



An
Bord
Pleanála

Inspector's Report ABP-302177-18

Development	Retention of first floor of an existing two storey extension
Location	2, Melrose Court, Dublin 3, D03 P0E0
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB1225/18
Applicant(s)	Stacey Doolan
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Stacey Doolan
Observer(s)	Patricia Butler
Date of Site Inspection	10 th October 2018
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site is located in Melrose Court off Philipsburgh Avenue in Fairview approximately 2km north-east of Dublin city centre. Philipsburgh Avenue extends south to north from Fairview Strand. There is a varied mix of architectural styles along this road from different periods. The southern end of the road has a number of short residential culs de sac on both sides.
- 1.2. Melrose Court is one such cul de sac located on the eastern side of Philipsburgh Avenue. There are ten 1990's style 2-storey terraced dwellings in Melrose Court located on the northern and eastern sides of the cul de sac.
- 1.3. No. 2 is the end of terrace dwelling on the northern side. The dwelling has a 1 ½ storey extension to the rear accommodating a 14 sq.m. living room and a wardrobe and en suite serving a bedroom at first floor level. The stated area of the appeal site is 107 sq.m. There is a 25.4 sq.m. garden to the rear of the extension.

2.0 Proposed Development

- 2.1. Planning permission is sought for the retention of the first floor of the existing 2-storey extension to the end of terrace dwelling.
- 2.2. Permission is also sought to strip back the existing tile roof of the first floor extension to eliminate the overhanging fascia and replace with a soft grey metal roof and guttering along with all associated site development works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dublin City Council issued notification of decision to refuse permission for two reasons.
- 3.1.2. The first reason refers to the scale, height, proximity and orientation of the 1 ½ storey extension and its overbearing and overshadowing/ loss of light impact on No's. 3 & 4. It is considered that the proposed change of roofing finish does not

significantly alter the development and is materially similar to that which was refused permission.

- 3.1.3. The second reason refers to Reg. Ref: WEB1563/17 which relates to the extension of the ground floor only. It is stated that the current proposal would materially contravene a condition of this permission requiring the omission of the first floor.

3.2. Planning Authority Reports

- 3.2.1. The recommendation to grant permission in the Planner's Report reflects the decision of the Planning Authority. The main points raised under the assessment of the proposal are as follows:

- Solar study would appear to indicate that the extension will contribute to overshadowing at certain points in the year, particularly during summer.
- Extension itself is not the sole cause of the overshadowing to the rear elevation of No. 3.
- Extension would also have a material and negative impact on the amenity of No. 3 by reason of continuing significant overbearing.
- Given the development proposed for retention with minor amendment to roof is materially identical to that refused previously, the same assessment still holds true and retention would not be acceptable.

3.3. Third Party Observations

- 3.3.1. An observation was received from the resident of No. 3 Melrose Court, who also submitted an observation on the appeal.

4.0 Planning History

Dublin City Council Reg. Ref: WEB1206/17

- 4.1. Permission refused in June 2017 for retention of the two-storey extension for reasons relating to overbearing and overshadowing/loss of sunlight to No's. 3 & 4 Melrose Court that would cause serious injury to the residential amenities of these dwellings.

Dublin City Council Reg. Ref: WEB1563/17

- 4.2. Permission granted in January 2018 for retention of the ground floor part of an unauthorised extension; removal of first floor part and roof of the existing unauthorised extension; reinstatement of the roof of the existing house to its original state; construction of a new roof over the ground floor part of the existing unauthorised extension; and all associated site development works.
- 4.3. Condition 2 of this permission stated that *“this retention permission relates solely to the ground floor element of the existing rear extension. Works to comply with this permission shall take place no later than eight weeks following notification of the final grant of permission.”*

5.0 Policy Context

5.1. Dublin City Development Plan, 2016-2022

- 5.1.1. The appeal site is zoned “Z1” where the objective is *“to protect, provide and improve residential amenities.”*
- 5.1.2. Section 16.10.12 includes standards for extensions and alterations to dwellings and Appendix 17 contains guidelines for residential extensions.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first party appeal against the Council’s decision was submitted on behalf of the applicant. This submission includes a revised proposal showing the first floor extension partially demolished and cut back at first floor level with flat roof over ground floor extension in its place.
- 6.1.2. The grounds of appeal and main points raised in the first party appeal are summarised as follows:
- Single storey conservatory had been previously attached to rear of No. 2.
 - 1st floor extension was constructed with low eaves on the side of No’s. 3 & 4.
 - Surrounding area consists of narrow terraced houses with narrow gardens that more often than not contain one to two storey extensions to the rear.

- Gardens of No's. 2, 3 & 4 are typically in shade for the most part of the year.
- Target floor area for 2-bed 2-storey house in Quality Housing Guidelines is 80 sq.m.. No. 2 Melrose Court without extension is 69 sq.m., with ground floor extension is 84 sq.m. and with 2-storey extension is 95 sq.m.
- Materials proposed to replace bulky tiled roof and reduction in rainwater goods and overhangs are intended to reduce the overall impact.
- As precedence, permission granted under Reg. Ref: 2574/18 for 2-storey extension to rear of No. 41 Addison Road, and under Ref: ABP-301200-18 in Irishtown.

6.2. Observation

6.2.1. An observation on the appeal was received from Ms. Patricia Butler, the resident/owner of No. 3 Melrose Court. The following are the main points contained within this submission:

- Extension is unsightly, too close, too high, too overbearing and significantly overshadows observer's garden.
- Gardens are north facing so all sunshine is precious.
- At 3.20pm on a bright, sunny summer day, half of observer's rear garden is now in shade and by 4.35pm there is no sunshine hitting observer's garden.
- Two storey extension presents an ugly aspect from observer's sitting room.
- Permission to retain the 2-storey extension was refused twice because of the significantly negative impact on the amenities of the observer's home.

7.0 Assessment

7.1. I consider that the key issues in determining this appeal are as follows:

- Development principle;
- Visual impact;
- Impact on residential amenity;
- Appropriate Assessment.

7.2. Development Principle

- 7.2.1. The appeal site is zoned “Z1” where the objective is “*to protect, provide and improve residential amenities.*” The construction of an extension to a dwelling would therefore be acceptable in principle subject to an assessment of the impact of the proposal on residential amenity and compliance with other relevant Development Plan policies and objectives.

7.3. Impact on Residential Amenity

- 7.3.1. Planning permission is sought for the retention of the first floor element of a 2-storey rear extension located at the western end of the terrace of south-facing dwellings. Dublin City Council issued notification of decision to refuse permission for reasons relating to the scale, height, proximity and orientation of the extension and its impact on the amenities of dwellings to the east in terms of overbearing and overshadowing/loss of light. This decision follows a previous refusal for retention of the first floor extension for similar reasons.
- 7.3.2. The existing unauthorised extension has a ridge height of 7.743m and the eaves height on the eastern side of the extension is 2.931m. There is an overhanging soffit and gutter and the roof slopes back at an angle of 50 degrees. The extension is set back approximately 300mm from the 1.925m high boundary wall between No’s. 2 & 3 Melrose Court. A new aluminium gutter, fascia and soffit are proposed to match a new standing seam roof to replace the existing tiled roof.
- 7.3.3. The first party appeal is accompanied by revised drawings showing the first floor extension partially demolished and set back approximately 2.75m from the existing rear elevation. The first floor element of the extension will therefore protrude from the main rear elevation by approximately 2.9m. A flat roof is to be constructed in place of the demolished part of the extension to a height of 2.837m above ground level. This proposal seeks to retain the existing roof tiles and rainwater goods to match the existing.
- 7.3.4. In my opinion, the revised proposal will help to address the overbearing and overshadowing impacts of the extension on the adjoining properties to the east to some degree. The applicant does not appear to have carried out an overshadowing assessment of the revised proposal; however, it can be deduced from the previous

study that the north-facing rear elevation and ground floor doors and windows to the adjoining property do not receive any sunlight, with or without the first floor extension in place. The removal of the rear portion of the roof of the extension may allow for improved access to sunlight towards the rear of the adjoining back gardens. The revised proposal will also reduce the physical appearance and bulk of the structure when viewed from properties to its east.

- 7.3.5. The Board should consider that the applicant already has permission for a ground floor extension that will rise to a height of approximately 2.697m to soffit and 3.799m to ridge when viewed from the east. Essentially, the applicant is now applying for permission for the roof sloping back from a 2.931m eaves height at a steeper angle (50 degrees instead of 25 degrees). The revised proposal will also see the replacement of a permitted low pitched roof to the rear part of the extension with the proposed flat roof element.
- 7.3.6. Should the Board be minded to grant permission for the amended proposal, I consider that a condition should be attached to prevent the flat roof from being used as a terrace or roof garden.

7.4. Visual Impact

- 7.4.1. As noted above, the planning application to Dublin City Council sought to change the roof finish and remove the soffit overhang. However, the Planning Authority noted in its decision that the proposed change of roofing finish does not significantly alter the development.
- 7.4.2. I am satisfied that the now proposed demolition of part of the extension may be acceptable. However, I consider that the remaining portion of the extension should be finished in materials similar to that previously proposed. This would allow for the removal of the overhanging soffit around the three sides of the extension, thereby having the effect of reducing its visual bulk. Should the Board be minded to grant permission for the revised proposal, I consider that a condition should be attached to reflect same.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise.

8.0 **Recommendation**

- 8.1. It is considered that the proposed development should be granted for the reasons and considerations hereunder and subject to the conditions below.

9.0 **Reasons and Considerations**

Having regard to the zoning objective for the site, and the planning history and pattern of development in the area, together with the design, scale and layout, it is considered that, subject to compliance with conditions below, the proposed extension (as amended) would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity. The proposed development and development to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 **Conditions**

1. The development shall be retained 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 26th day of July, 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. The external finishes of the proposed extension after part demolition shall include a standing seam or similar approved roof covering in light grey with

concealed/ slim line rainwater goods. Overhanging fascia/ soffits shall be eliminated. Revised drawings and samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity.

3. The flat roof of the amended extension shall not be used as a terrace or roof garden and access to this area shall be for maintenance purposes only.

Reason: In the interests of residential amenity.

4. Water supply and drainage arrangements, including the disposal 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. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

6. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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

Donal Donnelly
Planning Inspector

31st October 2018