



An
Bord
Pleanála

Inspector's Report ABP-301298-18

Development	Permission for a two storey extension to the rear.
Location	73, Saint Mobhi Road, Glasnevin, Dublin 9
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	2003/18
Applicant(s)	Brendan Kelly
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Elizabeth Gillick
Observer(s)	None
Date of Site Inspection	24 th August 2018
Inspector	Una O'Neill

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	4
3.4. Third Party Observations	4
4.0 Planning History.....	4
5.0 Policy Context.....	5
5.1. Dublin City Development Plan 2016-2022	5
5.2. Natural Heritage Designations	5
6.0 The Appeal	5
6.1. Grounds of Appeal	5
6.2. Applicant Response	6
6.3. Planning Authority Response	6
6.4. Observations	6
6.5. Further Responses.....	6
7.0 Assessment.....	7
8.0 Recommendation.....	9
9.0 Reasons and Considerations.....	9
10.0 Conditions	9

1.0 Site Location and Description

- 1.1. The subject site is located on the western side of Saint Mobhi Road, close to the junction with Home Farm Road, in a well-established residential area of Glasnevin, approx. 4km north of Dublin City Centre.
- 1.2. The site comprises a two storey semi-detached dwelling with a single storey rear extension. The dwelling is east facing, with an extensive rear garden. The site is accessed directly off Saint Mobhi Road and is bounded to the west by the grounds of the Bon Secours Hospital.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Two storey extension to the rear, 7m deep x 6m wide at ground level and 6m deep at first floor level. The extension is finished with a flat roof and has an overall height of approx. 6.6m. The extension is aligned with the northern side elevation of the existing dwelling (approx. 1m from the northern boundary) and is approx. 3.6m from the southern boundary with the adjoining dwelling.
 - The development involves the demolition of an existing single storey extension of similar scale.
- 2.2. The floor area of the proposed new build is stated to be 55sqm.
- 2.3. I note condition 2 of the decision to grant permission reduced the depth of the first floor extension.

3.0 Planning Authority Decision

3.1. Decision

GRANTED, subject to 8 conditions, including the following:

C2: The development shall extend no more than 4000mm at first floor level and first floor windows on the northern and southern elevations shall be fixed, opaque and double glazed.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority. I note that the depth of the first floor extension was reduced from 6m to 4m by the planning authority for reasons relating to overshadowing of the property to the north and overbearance on properties to the north and south. The concrete look finish in close proximity to the adjoining properties was not considered acceptable and a condition was attached that the external finish of the dwelling was to harmonise with the existing dwelling.

3.2.2. Other Technical Reports

Engineering Drainage Division: No objection subject to condition.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

One observation was raised, the content of which is addressed within the grounds of appeal.

4.0 Planning History

None.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

- Zoning objective Z1, the objective for which is ‘to protect, provide and improve residential amenities.’
- Section 16.10.12: Extensions and Alterations to Dwellings
- Appendix 17: Guidelines for Residential Extensions.

5.2. Natural Heritage Designations

The site is not located within or adjacent to a Natura 2000 site.

6.0 The Appeal

6.1. Grounds of Appeal

One third party objection was submitted by the resident of the neighbouring property to the north of the appeal site, no. 71. The grounds of appeal is summarised as follows:

- The application should have been invalidated as the floor area of the extension was incorrectly stated within the planning application form.
- The proposed development is contrary to zoning objective Z1 as it does not protect or improve residential amenities.
- Due to the scale of the development, there will significant overshadowing of property to the north, impacting on outlook, daylight and sunlight. The proposed extension does not accord with development plan policy as set out in section 16.10.12 of the development plan.
- A further overshadowing assessment of the extension, as revised by condition, has been undertaken, which indicates that the additional overshadowing and loss of light from the development is considered significant, affecting the rear garden as well as the façade of no. 71.

6.2. Applicant Response

The applicant has responded to the grounds of appeal as follows:

- The statutory notices and drawings submitted clearly and accurately demonstrate the extent of the development proposed at the subject site.
- The third party argues the scale of development will impact on their amenity. The amendments required by the planning authority at first floor level by way of condition result in an area only marginally larger than an extension under exempted development provisions.
- The form and massing of the extension is similar to many two storey rear extensions all over Dublin.
- The conclusions drawn in the third party report on overshadowing does not correlate to the graphical analysis which demonstrates only marginal overshadowing at certain times of the day, which would be typical in an urban context such as Glasnevin. The diagrams presented do not show the full extent of the rear garden, which is extensive.
- The applicant has submitted a new shadow study based on the revised design required by condition 2 of the planning authority. It demonstrates that the proposed development will not have a material adverse impact on the neighbouring property.

6.3. Planning Authority Response

None.

6.4. Observations

None.

6.5. Further Responses

None.

7.0 Assessment

I consider that the relevant issues in determining the current appeal before the Board are as follows:

- Impact on Residential Amenity
- Appropriate Assessment

7.1. The subject site is located within zoning objective Z1, the objective for which is '*to protect, provide and improve residential amenities*'. I consider the development as proposed to be acceptable in principle with the zoning objective for the area, subject to further assessment in relation to design and amenity.

Impact on Residential Amenity

7.2. The third party grounds of appeal raises concerns in relation to the scale of the extension and potential for significant overshadowing and loss of daylight/sunlight. A daylight/sunlight analysis of the proposed development, as amended by condition of the planning authority, has been submitted by the third party. It is contended that the level of overshadowing is significant and would be noticeable.

7.3. The applicant has responded to the grounds of appeal and has submitted a revised sunlight/daylight analysis to reflect the revised design. It is contended the extent of overshadowing is marginal at certain times of the day and would be typical in an urban context.

7.4. The extension is to the rear of an existing semi-detached dwelling. The proposal involves the demolition of an existing rear single storey extension and replacement with a ground and first floor extension. I consider the depth of the extension at 4m, as per the condition of the planning authority, to be reasonable in this urban context. While there will be an impact on the property to the north, given the orientation of the appeal site to the south/ southwest of it, I do not consider the impact in terms of overshadowing to be so significant as to warrant a refusal or a further amendment above that already imposed by the planning authority.

7.5. Furthermore, given the depth of the first floor extension is limited by condition of the planning authority to 4m, I consider the impact in terms of outlook would be acceptable. I would have concerns in relation to the scale of windows on the

southern and northern elevations in terms of the increased perception of overlooking into the neighbouring properties. The windows on the southern elevation serve a bedroom, which also has a window on the western elevation. It is my view that a high level window in the southern elevation would be more appropriate and would mitigate any perceived levels of overlooking and potential impact on the development potential of the neighbouring property. The windows on the northern elevation are to serve a bathroom and ensuite. Given their location to the side and rear of the neighbouring dwelling, I am of the view that their elongated scale should be reduced for the same reasons. Should the Board be minded to grant permission, I would recommend a condition to address the scale of the windows on both the northern and southern elevations.

- 7.6. The proposal is overall in my opinion acceptable and will not seriously impact on the amenity of neighbouring properties in terms of overlooking, overshadowing or loss of outlook.

Other Matters

- 7.7. I note the grounds of appeal contends that the application documentation contained an error in relation to the floor area of the development and should be invalidity. The applicant has responded that the planning authority noted the error in their report and validated the application.
- 7.8. I am satisfied that the description of the development in the public notices and the development as shown on the plans was sufficient to allow the third party to understand the nature and scale of the proposed development in accordance with article 18(1)(d) of the Planning and Development Regulations.

Appropriate Assessment

- 7.9. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any 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.

8.0 Recommendation

8.1. It is recommended that permission is granted.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and the nature and scale of the proposed extension, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or 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 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The development shall extend no more than 4000mm at first floor level.
 - (b) The first floor window(s) on the southern elevation shall be omitted and replaced with a high level window.
 - (c) The first floor window(s) on the northern elevation shall be reduced in scale to reflect the scale of the existing first floor window on this elevation and shall comprise opaque glass.

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. Details of the materials, colours and textures of all the external finishes to the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure an appropriate standard of development.

4. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

5. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

Una O'Neill
Senior Planning Inspector

31st August 2018