



An
Bord
Pleanála

Inspector's Report ABP-301800-18

Development	Permission for provision of bedroom window at 49 Reuben Avenue.
Location	49, Reuben Avenue, Rialto, Dublin 8
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	2541/18
Applicant(s)	Quotumas Investments Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Quotumas Investments Ltd.
Observer(s)	None
Date of Site Inspection	27 th August 2018.
Inspector	Ronan O'Connor

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1.0 Site Location and Description

- 1.1. The site is located on the eastern side of Reuben Avenue. On site is an end of terrace 2 storey redbrick dwelling. There are single storey outbuildings in a state of disrepair between Nos. 49 and 48 Reuben Avenue, referred to as No. 48A Reuben Avenue. No's 47, 48 and 49 are all currently undergoing refurbishment.
- 1.2. The site location plan (drg. No. 1) refers to the site at No. 48A Reuben Avenue and does not incorporate No. 49 Reuben Avenue. The Board may wish to seek further information in this regard to correct or clarify this issue.

2.0 Proposed Development

- 2.1. Permission for provision of bedroom window at 49 Reuben Avenue.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Refuse permission for one reason relating to overlooking and inadequate habitable accommodation.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer reflect the decision of the planning authority. Points of note are as follows:

- Provision of a window could be considered improvement of residential amenity for the existing house.
- Notes that the current application is similar to a previous application which was refused on amenity grounds.

- Refers to the previous refusal by ABP on the neighbouring site for rear extensions at Nos. 47 & 48 Reuben Avenue – development on this site remains uncertain.
- Provision of a window would overlook No. 48a Reuben Avenue and would infringe upon the development potential of that site.
- The room into which a window is to be inserted was approved as a bathroom under the application for an exemption certificate plan ref no EXPP 0201/17.
- The current application states it is to serve a bedroom and it will be obscured. The provision of obscured glazing to a bedroom will not provide adequate light.
- Recommendation to refuse permission.

3.2.2. Other Technical Reports

3.2.3. Drainage – No objection.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

Appeal site

4.1.1. 4496/17 Refuse – Bedroom window for one reason relating to impact on amenity.

47, 48 & 48A Reuben Avenue

4.1.2. 249231 (3280/17) – Refuse – Rear extensions/retention of partial demolition of sheds.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The relevant development plan is the Dublin City Development Plan 2016-2022. The site is located in an area that is zoned Objective Z1 (To protect, provide and improve residential amenities). Under the provisions of the Dublin City Development Plan 2016-2022. Under this land use zoning objective, residential development is a permissible use.

5.2. Natural Heritage Designations

- 5.2.1. None.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The Grounds of Appeal, as submitted on behalf of the first party appellants, are as follows:
- House has been extensively refurbished and extended.
 - New replacement window is required to the rear bedroom to provide daylight and fire escape.
 - A velux window will also be required to provide extra light.
 - The window will replace the window that existing in the original bedroom.
 - Application is for an opaque glazed window to the side elevation and a velux window.
 - Application was refused due to overlooking of No. 48A/No. 48A is owned by the applicant/Does not have any issue with the proposed window.
 - There is no overlooking of No. 48.
 - Original layout of property consisted of one window to the rear elevation in the rear bedroom with a side window to the bathroom.

- The proposed new layout provides a window to the side of the extension giving more privacy than the original layout did/the proposed new window overlooks the existing roof of No. 48A.
- It is proposed to construct a dwelling at No. 48A/Bedroom will look onto a walled gable end.
- There are no additional bedrooms created in the dwellinghouse/existing bedroom was extended/photographs showing the original dwellinghouse are attached.

6.2. **Planning Authority Response**

6.2.1. None.

6.3. **Observations**

6.3.1. None.

7.0 **Assessment**

7.1. The following assessment covers the points made in the appeal submissions and also encapsulates my *de novo* consideration of the application. The main issues in the assessment of the proposed development are as follows:

- Principle of Development/Procedural Issues
- Impact on Neighbouring Amenity
- Impact on Development Potential of Neighbouring Site
- Appropriate Assessment

7.2. **Principle of Development/Procedural Issues**

7.2.1. The subject site is zoned 'Z1' with an objective 'To protect, provide and improve residential amenities'. Residential development within this zoning is permissible in principle, subject to a detailed assessment.

7.2.2. The site location plan (drg. No. 1) refers to the site at No. 48A Reuben Avenue and does not incorporate No. 49 Reuben Avenue. The Board may wish to seek further information in this regard to correct or clarify this issue. However I am satisfied a

condition can be imposed to ensure clarity in relation to this issue, as all other drawings on file clearly relate to No. 49 Reuben Avenue.

7.3. Impact on Neighbouring Amenity/Residential Standards

- 7.3.1. I note the reason for refusal relates to overlooking of neighbouring properties as a result of the window and the planning authority considered that an obscured window would not provide sufficient natural light to the bedroom.
- 7.3.2. The appellant has submitted revised plans with the appeal, and an openable window is now proposed with uPVC panels.
- 7.3.3. At the time of my site visit the window was plastered over, but was visible internally and the outline of the window visible from the rear yard. I do not consider that the window would result in overlooking of neighbouring properties, as currently existing. There are no windows to the side of No. 48 Reuben Avenue. There windows to the rear of properties on Reuben Walk, but these do not face directly towards the side window under consideration here.
- 7.3.4. Given there are no overlooking issues, it is not necessary in my opinion to obscure the window and there will be sufficient natural light to the bedroom as a result. I concur with the view of the planning authority that an obscured window would not provide sufficient natural light to the bedroom. While a rooflight is also proposed, providing additional natural light, I also consider that an obscured glazed window or a window with uPVC panels, would not provide any outlook from the bedroom, resulting in a poor standard of accommodation for any future occupiers. As such I consider a condition be imposed requiring the window to be clear glazed.

7.4. Impact on Development Potential of Neighbouring Site

- 7.4.1. I note the previous application and subsequent appeal (249231) at No's 47, 48 and 48A Reuben Avenue. This proposed rear extensions to No's 47 and 48, and the demolition of the sheds at No. 48A. This was refused by the Board for reasons relating to overdevelopment of the site and impact on amenity. Documentation relating to this previous appeal, namely Dwg. 16_387_05, show an outline of future

development at No. 48A, although no application for same has been submitted, and there is very little detail in the previous appeal, and this current appeal, as to what form a development could take on this site.

- 7.4.2. Notwithstanding this, the window under consideration here is set in off the boundary and there is a rear and side yard that serves the appeal property. This provides a buffer between the appeal site and that at No. 48A. I do not consider that a non-obscured window here would necessarily stymie the development potential of the neighbouring site, and any future proposal can be designed to be cognisant of the window under consideration here.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature of the proposed development, a side window, 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 the conservation objectives of any European site.

8.0 Recommendation

- 8.1. Grant permission.

9.0 Reasons and Considerations

Having regard to the appearance and location of the window, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the residential amenities of property in the vicinity, would not impact the development potential of neighbouring sites and would provide a sufficient standard of accommodation to the existing bedroom. 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, as amended by the further plans and particulars received by An Bord Pleanála on the 7th day

of June, 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. For the avoidance of doubt, this permission relates to the site at No. 49 Reuben Avenue only.

Reason: In the interest of clarity.

3. The proposed window shall be clear glazed.

Reason: In the interest of residential standards.

Rónán O'Connor
Planning Inspector

29th August 2018