



An
Bord
Pleanála

Inspector's Report ABP-301804-18

Development	Construction of a first floor extension to rear with flat roof and a single storey extension to front elevation with pitched roof
Location	8, Greencastle Avenue, Coolock, Dublin 17
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4365/17
Applicant(s)	Cozmin Surubaru
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Marie Flannery
Observer(s)	None
Date of Site Inspection	11 th September 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.....	4
5.1. Dublin City Development Plan 2016-2022	4
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	7
6.5. Further Responses.....	7
7.0 Assessment.....	7
8.0 Recommendation.....	10
9.0 Reasons and Considerations.....	10
10.0 Conditions	10

1.0 Site Location and Description

- 1.1. The subject site is located on Greencastle Avenue in Coolock, in a well-established residential area, north east of Dublin City.
- 1.2. The site is located on the southern side of Greencastle Avenue and comprises an end-of-terrace two storey dwelling, with existing single storey rear extension and front porch.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Construction of a first floor extension over existing ground floor extension to rear of dwelling, 3.9m deep, extending across the width of the existing dwelling, with an overall height of 5.88m, finished with a flat roof. A new window is proposed in the side elevation of the existing dwelling to serve a bedroom window, due to the blocking of existing rear bedroom window by the new extension. It is proposed that this side window, on the eastern elevation shall comprise obscure glazing.
 - Construction of a single storey extension to existing porch to front of dwelling, which will increase its width by 2.2m. The roof will tie in with the existing roof of the porch.

The floor area of the new build is stated to be 27sqm.

3.0 Planning Authority Decision

3.1. Decision

GRANTED, subject to 7 conditions, including the following:

C2: The approved development shall incorporate the following amendment:

- The first floor extension shall be set back from the south-west property boundary by a minimum of 1m.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority. Further information was requested in relation to potential overshadowing and overbearing impact of the first floor extension. A sunlight and daylight analysis was subsequently submitted by way of further information and the roof profile of the extension was amended by the applicant, but the depth of the extension was not amended on the basis of the results of the sunlight/daylight analysis. The analysis submitted was accepted by the planning authority, however, to overcome overbearing impacts, a condition was attached to reduce the width of the extension at the boundary with the adjoining dwelling at 6 Greencastle Avenue.

3.2.2. Other Technical Reports

Engineering Division: No objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

One third party observation was received from 10 Greencastle Avenue, 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 appeal has been received from the resident of 10 Greencastle Avenue, the neighbouring dwelling to the northeast, the grounds of which are summarised as follows:

- Loss of sunlight during the summer and loss of sunlight and daylight during the winter. The loss of winter light will be profound in terms of frost, keeping damp at bay and allowing light into the rear of the property. Sun comes in over the existing neighbouring single storey extension at 1.30pm in October, as per photo attached.
- The design change from flat roof to hipped roof will further increase overshadowing.
- Photos are attached which show existing overshadowing at 3pm and 4pm on 2nd June 2018.
- Concern in relation to structural stability.
- Loss of privacy arising from installation of additional side window at first floor level within existing side elevation of the dwelling.
- The submission of a revised design is contrary to article 35 of the Planning and Development Regulations 2001 as amended. The information submitted which revised the roof design is significant and should have been readvertised. The letter submitted from no. 6 should be inadmissible and was submitted as part of an appendix. The occupier is also not the owner, Dublin City Council is.

- No property in the surrounding area has an above ground extension and proposal will be out of place and will impose significantly on the amenity and enjoyment of no. 10.

6.2. Applicant Response

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

- A revised design was submitted by way of further information which provided for a hipped roof profile with negligible shadowing effect.
- Condition 2 of the permission required the first floor extension to be stepped in 1m from the southwestern property boundary. This is considered onerous. It will not result in any less overshadowing of no. 6 and the nearest window in no. 6 to this boundary is a bathroom window.
- The shadow study relates to the rear extension and the software used and dates chosen are to industry standard. The drawings and images has been produced in good faith and the company used has significant experience in this regard. It is noted that a small error occurred where a window was shown on the rear of no. 10 instead of an existing door. The model has been amended and resubmitted as part of this appeal to reflect the correction made and in addition properties to the left and right of no.8 have been included as queried by the appellant. In addition the revised model includes the design with condition 2 of the planning authority applied.
- The proposed side windows are to comprise obscure glazing and will not overlook no. 10.
- The photos submitted from no. 10 showing shadows have not been labelled with a time or date therefore no comment can be made on them.
- The applicant believed the occupant of no. 6 was the owner. It is noted that he has lived there for 17 years and has a desire to buy the property from the local authority.

6.3. Planning Authority Response

None.

6.4. Observations

None.

6.5. Further Responses

A further response from the third party has been received, which is summarised as follows:

- Attached are dates and times of letters submitted to the enforcement section of DCC.
- While the software is stated to be accurate, as a resident since 1968, the third party is of the view that the first floor extension will overshadow no. 10.
- The validity of the letter submitted by resident of no. 6, who is not the owner, is queried.

A further response from the first party has been received which is summarised as follows:

- The issues relating to planning enforcement do not relate to this application. Unauthorised works were not undertaken, as confirmed by DCC.
- Precedent for a similar extension exists at No. 2 Macroom Road, planning reference WEB1033/18.

7.0 Assessment

7.1. I consider that the relevant issue in determining the current appeal before the Board relates to design and impact on amenity.

7.2. The subject site is located within zoning objective Z1, the objective for which is *'to protect, provide and improve residential amenities'*. I consider the proposed extension to an existing dwelling to be acceptable in principle with the zoning objective for the area.

Design and Impact on Amenity

- 7.3. The third party contends that the proposed extension will result in significant loss of sunlight and daylight in both winter and summer and the proposal will be overbearing, resulting in a loss of amenity to no. 10.
- 7.4. The first party contends that, in accordance with sunlight daylight analysis submitted, that overshadowing and loss of light will not be significant. It is further considered the proposal will not be overbearing and the condition in relation to setting the extension off the boundary is onerous.
- 7.5. The proposed extension has an overall depth of 3.9m and extends across the width of the house (6m), with a hipped roof finished which sits below the existing ridge line. The overall height of the dwelling is 7.2m and the rear extension is 6.7m high.
- 7.6. The extension is positioned 1.7m from the boundary with no. 10, which is located to the northeast of the extension. I note the appeal site has a slightly higher ground level to the neighbouring property. While the proposed extension will result in some overshadowing and loss of light, I do not consider the scale and extent of the first floor will result in such a significant loss of light/overshadowing as would warrant an amendment of the design, given the distance from the boundary and the orientation of no. 10 northeast of the extension. The extension at 3.9m deep is in my view reasonable in this urban context and will not be overbearing or visually obtrusive. While the amended design at further information stage resulted in an increase in height with the change in roof profile from flat roofed to hipped roof, the amendment is considered visually acceptable.
- 7.7. With regard to the property to the northwest, no. 6, I do not consider the scale and depth of the extension will be visually overbearing and I consider the requirement of condition 2 to set the first floor 1m off this boundary to be unwarranted.
- 7.8. Overall the scale and design of the proposed extension is in my view modest and will not result in significant overlooking or overshadowing/loss of light to neighbouring properties.

Other Matters

- 7.9. I note that a new first floor window is proposed on the side elevation to serve an existing bedroom, whose existing rear window is to be removed by the extension. While obscure glazing is proposed, I do not consider obscure glazing appropriate for a bedroom window in terms of amenity and given the position of the window in the

side elevation opposite the existing side elevation of no.10, I do not consider overlooking will be a significant issue, with any potential overlooking oblique in nature. Should the Board be minded to grant permission, I recommend standard glazing be utilised in this window.

- 7.10. Issues raised in relation to enforcement are a matter for the planning authority and not An Bord Pleanala. With regard to the receipt of further information, I note the appellant's concerns that the submission was not valid and should have been considered significant, however, it is the responsibility of the planning authority to determine whether they consider the information to be significant additional data, in accordance with the Planning and Development Regulations 2001. I am satisfied that the development as proposed has been submitted in accordance with the regulations.
- 7.11. With regard to structural stability, I have no information before me to suggest that the extension cannot be constructed to a safe standard in accordance with best practice. This is a matter of compliance with building regulations.
- 7.12. While I note the site is within a zone of archaeological interest, given the rear extension is above an existing ground level extension, I do not consider this a significant issue. Should the Board be minded to grant permission, they may wish to attach a condition to address this issue.

Appropriate Assessment

- 7.13. 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.

Environmental Impact Assessment

- 7.14. Having regard to the minor nature and scale of the proposed development and its location in a serviced urban area removed from any sensitive locations or features, 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.

8.0 Recommendation

8.1. It is recommended that permission be 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 new window inserted on the on the eastern/side elevation of the existing dwelling shall comprise standard glazing.

Reason: In the interest of residential amenity.

3. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

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

6. 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.

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 made under section 48 of the Act be applied to the permission.

Una O'Neill
Senior Planning Inspector

12th September 2018