



An
Bord
Pleanála

Inspector's Report
ABP-301897-18

Development	Permission for renovation and extension of the existing 2-storey terraced dwelling house and associated works
Location	13 Viking Road, Stoneybatter, Dublin 7
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2636/18
Applicant(s)	Kathleen McGoldrick
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Elizabeth Donovan
Observer(s)	Francis Turvey
Date of Site Inspection	7 th September 2018
Inspector	Suzanne Kehely

1.0 **Site Location and Description**

- 1.1. No.13 Viking Road is a mid-terraced two storey two bedroomed Victorian yellow brick house on the west side the road. It is in Oxmanstown in a quiet residential enclave in the City Centre just east of the Parkgate Street entrance to Phoenix Park. It is a long road backing onto Ard Righ Road to its west which has similar house types.
- 1.2. The rear of houses on Ard Righ and Viking Road are separated by a distance of about 10m at first floor level. As viewed from the upper floor windows during my site inspection, the majority of houses have a single storey extension of varying design, height and area. There was only one house that had a first floor extension. There were clear views of the rear of numbers 46 and 47 Ard Righ Road from the upper floor windows.
- 1.3. The plot is about 4.52m wide and 10.5m deep. The houses are single bay with one ground level window and one-bedroom window facing the street. The front door opens directly onto the public footpath. The Road is lined with on-street paid parking on each side.
- 1.4. Internally, the ground level consists of a living room to the front and a former scullery to the rear (internal walls now removed), stairs from the living room front window lead to a landing with access to two bedrooms and a bathroom.
- 1.5. The house is in disrepair and refurbishment is underway as evidenced by the removal of part of the interior and installation of props
- 1.6. There is a yard area of 4.5 (deep) x 4.3m (wide) which includes demolished outbuildings formerly extending to the rear boundary.

2.0 **Proposed Development**

- 2.1. It is proposed to construct a two storey extension – partly overlapping with the original footprint of previous yard outbuildings and extending to a total area of 32.4 sq.m. (22.5sq.m. plus 9.9sq.m) at ground level and the same area at first floor level. The extension abuts the rear boundary. This increased accommodation provides a

larger kitchen at ground level, a courtyard of 6.5 sq.m. and larger bedrooms and bathroom at first floor level. The stair well is to be shifted away from the living room window along the party wall and rises to the upper floor window in a new landing area in what is currently the bathroom. The first floor layout is to be remodelled. Two new bedroom windows in the extension are in the side elevation facing no.12 Viking Street. A rooflight is proposed for the proposed internal bathroom.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to conditions. Condition 2 reduces the first-floor extension by stating: Prior to commencement of development the applicant shall submit for the written agreement of the planning authority revised drawings showing the following amendments:

- a) The depth of the first-floor extension shall be reduced to a maximum of 3.45m as measured externally and 3.15m internally.
- b) Proposed bedroom 2 shall have a minimum floor area of 7.1 sq.m.
- c) The easterly window on the side elevation in the first-floor extension shall be omitted. The remaining window shall be 1m wide.

Other conditions relate to matching finishes(unspecified), construction and drainage.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The proposed two storey extension is considered acceptable in principle in the context of the zoning. There are reservations about the scale of the first floor and its depth to the rear boundary as it is considered visually incongruous and obtrusive and would set an undesirable precedent.

Having regard to the surrounding pattern of development, and orientation a modified first floor extension is considered acceptable having regard to the 'need for an extra bedroom.'

The two south east facing windows at first floor level facing the adjacent extend property are not considered acceptable and therefore reduced to one.

6.8 sq.m, of open space is considered acceptable on the basis of encouraging inner city living.

3.2.2. Other Technical Reports

No objections from Drainage

3.3. Prescribed Bodies

TII: In a letter it is stated that it has no comments to make on the case.

Irish Water: No response.

NTA: No response.

3.4. Third Party Observations

- Elizabeth Donovan 46 Ard Righ Road:
- Christopher O'Raw 45 Ard Righ Road
- Francis Turvey 47 Ard Righ Road

The above named neighbouring residents to the west of the development site object to the proposed extension on grounds of impacts on their respective properties.

Issues raised are latterly addressed in grounds of appeal and assessment.

4.0 Planning History

4.1. The site

- 4.1.1. WEB1162/17 refers to a grant of permission to construct a 2 storey extension at the subject site. The ground level is greater than currently proposed with a 3.5sq.m. residual yard (as compared to 6.5 sq.m.)and the first floor is smaller than currently proposed.

This extends across the full width along the rear plot boundary but leaves an internal courtyard/light well. At first floor level it projects about 2 x 2.5m and is therefore stepped back from the rear boundary. The design incorporates dramatic rooflights.

The overall house as proposed and permitted is 60.08sq.m.

4.2. Viking Road

- 4.2.1. PL29N.237424 refers to an effective refusal of a first-floor extension by upholding a condition of permission by the planning authority requiring its omission in a grant of permission for a proposed two storey extension at 58 Viking Road. This was based on the following reasons and considerations:

Having regard to the zoning objective for the area as set out in the Dublin City Development Plan 2005-2011, the pattern of permitted development in the area, the limited size of the site, the nature, scale and design of the proposed extension and the form, character and design of the existing building on the site, it is considered that the attachment of condition number 2, as attached by the planning authority, is necessary in order to ensure that the proposed development would not detract from the character and visual amenity of this residential conservation area or seriously injure the amenities of property in the vicinity or result in an undesirable precedent for further such development.

5.0 Dublin City Development Plan 2016-2022

- 5.1. The site is governed by objective Z2 to protect and/or improve the amenities of residential conservation areas'. Section 16.10.12 provides guidance for residential extensions and states that such will only be granted where the Planning Authority is satisfied that the proposal will not have an adverse impact on the scale and character of the dwelling and not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

Appendix 17.6 states that large single storey or two-storey extensions to semi-detached houses can, if they project too far from the main rear elevation, result in a loss of daylight and sunlight received by adjoining properties.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Elisabeth Donovan has lodged an appeal and the grounds are set out in an 11-page submission. The issues raised refer to:

- The relationship of the property. The back to back arrangement between Ard Righ Road and Viking Road is staggered such that numbers 46 and 47 both adjoin the subject site.
- The proposed two storey element directly backs onto no.46 The appellant)
- Development provision in new development as set out in sections 16.2.1.1, 16.2.2.3 and 16.10.12,
- Overdevelopment of restricted site in terms of height bulk and scale which would impact on both the small private open space and internal space of appellant's established home.
- The massing of the proposed two storey extension in the context of orientation would block out the sunlight during morning hours
- The aspect and views presented through the rear windows would be altered by the featureless high wall which would be visually obtrusive and overbearing.
- The development accordingly does not comply with development plan standards
- The increase in first floor level as compared to that permitted is excessive. T is driven by an uncompromising reconfiguration of the first floor
- The precedent of this format would result in houses being adjoined on three sides.
- The appellant missed the opportunity to object and appeal the previous proposal that would subsequently permitted.
- The first-floor extension provides a new bedroom of 9.9sq.m. but remains a two-bed room house. The planner's report reads as if the proposal provides for a third bedroom.
- Boundary Issues: Partial demolition works have caused damage to the boundary wall between the appellant and the applicant. The boundary wall is incorporated into the proposed extension.
- The proposed development would be incongruous with the character of the area because of proportioning and window design. The blank featureless wall would seriously injure the visual amenities of the dwellings in the vicinity.
- The proposed extension has a two first-floor window facing into no.12 however the planners appear to rely on the absence of an objection rather than the merits of the case in judging its acceptability.
- There is an established precedent of not permitting first floor extension

6.2. Applicant Response

The applicant made no written response.

6.3. Planning Authority Response

No further comments.

6.4. Observations

6.4.1. Francis Turvey of 45 Ard Righ Road submitted an observation on the grounds of appeal. This follows an objection to the planning authority and issues raised refer to:

- Impact of residential amenity: Being north west of the site, the proposed development would therefore diminish morning and early afternoon sunlight in the rear bedroom kitchen yard which is presently enjoyed. This would have an adverse effect on the quality of life and amenity currently enjoyed.
- This impact is heightened by the restricted site and layout which affords no front garden and very limited private open space.
- It would set a destructive precedent that would have a calamitous effect on residential amenity

7.0 Assessment

7.1. This appeal relates to a proposal to construct a circa 20 sq.m. two storey rear extension onto a modest house of 45 sq.m. in a very confined site. The residents to the rear object by way of appeal and observation to the impacts of such development on their respective homes and amenities therein. This is quite reasonable in the context of the Board's previous decision to omit a first floor extension on the same road. The issues relate primarily to over development, overshadowing, overlooking and overbearing impacts and precedent for further similar development and impact on the overall on the character of this residential conservation area.

7.2. The context is such that the rear elevations at first floor level are set back at distances of less than 10m between houses on Viking Road and Ard Righ Road. This coupled with the plot width of around 4.5m for Viking Road severely restricts room to extend at first floor level as it would further breach standards already well

below what is currently guided for protecting residential amenity. There is only one such first floor extension to the rear boundary and this appears to be an anomaly in the context of the pattern of development. There appears to be no evidence of permission and it should not in my opinion be relied upon as an acceptable form.

- 7.3. In this case however the applicant has secured permission from the planning authority for a smaller two-storey extension. This is unusual. In this extant case there is permission for a bigger ground floor extension across the full plot width but around a small light well/courtyard, whereas the first floor extension of 2.6m deep by 2.895m in width is smaller than that now proposed. This first-floor extension as permitted had an opaque glazed window in the side elevation for a relocated bathroom and the original first floor comprised a larger bedroom and study area. This minimised any effect on privacy through reduced overlooking possibilities. The design of that previously permitted was visually well considered and incorporated a dramatic rooflight which added visual interest. While that extension raised the rear boundary across the full width, it also provided a buffer between these finely grained plots where private open space and kitchen/living doors are in close proximity.
- 7.4. The proposed extension would raise the height of the boundary wall to 5.51m where it is adjoining no. 46 Ard Righ Road. This would be most injurious to the amenities of this property to the rear. This 5.51m height would extend across the full width of the courtyard of no.46 and at a distance of less than 4.9m from the rear living room window and bedroom window over. While I accept the orientation minimises the potential loss of sunlight it would nevertheless be considerably overbearing; it would obstruct sky views, diminish the quality of light and present a bleak aspect for the occupants of no.46.
- 7.5. The proposed extension at this height and depth and in the context of the finely grained plots would also cast a shadow over neighbouring properties to the north and west. This is evident on examination of both the shadow studies in the extant permission and the angle of the shadow cast by the mid-morning sunlight in the photographs during site inspection. The small courtyard in no.14 would be overshadowed in addition to the overshadowing already cast by the original two storey terrace.

- 7.6. The proposed extension introduces a bedroom space up to the rear site boundary and introduces two windows facing at a distance of 1.55m onto the boundary with the adjacent house at no 12 Viking Road. This adjacent property has a small courtyard along the boundary with no. 13. While the planning authority has sought to mitigate the impacts by omitting and obscuring windows and reducing the depth I do not consider this modification adequately addresses the proximity issue.
- 7.7. The existing structure and layout in the property provides for two bedrooms and a bathroom with 10m separation and the extant permission has permitted a very modest bathroom extension in an innovate architectural approach and in a manner, that does not encroach on the separation distance of the upper floor habitable bed rooms in adjacent houses. The only benefit for the residents on Ard Righ Rd to the rear would be the omission of a directly opposing bedroom window and bathroom window, however on balance, I consider the current proposal to constitute a retrograde step in the design approach to enhancing accommodation on this restricted site. It is reliant on the diminution of amenity of homes with already confined private open space on which these neighbouring properties are heavily reliant. The proposed development would therefore have a seriously injurious impact on the amenities of dwellings in the immediate vicinity.
- 7.8. In view of theses impacts and the objective to preserve amenities in a residential conservation area, I consider the proposed development would constitute an unacceptable precedent for similar first floor development in the vicinity and would undermine the realisation of this objective.

7.9. **Environmental Impact Assessment**

Having regard to the nature and scale of the proposed development and the nature of the receiving environment 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.

7.10. **Appropriate Assessment**

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, 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.

8.0 **Recommendation**

8.1. Having regard to the grounds of appeal and submissions on file, together with my observations during a site inspection, the prevailing pattern of development in the area and the planning history, I consider the proposed development should be refused permission.

9.0 **Reasons and Considerations**

Having regard to the zoning objective for the area as set out in the Dublin City Development Plan 2016-2022, the pattern of development in the area, the limited size of the site, the nature, scale and design of the proposed extension and the form, character and design of the existing building on the site, it is considered that the proposed development would constitute overdevelopment of the site and would be unduly overbearing on neighbouring residential property. Furthermore, the proposed development would give rise to overshadowing and be visually incongruous and would therefore detract from the character and visual amenity of this residential conservation area. Accordingly, the proposed development would seriously injure the amenities of property in the vicinity and would result in an undesirable precedent for such development. The proposed development would not therefore be in accordance with the proper planning and sustainable development of the area.

Suzanne Kehely

Senior Planning Inspector

26th September 2018

