



An
Bord
Pleanála

Inspector's Report ABP-301701-18

Development	Dormer extension and new rooflight to the rear and the demolition of an existing single storey lean-to structure abutting another building in separate ownership to facilitate the construction of an exempted development (single storey extension), also to the rear.
Location	11, York Road, Rathmines, Dublin 6
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1110/18
Applicant(s)	Any & Niamh Tallon
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Susan Shea
Observer(s)	Rathgar Residents Association
Date of Site Inspection	21/09/2018
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site is located on the northern side of York Road, a residential road of mostly two storey red-brick terraces, to the south of the centre of Rathmines Village. York Road comprises a series of terraces of dwellings of particular architectural styles. The subject dwelling is the first of a terrace of two storey dwellings slightly stepped down from the dwellings to the east and of a simpler red-brick style. To the east, the appellants property is the first of a terrace of larger more ornate red-brick dwellings with bay windows at ground and first floor. York Road rises to the east with the result that the ground level of this terrace of dwellings is slightly higher than the subject terrace to the west.
- 1.1.2. The mid-terrace dwelling has a single storey lean-to extension to the rear and a two-storey rear- return. The dwelling to the west is of similar form while the dwellings to the east have three storey rear returns.

2.0 Proposed Development

- 2.1. On the 7th March 2018 permission was sought for a dormer extension and new rooflight to the rear of an existing two storey dwelling, the demolition of a single storey lean-to extension (9.5sq.m.) and the construction of a single storey extension to the rear. On a site of 186sq.m. the plot ratio is 1.05 and site coverage is 54%.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 30th of April 2018 the Planning Authority issued a notification of their intention to GRANT permission subject to conditions. Condition no. 2 states:

- 2 The development hereby approved shall incorporate the following amendments: (a) the proposed rear dormer extension shall be omitted.
Reason: To protect the residential amenities of the area.

3.2. Planning Authority Reports

- 3.2.1. **Engineering Report:** No objection subject to standard conditions.
- 3.2.2. **Planning Report:** Proposed extension at ground level is not exempt. Proposed ground floor extension is acceptable as it is subordinate and therefore in compliance

with section 16.10.12 of the development plan. Proposed dormer does not comply with section 17.11 as it is not visually subordinate. Recommendation to grant with condition omitting the dormer.

3.3. **Third Party Observations**

- 3.3.1. A number of observations on the proposed development were submitted to the Planning Authority. The issues raised were the size of the proposed dormer, protection of the adjoining dwelling (no. 12), and the impact of the proposed ground floor extension on the adjoining dwelling at no. 10.

4.0 **Planning History**

- 4.1.1. **PL29S.237746** (Planning Authority reg. ref. 3308/10): Planning permission was granted for the demolition of an existing single storey lean-to structure abutting another building in separate ownership to facilitate the construction of an exempted development all to the rear. Condition no. 2 stated:

“2. For the avoidance of doubt, planning permission is hereby granted only for the demolition of the single storey lean-to structure which abuts another property in separate ownership and as described in the public notices submitted with the planning application.

Reason: In the interest of clarity”

5.0 **Policy Context**

5.1. **Dublin City Development Plan 2016-2022**

- 5.1.1. In the Dublin City Development Plan 2016 -2022 plan, the site is zoned ‘**Z2 Residential Conservation**’ which has the stated objective “to protect and improve the amenities of residential conservation areas”. Within Z2 zones ‘Residential’ is a permissible use.
- 5.1.2. **Chapter 16** includes the Development Management Standards and has regard to Design, Layout, Mix of Uses and Sustainable Design.
- 5.1.3. **Section 16.2.2.3** of the development plan refers to Alterations and Extensions. The section states that DCC will seek to ensure that alterations and extensions will be sensitively designed and detailed to respect the character of the existing building, its

context and the amenity of adjoining occupiers. In particular, alterations and extensions should:

- Respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings
- Retain a significant proportion of the garden space, yard or other enclosure
Not result in the loss of, obscure or otherwise detract from architectural features which contribute to the quality of the existing building
- Retain characteristic townscape spaces or gaps between buildings
- Not involve the infilling, enclosure or harmful alteration of front lightwells.

5.1.4. **Section 16.2.2.3** also states that extensions should be confined to the rear in most cases, be clearly subordinate to the existing building in scale and design and incorporate a high standard of thermal performance and appropriate sustainable design features.

5.1.5. **Appendix 17** of the development plan provides general principles for residential extensions. Section 17.11 refers to Roof Extensions and states that the following principles should be observed:

- The design of the dormer should reflect the character of the area, the surrounding buildings and the age and appearance of the existing building.
- Dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible.
- Any new window should relate to the shape, size, position and design of the existing doors and windows on the lower floors.
- Roof materials should be covered in materials that match or complement the main building.
- Dormer windows should be set back from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third-party appeal against the decision of the Planning Authority to grant permission was submitted to the Board by the residents of the adjoining property to

the east no. 10 York Road. The grounds of the appeal can be summarised as follows:

- The proposed development must comply with the 'daylight & sunlight' and 'extension' requirements of the Dublin City Development Plan 2016-2022.
- The Planners Report statement that the proposed dwelling is orientated in a north-south direction does not accurately describe no. 10 where most time is spent in the kitchen / dining and courtyard areas. The houses on York Road are north-west / south-east which increases exposure to western light.
- Each house has a rear return adjoining its neighbour. No. 11's return faces east and no. 10's faces west. No 10's return gets very strong direct sunlight in the afternoon and evenings.
- The proposed extension on the boundary wall will be 50% higher than the current boundary wall. It extends beyond the return of the original house which adds to the excessive impact on no. 10.
- The Board is requested to refuse permission.

6.2. Applicant Response

6.2.1. The applicant has responded to the third-party appeal. The response can be summarised as follows:

- A notification of Declaration on Development and Exempted Development for a single storey extension to the rear of the subject property was issued by DCC on the 27th April 2011 (0058/11 refers). The proposed extension has an identical floor area and a similar form. This extension was not constructed and the dwelling was sold to the current owners.
- The proposed extension with a floor area of 20.1sq.m. has a ceiling height of 2.475m, matching that of the existing return. The flat roof contains a single skylight.
- The retained garden space is greater than 25sq.m.
- The proposed single storey extension is respectful in scale, does not extend beyond the building line of the existing structure and wraps the existing return. The proposed flat roof reduces the impact of the structure in context.

6.3. **Planning Authority Response**

6.3.1. None on file.

6.4. **Observations**

6.4.1. Rathgar Residents Association: The decision of the Planning Authority was correct and should be upheld. The Association supports the appeal of the adjoining neighbour. Full width extensions are not good planning practice, they should be set back from boundaries to avoid impact on adjoining properties.

7.0 **Assessment**

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. I have assessed the proposed development including the various submissions from the applicant, the planning authority and the Observer. I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Impact on Residential Amenity

7.2. **Principle of Development**

7.2.1. The subject site is located in an area zoned for residential development. The proposed extension to an existing dwelling, subject to compliance with all other planning considerations, is acceptable in principle.

7.3. **Impact on Residential Amenity**

7.3.1. The Appellant's dwelling is located to the east of the subject site. The proposed single storey extension to the rear has an overall height of 3m, of which 1.1m extends over the existing boundary wall. The proposed flat roofed extension extends 2.5m beyond the existing rear return and extends the width of the site.

7.3.2. The appellant states that the proposed full-width extension will interfere with the light she receives to her kitchen / dining and courtyard. She disputes the Planning Authority's declaration of the terrace having a north-south orientation, stating it is more accurately north-west / south-east. The degree of alignment is not substantive. The dwellings are largely north / north west orientated and therefore the proposed extension will not cause additional overshadowing of the adjoining dwellings to east

or west. The provision of a single storey extension on a road where a considerable number of the dwellings have three storey returns (including the appellants dwellings and the seven dwellings to the east) is not considered to have a significant impact on sunlight and daylight.

- 7.3.3. I am satisfied that the proposed single storey ground floor extension complies with section 16.2.2.3 of the development plan in that it respects the uniformity of the street, retains a significant proportion of the garden and does not result in the loss of any architectural features. The proposed extension which is not visible from the front is entirely subordinate to the building in scale and design.

7.4. **Other**

- 7.4.1. The omission of the dormer by condition no. 2 of the Planning Authority's decision was raised by the third-party observer. The proposed dormer at roof level is clearly subordinate to the existing building in scale and design. It will not be visible from York Road. Notwithstanding that the applicant has not appealed it, I see no reason for its omission. The property overlooks a rear lane running to the north of the houses on York Road, north of which is a shed associated with no. 5 York Avenue. The Board will note the large dormer extension on the pitched roof rear return of no. 8 York Road, to the east of the subject site (see appended photos). The proposed dormer will not cause overlooking of any property, nor reduce the residential amenity of properties in the area. I am satisfied that the proposed dormer extension to the rear of the dwelling complies with section 17.11 of the development plan in that it is visually subordinate, is set back from the eaves level and reflects the character of the area and the existing building.

8.0 **Appropriate Assessment**

- 8.1.1. Having regard to the nature and scale of the proposed development in a fully serviced built-up urban area, 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.

9.0 **Environmental Impact Assessment Screening**

- 9.1.1. Having regard to nature of the development comprising extension to and alteration of an existing dwelling and the urban location of the site there is no real likelihood of

significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

10.0 Recommendation

10.1.1. Having regard to the Z2 zoning objective for the area which seeks to “To protect and/or improve the amenities of residential conservation areas” in the Dublin City Development Plan 2016-2022 and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the character or setting of the existing house or adjoining dwelling in the terrace and would not seriously injure the residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1 The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the drawings submitted to the Board on the 20th day of April 2018, 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 Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwelling and to protect the residential amenities of adjoining properties

3. 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: To ensure adequate servicing of the development, and to prevent pollution.

Gillian Kane
Senior Planning Inspector

24 September 2018