



An
Bord
Pleanála

Inspector's Report ABP-301470-18

Development

Permission is sought for the construction of a single and two storey extension to the rear, side and front of the existing house, new entrance canopy, conversion of the existing garage, conversion of the attic space with a new dormer window and 1 no. new rooflight to the rear slope of the main house, 2 no. new rooflights to the proposed single storey extension, associated elevational changes and all associated site works.

Location

20, Durham Road, Dublin 4, D04
H922

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

2201/18

Applicant(s)

Bryan & Caroline Loo.

Type of Application

Permission.

Planning Authority Decision

Grant Permission subject to conditions.

Type of Appeal	Third Party
Appellant(s)	Tristan Nagle.
Observer(s)	None.
Date of Site Inspection	4 th July 2018.
Inspector	Brid Maxwell

1.0 Site Location and Description

1.1. The appeal site which has a stated area of 341m² is located on the western side of Durham Road in Dublin 4. Durham Road is a well-established residential area comprising predominantly two storey semi-detached dwellings with slate pitched roofs constructed in the 1950s. Front and rear gardens extend to circa 7 and 15m in depth respectively. The appeal site is occupied by a two storey dwelling with garage to the side and flat roofed second floor over the garage set back from the front façade of the dwelling. The dwelling to the south No 18 is attached to that on the appeal site whilst there are a further pair of semi-detached dwellings 22 & 24 to the north.

2.0 Proposed Development

2.1. The application involves permission for the construction of a single and two storey extension to the rear, side and front of the existing house, new entrance canopy, conversion of the attic space with a new dormer window and 1 no new rooflight to the rear slope of the main house, 2 no new rooflights are proposed to the proposed single storey extension, associated elevational changes and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

By order dated 27th March 2018 Dublin City Council decided to grant permission and 8 conditions were attached including

- Condition 2 requiring payment of €1,425.60 in accordance with development contribution scheme.
- Condition 3. The set-back to the front bedroom at first floor level to be retained as existing.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

Planner's report asserts that the scale size and location of the extension will not detract from the amenities of adjoining properties by reason of overlooking or overshadowing and recommends permission subject to conditions. Set back of front first floor level to be retained at a set back to maintain consistency with adjacent dwellings and prevent creation of terraced effect.

3.2.2. **Other Technical Reports**

Engineering Department Drainage Division indicates no objection subject to conditions.

3.3. **Prescribed Bodies**

N/A

3.4. **Third Party Observations**

Submission by Lawrence and Long Architects on behalf of neighbouring resident Mr Tristan Nagle, 18 Durham Road indicates no objection in principle however concern regarding overbearing impact and overlooking. Further concerns outlined regarding lack of detail on submitted drawings.

4.0 **Planning History**

No planning history on the appeal site.

PL29S248240 Relates to 30 Durham Road. Board upheld grant of permission for single storey rear and side extension and new rear dormer window.

5.0 Policy Context

5.1. Development Plan

The Dublin City Development Plan 2016-2022 refers. The site is zoned Z1 the relevant objective is “to protect, provide and improve residential amenities.”

5.1.2 Section 16.10 Standards for Residential Accommodation.

Section 16.10.12 Standards for Extensions and Alterations. Appendix 17 – Guidelines for Residential Extensions.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The third-party appeal is submitted by Lawence and Long Architects on behalf of neighbouring resident Mr Tristan Nagle, 18 Durham Road. Grounds of appeal are summarised as follows:

- Notes that Dublin City Council Planner’s report indicates that appellant’s submissions were not considered.
- No objection in principle however poor quality and form of the proposed development resulting in detrimental effect on appellant’s property.
- Proposed extension is out of scale with the adjoining properties.
- Rear of No 20 extends 1m beyond the rear facade of appellant’s property at ground and first floor along the shared boundary.
- Rear extension is poorly considered volumetrically and formally and is not clearly subordinate to the existing dwelling in scale and design
- Proposed extension will have a negative and overbearing impact on No 18.
- The established pattern of rear two storey extensions on the street places the extension on the detached side of the property providing an appropriate

distance from the adjoining property. Proposal does not follow established development

- Potential overlooking from rear windows at first floor will diminish level of amenity. Oversized window will result in significant increase level of overlooking.
- Dormer window and form of rooflights on the rear roof slope is out of character within the area resulting in an incongruous form of development.
- Proposed dormer is poorly considered in respect to the roofscape as it abuts the existing chimney stack. Proportions are not sympathetic to the windows at first floor of the adjoining properties and dormer in conjunction with the first-floor extension at the rear is overscaled and out of proportion to the extent that a large proportion of the original roof will not remain visible
- Planning application drawings are deficient in that the adjoining properties including appellant's property at No 18 are not indicated in the plans at first floor and roof level and no dimensions indicated to boundaries.

6.2. Applicant Response

The response submitted by AKM Design on behalf of the first party is summarised as follows:

- Design intended to provide necessary additional living space for growing family's needs
- Development has no adverse impact on residential amenity of adjoining properties and minimal visual impact.
- Floor area 19m² ground floor and 12m² at first floor and 29m² at attic level. Plot ratio 0.59 and site coverage 29% well below DCC standards.
- Overall massing and composition of the extension is in keeping with the character of the area.
- Proposed rear extension is broadly in line with the appellants' first floor building line.

- Shadow study shows no adverse impact on No 18 and no adverse impact in terms of overlooking.
- Position and outlook from the proposed rear dormer will be obscured by the proposed roof over the extension to the rear bedroom. There are numerous precedents for dormer windows.
- Refute assertion that the drawings are deficient. Appellant's dwelling is clearly shown on site plan and elevations in compliance with regulations.
- Note condition 3 regarding set back of front bedroom and request that the Board reconsider deletion of this condition.
- Design and scale of the extension is domestic in character and is visually acceptable for the area.

6.3. **Planning Authority Response**

The Planning Authority did not respond to the appeal.

7.0 **Assessment**

- 7.1. I note that the first party alleges that the application is deficient in terms of depiction of his adjacent property on the drawings and provision of dimensions to boundaries. I note that the adjacent property is clearly depicted on the site layout plan and elevation plans and dimensions to boundaries are indicated on site layout plan. In my view the application demonstrates compliance with the requirements for plans drawings and maps as set out in Article 23(1) of the Planning and Development Regulations 2001, as amended. As regards the contention that the local authority failed to have regard to the appellant's submission given the indication within the planner's report that no observations were received within the statutory time frame. The first party offers the view that as the observation was clearly shown on the planning file, the reference within the planner's report is likely to be a typo. I note that the Planning Authority did not respond to the appeal therefore it is not possible to resolve this matter.

- 7.2. The issues arising in this appeal relate to the principle and acceptability of the proposed development in this location particularly in light of the visual impact and impact on the character of the dwelling and the residential amenities of adjacent properties. Given the established residential use and Z1 zoning objective of the site *“to protect provide and improve residential amenity”*, the principle of development of an extension intended to enhance and improve the level of residential accommodation on the site is acceptable in principle.
- 7.3. The key issue is therefore to consider whether the intervention is acceptable in terms of its impact on residential amenity, its visual impact and impact on the character of the dwelling and the area in the specific circumstances of this site.
- 7.3 I note the main requirements for extensions and alterations to dwellings as set out within the Dublin City Development Plan 2016-2022 S16.10.12 and Appendix 17, namely that the design of residential extensions should have regard to the amenities of adjoining properties and, 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 of scale to the main unit.
- 7.4 Regarding the scale of the proposal, I note that the extension proposed 70m² is significant in the context of a relatively modest scale of original dwelling 134m² however the site is sufficiently large to accommodate the proposal and in the context of the established development in the vicinity the scale of the proposal is not out of character.
- 7.5 As regards design and visual impact the materials proposed in the development are to match the existing dwelling which is appropriate. Regarding the proposed front extension to the first floor bedroom which was omitted by condition 3 of the Planning Authority on the basis of the contention of the planning officer that retention of this set back ensures the subordinate character of the first floor element to the side and avoids the “terraced effect”, I consider that this condition is reasonable and

appropriate. The proposed entrance canopy to front elevation is acceptable in my view.

- 7.6 In design terms I note the mix of styles to rear of properties on Durham Road and adjacent dwellings on Sandymount Castle Park to the west. In my view the proposed design integrates appropriately in this context. I consider that based on the separation distance between the site and dwellings on Sandymount Castle Park and having regard to its scale and design the proposed dormer extension it is in my view acceptable.
- 7.7 As regards the single storey extension this extends 5.74m behind the rear building line. I note that adjacent property to the north No 22 has a substantial single storey rear extension and the impact arising from the proposed extension is appropriately mitigated by established boundary treatment and relative orientation of the properties and separation distance.
- 7.8 On the issue of impact on adjacent residential amenity, in terms of overshadowing and outlook I note that the two storey element will extend 1m behind the rear of the building line maintaining the building line of the rear semi-circular extension to the appellant's dwelling no 18. Given the scale and east /west orientation of the dwellings it is not likely to give rise to overshadowing of any significance and in my view is not likely to give rise to a significant impact in terms of outlook. The third party appellant expresses concern regarding the size of the window to the rear extension and the attic level dormer window resulting in increased overlooking. On the issue of the dormer window at attic level views from this to the appellant's garden will be obscured to a degree by the roof of the extension to the rear first floor level. Any overlooking from the new window at first floor level does not in my view give rise to any significant change as to warrant a refusal of permission on grounds of detriment to established residential amenity.
- 7.9 As regards Appropriate Assessment having regard to the nature and scale of the proposed development and the nature of the receiving environment, and proximity to the nearest European site, no appropriate assessment issues arise and it is

considered that 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. I have read the submissions on the file, visited the site and had due regard to the development plan and all other matters arising. I recommend that the Board uphold the decision of the planning authority and grant permission subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the Dublin City Development Plan 2016-2022 it is considered that the proposal would comply with the zoning objective for the site and would be compatible with the visual and residential amenities of the area and would not impact unduly on the residential amenities of adjacent properties. No appropriate assessment issues would arise. The proposal would thus accord with the proper planning and sustainable development of the area.

Conditions

- 1 The development shall be carried out and completed in accordance with the plans and 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:

The proposed first floor level setback shall be retained.

Reason: In the interest of visual amenity.

3. The external finishes of the proposed extension (including roof tiles / slates) shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the attenuation and 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.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall be erected within the rear garden area, without a prior grant of planning permission.

Reason: In the interests of the amenities of the area.

6. Site development and building works shall be carried out only between 0700 hours and 1800 hours Mondays to Fridays, between 0800 hours and 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.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme.

Bríd Maxwell

Planning Inspector

11th July 2018