



An  
Bord  
Pleanála

## Inspector's Report ABP-301463-18

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<b>Development</b>	Two-storey side extension to house
<b>Location</b>	42 North Road, Finglas, Dublin 11
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	WEB1037/18
<b>Applicant(s)</b>	Mark Brown
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third-Party
<b>Appellant(s)</b>	Vivion Powney
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	20 <sup>th</sup> June 2018
<b>Inspector</b>	Colm McLoughlin

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## **1.0 Site Location and Description**

- 1.1.** The appeal site is located on the eastern side of North Road, a residential street that is accessed from the south off Seamus Ennis Road (R103 regional road) and is located approximately 300m north of Finglas village centre and 5.6km northwest of Dublin city centre.
- 1.2.** The site contains a two-storey three-bedroom end-of-terrace dwelling set back from the road by approximately 7m and with a vehicular access off North Road onto a hardstanding at the front. The house features a front porch and is finished in red-brick and slate roof, along with a decorative eaves bracket and roof ridge slate. To the rear of the house is a small garden area (c.35sq.m), enclosed by a 2m-high wall. Behind this garden and accessed via an entrance laneway abutting the side of the subject house is a single-storey bungalow, No.42a North Road, which appears to have been constructed in the original rear garden to the appeal site and is stated to be in control of the applicant.
- 1.3.** The immediate area is characterised by streets lined by a mix of detached, semi-detached and terraced dwellings dating from various eras. Ground levels in the vicinity drop gradually moving south towards Finglas village centre.

## **2.0 Proposed Development**

- 2.1.** The proposed development comprises:
  - construction of a two-storey side extension, providing two bedrooms at first-floor with a stated gross floor area (GFA) of 34sq.m with archway underpass vehicular access serving No.42a North Road to the rear.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1.** The Planning Authority decided to grant permission subject to seven conditions, all of a standard nature.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The report of the Planning Officer (March 2018) reflects the decision of the Planning Authority. The Planning Officer noted the following:

- the proposal is broadly similar to that granted planning permission under Dublin City Council (DCC) Ref. 3264/08, which was not constructed. Since the granting of this previous permission a single-storey house has been built on the adjoining site to the north, No.46a North Road;
- loss of amenities to No. 46a North Road would be minimal;
- the extension would largely cause some overshadowing of the roof of No.46a for part of the day and would subsequently reduce the level of sunlight reaching the solar tubes currently installed onto the south-facing roof slope. However the reduction in sunlight is not considered severe enough to recommend a refusal to grant permission for the extension.

### **3.2.2. Other Technical Reports**

- Engineering Department (Drainage Division) - no objection subject to conditions.

## **3.3. Prescribed Bodies**

- None.

## **3.4. Third-Party Observations**

- 3.4.1. A third-party observation was submitted by the adjoining resident of No.46a North Road and the issues raised are covered within the grounds of appeal below.

## **4.0 Planning History**

### **4.1. Appeal Site**

- 4.1.1. There is an extensive planning history associated with the appeal site, as outlined in the Planning Officer's report, including the following recent planning application:

- DCC Ref. 3264/08 – Permission granted in March 2009 for a two-storey side extension over archway.

## **4.2. Surrounding Sites**

4.2.1. Reflective of the residential urban character of the area, there have been numerous planning applications for domestic extensions and infill housing on neighbouring sites, including the following:

- No.46a North Road (DCC Ref. WEB1345/14) - Permission granted in March 2015 for a three-bedroom detached bungalow in the adjacent side garden.

## **5.0 Policy Context**

### **5.1. Development Plan**

5.1.1. The appeal site is situated in an area identified within the Dublin City Development Plan 2016-2022 as having a land-use zoning objective 'Z1 - Sustainable Residential Neighbourhoods', with a stated objective 'to protect, provide and improve residential amenities'.

5.1.2. Under Section 16.10.12 of Volume 1 to the Development Plan, it is stated that applications for planning permission to extend dwellings will only be granted where the Planning Authority is satisfied that the proposal would:

- 'Not have an adverse impact on the scale and character of the dwelling;
- Have no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight'.

5.1.3. Appendix 17 (Volume 2) of the Development Plan provides guidance specifically relating to residential extensions. Section 17.7 outlines requirements for the 'appearance' of extensions, including the need to resist 'extensions to the front, which significantly break the building line'. Section 17.8 of this Appendix provides specific requirements with regard to the 'subordinate approach' when proposing to extend dwellings, including the need for extensions to perform a 'supporting role' in scale and design to the original dwelling.

- 5.1.4. Under Policy QH1 of the Development Plan, the Planning Authority will have regard to Ministerial Guidelines, including the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (2009).
- 5.1.5. BRE Site Layout Planning for Sunlight & Daylight (revised 2011) is identified in the Development Plan as being relevant in assessing potential impacts of a development on light to neighbouring properties.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. A third-party appeal has been lodged by the adjoining resident to the north, with the following grounds of appeal raised:
- loss of light to a bedroom and a bathroom;
  - impact on solar tubing to south-facing roofslope;
  - no permission has been provided to sit the development on the boundary with the appellant's property;
  - the location map submitted does not include the appellant's home.

### **6.2. Planning Authority Response**

- 6.2.1. The Planning Authority did not respond to the grounds of appeal.

### **6.3. Applicant's Response**

- 6.3.1. The applicant did not respond to the grounds of appeal.

### **6.4. Observations**

- 6.4.1. None.

## **7.0 Assessment**

### **7.1. Introduction**

- 7.1.1. The Dublin City Development Plan 2016-2022 sets out general principles for consideration in extending dwellings, such as residential amenity issues, privacy, relationship between dwellings and extensions, daylight and sunlight, appearance, the subordinate approach and materials. For the city to achieve compact, quality, accessible and affordable residential neighbourhoods, the Plan sets out, amongst other criteria, that dwellings should be adaptable and flexible to cater for changing needs over time. Consequently, I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal relate to the impact of the proposed development on the residential amenities of the area.

### **7.2. Impact on Residential Amenities**

- 7.2.1. The grounds of appeal assert that the proposed extension would significantly restrict lighting to a bedroom window and bathroom window along the side elevation of the adjacent house at No.46a North Road. Within the Planning Officer's report it is asserted that the proposed development would have minimal impact on the neighbouring property at No.46a and that the proposed development is broadly similar to that which was granted planning permission (under DCC Ref. 3264/08) in March 2009. The previously permitted extension was not constructed and in March 2015, planning permission was granted by the Planning Authority for a three-bedroom detached bungalow in the adjoining side garden (under DCC Ref. WEB1345/14). It is stated that the appellant and their family reside in this bungalow.
- 7.2.2. The proposed side extension would be two-storey in appearance and scale and would feature an archway underpass to the existing house to the rear, No.42a. The proposed extension would be constructed directly onto the splayed side boundary with the appellant's property, No.46a, and would widen towards the rear and feature a gable-end onto the boundary. The bungalow on the appellant's property includes two windows along the southern elevation facing the boundary wall shared with the appeal site, while ground levels between the appeal site and appellant's house are relatively similar. These windows are approximately 6.7m from the gable wall to the existing house on the appeal site. One of these window serves an en-suite

bathroom, while the larger window serves as the sole window to a bedroom in the appellant's house.

7.2.3. The bedroom window to the appellant's bungalow would be approximately 2.3m directly to the north of the proposed extension and I note that a pitched-roof with a gable-end 9.6m in height is proposed for the extension. To some extent outlook from this window and natural lighting to this bedroom window would be currently constrained by virtue of the proximity of the window to the boundary wall (c.2.3m) and the side gable of the subject property (c.6.7m) to the south.

7.2.4. Given the proximity of the proposed two-storey extension, including gable-end, directly to the south of a window serving a bedroom in the appellant's property, I would have concerns that the proposed development would significantly further restrict sunlight and daylight to this habitable room. The applicant has not submitted documentation or drawings specifically addressing the impact of the proposed development on lighting to the appellant's property or neighbouring properties. I would also consider that the proximity of the 9.6m-high building adjacent to the neighbouring window would have an overbearing impact when viewed from the bedroom. I recognise that a previous permission had been granted by the Planning Authority to the applicant for a very similar development on the appeal site in 2009, but this was not commenced, and in the intervening period a house was constructed on the adjoining site. As such the context for the proposed development has changed. As noted above, I also recognise that the amenities associated with the neighbouring bedroom would to some degree be undermined by virtue of the current relationship with the appeal property. However, the proximity and height of the proposed extension to the appellant's property would lead to detrimental loss of sunlight and daylight to the neighbouring bedroom and would have a significantly overbearing impact when viewed from this bedroom. Consequently, the proposed extension would have an unacceptable impact on the amenities of the neighbouring property at No.46a and would be contrary to the provisions of Section 16.10.12 of Volume 1 to the Development Plan, which require residential extensions to not result in an unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings, including access to daylight and sunlight. Accordingly, the proposed development should be refused for this reason.



## **8.0 Appropriate Assessment**

- 8.1.** Having regard to the minor nature of the proposed development and to the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **9.0 Recommendation**

- 9.1.** I recommend that planning permission should be refused for the reasons and considerations, as set out below.

## **10.0 Reasons and Considerations**

Having regard to the nature, scale, proximity and positioning of the proposed development to the south of and adjacent to the side elevation of No.46a North Road, which includes a bedroom served by one window, it is considered that the proposed development would excessively restrict sunlight and daylight to this bedroom and would be visually overbearing when viewed from this bedroom. Accordingly, it is considered that the proposed development would seriously injure the residential amenities of this adjoining property, which in turn would be contrary to the provisions of the Section 16.10.12 of the Dublin City Development Plan 2016-2022, which require residential extensions to not result in an unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings, including access to daylight and sunlight, and would, therefore, be contrary to the proper planning and sustainable development of the area.

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Colm McLoughlin  
Planning Inspector

25<sup>th</sup> July 2018