. It is not possible that the proposed development overlooks “sites”.

- The existing and proposed extensions which are wider than other extensions are proportionate the wider site size.
- The previous owners lodged the application under P. A. Reg. Ref. 2088/14 and built the ground floor element. (The depth of the permitted first floor is limited to four metres according to Condition No 2.) The proposed first floor development is in keeping with the ground floor and is the most feasible option. The required bedroom and bathroom cannot be accommodated within the restricted depth of four metres.
- The planning authority has confirmed that the ground floor extension is exempt development.
- An extension on a wider site than the site of other properties and with a side passage and is unique so the proposed development should not be compared with extensions on other sites. The proposed development cannot therefore create a precedent.
- The reasoning for the decision to refuse permission is contradicted by precedent as there are similar two storey extensions to the terraced houses which do not negatively impact on the streetscape.

In the submission the applicant includes an account of his accommodation requirements and states that he leases and the adjoining vacant site from the City Council and uses it as a garden.

## 6.2. **Planning Authority Response**

There is no submission from the planning authority on file.

## 7.0 **Assessment**

- 7.1. The scale form, mass, height and roof profile of the proposed development, having regard to the site context, zoning objective and development plan standards and planning history are considered in the following assessment of the application and appeal.
- 7.2. Notwithstanding, the height which is below the ridge, there is a seven metres deep, six metres wide and, a 5.7 metre height which is above the existing eaves height for

the proposed box form extension, inclusive of the projection to the side behind the rear building line of the original house. As a result, there is excessive bulk and mass at the two storey height for the flat roof extension which is visually obtrusive and conspicuous in views from the public realm, both on approach from the east along Sundrive Road and from the public park at the rear to the north west.

- 7.3. It should be noted in this regard, as pointed out in the appeal, that the existing two storey rear extensions are narrower in width, corresponding to the narrower plot widths with eaves and ridge heights corresponding to the eaves of the existing house and a pitched roof profile. Although significant, these extensions are considerably less conspicuous in views from the park to the north west than the proposed development. Similarly, the extension at the property to the north east which adjoins the open lands is less conspicuous in views on approach along Sundrive Road as well as the public park for this reason.
- 7.4. The impact of the visual conspicuousness due to the excessive scale, mass and bulk would be significantly ameliorated if the depth is restricted to a maximum of four metres and, if the proposed flat roof is replaced with substitution of a pitched roof over an eaves height matching the existing eaves height. Sufficient internal floor to ceiling heights should be achievable due to the six metre width of the proposed extension. This restriction furthermore would result in the proposed development, if permitted being consistent with as opposed to being in material conflict with a condition attached to a prior grant of permission, the duration of which has not expired. (P. A. Reg. Ref. 2088/14 refers.) In this regard it should be noted that this grant of permission has been partially implemented although it is acknowledged that a declaration has also been issued by the planning authority that the existing ground floor extension would also come within the meaning of exempt development. (Reg. Ref. 0098/17 refers.)
- 7.5. Although the intentions for possible future use of the open lands by Dublin City Council are not known, their development potential of this space, including potential use for public amenity purposes cannot be disregarded in considering the proposed development. The proposed seven metres deep first floor extension in the form that is proposed would be overbearing, visually obtrusive and would overshadow this space. The adjoining space, which by agreement with the City Council, the applicant uses as a private garden, would be overlooked from the first-floor east elevation

window and there is also potential for perceived overlooking of properties to the east on Sundrive Road. This window could be omitted by condition if permission is granted. In this regard, it noted from the lodged plans also includes proposals for show a first-floor rear elevation window. It is considered that this window would be acceptable and would provide for sufficient internal access to light a reduced depth extension.

- 7.6. To overcome these issues, the depth can be restricted to a maximum of four metres, the flat roof could be replaced with a pitched roof rising from an eaves height matching that of the existing house and the east facing side elevation window should be omitted. The previously permitted, partially implemented development is relatively consistent with these requirements.
- 7.7. The statement in the appeal that potential for precedent does not arise in the case of the proposed development due to the site context and configuration is accepted and it is considered the issue of precedent can be set aside.
- 7.8. Finally, the applicant's statement as to his accommodation requirements have been noted. However, it appears that with some reconfiguration of the internal layout, first floor bedroom and bathroom facilities can be satisfactorily accommodated within a first-floor extension which is four metres in depth and six metres in width.
- 7.9. **Appropriate Assessment.**

Having regard to limited scale and nature of the proposed development of a first-floor domestic extension, no Appropriate Assessment issues arise and the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

- 8.1. It has been concluded that consideration could be given to having the elements of the proposed development that are unacceptable and which require modifications addressed by way of a section 131 notification by condition. However, draft reasons and considerations to support a decision to refuse permission are provided below.



## 9.0 Reasons and Considerations

It is considered that the proposed development, which is excessive in depth, scale, mass and height especially with regard to the proposed flat roof profile, extending above the eaves height of the existing house would be visually obtrusive, overbearing and out of character with the established development in the area, would be seriously injurious to the visual and residential amenities of the area especially due to the prominent position and location in views from the public realm on Sundrive Road and from Eammon Ceannt Park and, would materially contravene Condition No 2 attached to a partially implemented prior grant of permission under P. A. Reg. Ref. 2088/14 in which the depth at first floor level is limited to a maximum depth of four metres. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

**Jane Dennehy**  
Senior Planning Inspector  
13<sup>th</sup> June, 2018.