



An
Bord
Pleanála

Inspector's Report ABP-301880-18

Development	The construction of a single story extension to the rear of dwelling.
Location	86, Bulfin Road, Inchicore, Dublin 8
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1171/18
Applicant(s)	Oisín Crotty.
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Oisín Crotty.
Observer(s)	None.
Date of Site Inspection	05 th of September 2018.
Inspector	Karen Hamilton

1.0 Site Location and Description

1.1. The site contains a 2 storey mid terrace dwelling which fronts onto the main Bulfin Road, Inchicore, Dublin 8. The site has private off street caraprking to the front and long narrow rear garden which is a characteristic of the surrounding sites. The site is bound by c1.8m high block walls and an alley provides pedestrian access to the rear.

2.0 Proposed Development

2.1. The proposed development would comprise of following:

- Proposed single storey rear extension (47m²).

3.0 Planning Authority Decision

3.1. Decision

Decision to refuse for the following reasons:

Having regard to the scale and height of the proposed single storey extension to the rear of this property, it is considered that this would seriously injure the residential amenities of the adjoining properties due to its overbearing appearance and overshadowing of the adjoining properties and would be contrary to section 16.10.12 which deals with extensions and alterations to dwellings, and therefore is contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planner reflects the decision to refuse permission and refers to the size of the site, the length of the extension at the rear of the existing dwelling and considered the extent of the proposal would have a negative impact on the residential amenity of the adjoining dwellings.

3.2.2. Other Technical Reports

Drainage Division- No objection subject to conditions.

3.3. Prescribed Bodies

None requested.

3.4. Third Party Observations

None received.

4.0 Planning History

None on site.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

The site is zoned as Z1 where it is an objective, *"To protect and/or improve the amenities of residential amenities"*.

Extension to dwellings.

Section 16.2.2.3: Alterations and extensions (general)

- Extensions will be sympathetic to the existing building and adjoining occupiers

Section 16.10.12: Extensions and Alterations to Dwellings

Relates to alterations and extensions to dwellings and states that development will only be granted where it will not have an adverse impact on the scale and character of the area and will not adversely affect amenities enjoyed by occupants of adjacent buildings.

Appendix 17 of the Plan sets out design guidance with regard to residential extensions;

- 17.3: Residential amenity: extensions should not unacceptably affect the amenity of the neighbouring properties,

- 17.4 Privacy: Extensions should not result in any significant loss of privacy to the residents of adjoining properties,
- 17.6 Daylight and Sunlight: care should be given to the extensions and the impact on the adjoining properties.

5.2. **Natural Heritage Designations**

None relevant.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal are submitted from the applicant in relation to the refusal and the issues raised are summarised below:

- In relation to overshadowing there is no evidence or calculations provided in the planners report and it is merely a generic reference to the impact.
- The proposed development is for the most part a single storey extension (c. 3.4m) with two fifths of the length below the window sill on the first floor.
- A small portion of the extension has a modest upward sloping profile (up to 11.7m) which is located 12m to the rear of adjoining properties and the laneway to the rear of the site provides a buffer.
- Having regard to the orientation of the site there would be no overshadowing from the proposed development and any overshadowing would be on the open space within the site.
- The proposed extension is only 47m² and 40m² are permitted as exempt development.
- The properties to the rear have modest single storey extensions to the rear.
- The open space standards refer to a new build property, the quality and design (south facing garden) is more important.
- There were no objections received.

- The proposal will not set a precedence as all extensions will not be the same.
- A two storey extension would have a greater impact than the proposed development.

6.2. Applicant Response

The applicant is the appellant.

6.3. Planning Authority Response

A response from the planning authority was received which is summarised below:

- The site is a long narrow site.
- The proposal extends some 12.2m along the boundaries with No 85.
- The height of the extension rises to 5.1m along sections which is double height.
- There is no objection to the principle of the extension, the extensive length and height at the rear of the end of the proposal would have an overbearing impact on the adjoining properties.

6.4. Observations

None received.

7.0 Assessment

7.1. The main issues of the appeal can be dealt with under the following headings:

- Residential and Visual Amenity
- Appropriate Assessment

Residential and Visual Amenity

7.2. The subject site includes a modest two storey mid terrace dwelling in a residential area of Inchicore, D8. The site fronts directly onto Bulfin Road with private off street parking and includes a long narrow rear garden which is a characteristic of the surrounding sites. There is a rear alley providing access to the rear of the site.

- 7.3. The proposal includes a single storey rear extension (47m²) which extends 12.2m to the rear of building line and includes a corridor which interconnects to a rear kitchen/ workspace is single storey and rises in height to provide a mono pitched roof, c. 5m in height. The reason for refusal refers to the length and height of the proposed development which the planning authority considered excessive and therefore contrary to section 16.10.12 of the development plan. Section 16.10.12 and Appendix 17 of the development plan provides guidance for extensions to dwellings and requires that the impact on the scale and character of the area or amenities enjoyed by occupants of adjacent buildings is not adversely affected. The grounds of appeal consider the reasons for refusal are generic and not justified and the proposed extension will not have a negative impact on the surrounding area. I have assessed the impact of the proposed development on the amenities of the existing occupants and those in the surrounding area.
- 7.4. Open space: The existing rear garden is c. 94m². The proposed development includes two sections of open space, the Zen courtyard directly to the rear of the dwelling beside an interconnecting corridor (c. 12m²) and an area at the end of the extension (c. 22m²) south of the extension. The proposed floor plans include inaccurate scaled dimensions although having regard to the figures provided on the plans the above sizes were recorded. The report of the area planner considers the provision of open space is c. 35m² which is not considered sufficient to accommodate a 3 bed, 4 bed spaces, dwelling as Section 16.10.2 of the development plan requires the minimum provision of 10 m² per bed space (40m²). The grounds of appeal state the development plan standards refer to new build and not extensions to existing dwellings. I note the required standards, which I consider are reasonable for both new builds and alterations to dwellings and considering the size of the existing rear garden, I consider the retention of 40m² a reasonable standard. In addition, I note the size of the rear gardens in the immediate vicinity and surrounding area and I do not consider a reduction in development plan standards a desirable precedent to set for similar developments. Therefore have regard to the size of the site and the provision of open space I do not consider the proposal complies with Section 16.10.2 of the development plan.
- 7.5. Overshadowing: The subject site is located to the east of No 85 and west of No 87. The majority of the extension is single storey although that kitchen/ dining area at the

very end, south of the proposed extension includes a raised / pitch roof which extends up to 5.1m. The report of the planner states that having regard to the orientation of the site, the proposal will lead to excessive overshadowing of both properties. The grounds of appeal state that the extension will not overshadow adjoining properties rather any additional shadows will be orientated towards the current dwelling on the site. I note the orientation of the site and having regard to the raised height to the rear, south of the site, I consider there will be an increase in overshadowing in the rear garden of No 85, to the east in the evening although I do not consider this increase would have a significant negative impact on the amenities of the residents of this property.

- 7.6. Overbearing: The adjoining dwellings have single storey extensions which project c. 4.5m from the rear building line. The proposed extension projects 12.2m to the rear and although single storey in the most part, the height increases to c. 5m, over single storey at the south of the site. A Design Statement accompanied the planning application which included an illustration of the proposed development in the context of the site and surrounding area. I note the location and design of the extension at the end of the site and I consider it will be visible from the rear of both properties adjacent to the site. Having regard to the height of the southern aspect of the extension I consider the proposal will have an overbearing impact to the rear of these properties therefore I consider the proposal is contrary to the guidance in the development plan for extension and alterations, Section 16.10.12 which states that proposal will not have an adverse impact.
- 7.7. Overlooking: The proposed extension is located c. 22m from the rear of an adjoining property and does not include any first floor windows which may cause any overlooking onto any adjoining properties. Therefore, having regard to the location and design of the extension I do not consider there will be any overlooking.
- 7.8. Having regard to the significant reduction in the open space to a standard less than the minimum required in Section 16.10.2 of the development plan and the design of the rear extension, in particular the 5m height at the southern end, I consider the proposal will have a negative impact on the residential amenity of the existing and adjoining residents, therefore is contrary to the guidance provided in Section 16.10.12 and Appendix 17 of the development plan.

Appropriate Assessment

- 7.9. Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance to the nearest 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 the conservation objectives of any European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be refused, having regard to the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the limited size of the site and the scale of development proposed, in particular the length and height of the southern aspect, and its seriously inadequate provision of private open space for the proposed occupants of the dwelling, it is considered that the proposed development would be an inappropriate form of development at this location and would represent significant overdevelopment of this constrained site and would have an overbearing impact on existing rooms to the rear of the adjoining dwellings. The proposed extension would, therefore, be contrary to Section 16 and Appendix 17 of the development plan, would seriously injure the amenities of the area and of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

Karen Hamilton
Planning Inspector

06th of September 2018