



An
Bord
Pleanála

Inspector's Report ABP-302245-18

Development	Permission for a single storey and first floor extension.
Location	44 Coldwell Street, Glasthule, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18B/0226
Applicant(s)	Kenneth Keogh
Type of Application	Permission
Planning Authority Decision	To Grant Permission subject to conditions
Type of Appeal	First v. Condition
Appellant(s)	Kenneth Keogh
Observer(s)	No observers
Date of Site Inspection	12.10.2018
Inspector	Erika Casey

1.0 Site Location and Description

1.1 The appeal site is located on Coldwell Street to the south-west of Glasthule village. Coldwell Street, together with Eden Terrace and Findlater Street comprise three parallel terraced streets. The subject site accommodates a single storey artisan cottage with a pitched roof. The existing cottage has an area of 24.85 sq. metres. The cottage presents directly to the street and accommodates a small single storey return and yard to the rear. The character of development in the vicinity is similar and many of the existing cottages have been extended into their rear yard with first floor level and roof extensions.

2.0 Proposed Development

- 2.1. The proposed extension has an area of 27.7 sq. metres and comprises:
- The demolition of the existing single storey extension with an area of 2.89 sq. metres to the rear.
 - The construction of a single storey extension with an area of 11 sq. metres to the rear with an internal courtyard area.
 - The provision of a first floor zinc clad extension of 16.7 sq. metres to the rear that increases the existing ridge height and introduces new skylights on the front roof slope.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 To Grant Permission subject to conditions. Condition 2 subject of this appeal states:

“The proposed first floor extension that projects beyond the existing rear elevation of the dwelling and contains a W.C. Area, with a stated area of 4.2 sq. m. shall be omitted in its entirety. No element of the first floor bedroom area within the roof extension, shall extend beyond the original rear elevation of the existing dwelling. Revised drawings, including floor plans, elevations and section, shall be submitted to

and agreed in writing by the Planning Authority, prior to the commencement of development.

Reason: *In the interests of residential amenities.”*

3.2. Planning Authority Reports

3.2.1. Planning Report (17.07.2018)

- The proposed development would essentially infill the entire rear yard. It is noted that very similar ground floor extensions have been permitted in the immediate area. It is considered reasonable that infilling of the external yard space would provide for a better quality amenity to the resident of the property.
- The proposed ridgeline would match that adjoining the site on both sides of the property. In this regard, it is considered that the roof extension would not unduly impact upon the visual amenities of the existing streetscape.
- It is proposed to extend beyond the rear elevation of the existing dwelling to provide for a bathroom at first floor level. The first floor extension would extend along the eastern boundary and would appear to be immediately adjoining an external courtyard permitted to the rear of no. 45 to the east. It is considered that this extension would overshadow the courtyard to the rear of no. 45. Whilst it is noted that first floor returns have been permitted to dwellings opposite the subject site, it is noted that these properties have south facing private open space areas where overshadowing is less of an issue.

3.2.2. Other Technical Reports

- No reports received.

3.3. Prescribed Bodies

- No reports received.

3.4. Third Party Observations

- No third party observations.

4.0 Planning History

4.1 There is no planning history relevant to the subject site. Relevant planning history in the vicinity is set out below:

Planning Authority Reference D17A/0566 – No 14 Coldwell Street

4.2 Permission granted in August 2017 for amendment to existing one storey extension at the rear of the existing house and to construct a new extension at first floor to the rear containing one bedroom and ensuite bathroom. A condition was attached to the decision requiring the applicant to modify the rear first floor level and dormer extension by reducing its width and to it set back by approximately 0.4 metres from the side boundary with no. 13 Coldwell Street.

Planning Authority Reference D14B/0328

4.3 Permission granted in November 2014 for the construction of a new two storey extension (750mm above existing ridge height), internal alterations, provision of external courtyard and, all sundry works required to facilitate the development.

Planning Authority Reference D12B/0324/Appeal Reference PL06D 241438: - No. 15 Coldwell Street

4.4 Permission granted by the Board in April 2013 for the construction of a new ground and first floor extension. Condition 2 required that the proposed extension to the rear at first floor level be stepped in by approximately 0.4 metres from both sides of the roof slope and site boundary.

Planning Authority Reference D08A/0517/Appeal Reference PL06D.230275 No. 45 Coldwell Street

4.5 Permission granted in February 2009 for a mezzanine bedroom.

Planning Authority Reference D07A/1688 – No. 45 Coldwell Street

4.6 Split Decision April 2008. Planning permission granted for a single storey extension to the rear and planning permission refused for a first floor dormer extension to provide for a mezzanine bedroom.

**Planning Authority Reference D08A/0390/An Bord Pleanála Reference
PL06D.230411 – No 39 Coldwell Street**

- 4.7 Permission granted by the Board in February 2009 for an extension and alterations which include bathroom extension, demolition of kitchen and retention of attic conversion.
- 4.8 There have also been a number of similar developments permitted on Findlater Street – Planning Authority References D07B/0491, D06B/0842, D16B/0249, D16B/00512 and D06B/1080.

5.0 Policy Context

5.1. Development Plan

- 5.1.1 The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned Objective A: *To protect and/or improve residential amenity.*
- 5.1.2 Section 8.2.3.4 of the Plan addresses additional accommodation in existing built up areas. This notes the following key points:
- Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.
 - In determining applications for first floor extensions the following factors will be considered:
 - Overshadowing, overbearing and overlooking - along with proximity, height and length along mutual boundaries.
 - Remaining rear private open space, its orientation and usability.
 - Degree of set-back from mutual side boundaries.
 - External finishes and design, which shall generally be in harmony with existing.

5.2. Natural Heritage Designations

5.2.1 The nearest Natura 2000 site is the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC located c. 1.7km to the north west of the site.

6.0 The Appeal

6.1. Grounds of Appeal

- Appeal relates solely to condition 2 which omits the first floor extension that accommodates the bathroom.
- The existing dwelling is small and the applicants aspirations to extend it are modest with a desire to create a more functional and suitable space. Trying to facilitate a family sized WC into the lower level, sufficiently separated from the kitchen area would significantly reduce the usability of the proposed ground floor space. In this context, the WC in the first floor extension is proposed.
- The proposed extension is very similar to several properties in the vicinity. Several other relevant examples cited and precedent photographic survey and relevant drawings submitted.
- A shadow study is also submitted of the existing condition and proposed post development condition which shows a negligible effect on the surrounding properties due to the north facing orientation of the rear elevations.

6.2. Planning Authority Response

- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.3. Observations

- No observations.

7.0 Assessment

7.1.1. The first party has appealed Condition no.2 only. Having regard to the nature of the development, I am satisfied that the consideration of the proposed development 'de novo' by An Bord Pleanála would not be warranted in this case. Accordingly, I recommend the Board should use its discretionary powers under Section 139 of the Planning and Development Act 2000 (as amended), and issue the Planning Authority directions to retain, remove or amend the Condition no.2. I set out my considerations of Condition No.2 accordingly.

7.2 Condition No. 2

7.2.1 The subject appeal relates specifically to condition 2 which requires that the proposed first floor extension that projects beyond the existing rear elevation of the dwelling and contains a WC area with a stated area of 4.2 sq. metres shall be omitted in its entirety.

7.2.2 The proposed development comprises an extension at ground and first floor level to an existing artisan cottage. The existing cottage has a very constrained floor area of just 27 sq. metres and the intention of the extension is to provide more functional and usable habitable floorspace with a living room, kitchen, study/playroom, WC at ground floor level and a bedroom with family bathroom on the first floor level.

7.2.3 There have been a number of precedents of such similar type of development in other properties in the vicinity, where the ridge line of the roof has been raised in order to facilitate a first floor extension.

7.2.4 The principal concern of the Planning Authority relates to the projecting 1st floor WC/bathroom element of the extension. It is contended that this will overshadow the courtyard serving the property to the east, impacting negatively on its residential amenity.

7.2.5 The property to the east, no. 45 has a similar extension to that proposed in the current application. The rear yard area has been built over with the exception of a small enclosed courtyard which has been reserved to provide light to the extended dwelling. The area of this courtyard/lightwell is very limited (c. 2 sq. metres) and is north facing.

- 7.2.6 The proposed WC/bathroom at first floor level is located adjacent to courtyard area serving no. 45. The applicant has submitted a shadow study to demonstrate that the proposed development, including this projecting element, will not cause an adverse overshadowing impact on this neighbouring dwelling. The study demonstrates that lightwell is already in shadow due to its small scale and enclosed footprint.
- 7.2.7 The subject dwelling is located in a tight urban area, with very restricted sites and limited footprints within which to extend existing properties. I am satisfied that having regard to the limited area of the projecting first floor WC of just 4 sq. metres, the orientation of the site and the shadow analysis undertaken by the applicant, that it will not have an adverse overshadowing impact on the property to the east and will not have any material impact on the residential amenities of this dwelling. Given the limited area of the courtyard to the east, it does not serve a meaningful amenity function and its principal purpose is to provide light to the ground floor extension. I am satisfied that the development will not preclude light to the ground floor area of no. 45. In this regard, I advise the Board that the condition requiring the omission of this element of the proposal should be deleted.

7.3 **Appropriate Assessment**

- 7.3.1 Having regard to the nature and scale of the proposed development, a domestic extension within an established urban area, and the 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 a European site.

7.4 **EIA Screening**

- 7.4.1 Having regard to nature of the development comprising a domestic extension and the urban location of the site 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 based on the reasons and considerations set out below, that the Planning Authority are directed under subsection (1) of section 139 of the Planning and Development Act, 2000, as amended to **DELETE** condition number 2 for the reason set out.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the current Dun Laoghaire Rathdown County Development Plan 2016-2022, to the pattern of development in the area and previous precedents of similar development and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development including the first floor extension that projects beyond the rear elevation of the dwelling accommodating a WC/bathroom would not seriously injure the residential or visual amenities of the area. The proposed development would be in accordance with the proper planning and sustainable development of the area.

Erika Casey
Senior Planning Inspector

15th October 2018