



An
Bord
Pleanála

Inspector's Report ABP. 302367-18

Development	Construct an additional storey over existing single-storey extension to the rear of property and associated site works.
Location	39 Dean Swift Road. Dublin 11.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	WEB1183/18.
Applicant(s)	Emma Doyle & Jodi Doherty.
Type of Application	Permission.
Planning Authority Decision	To Grant Permission.
Type of Appeal	First Party v Condition
Appellant(s)	Emma Doyle & Jodi Doherty
Observer(s)	None.
Date of Site Inspection	October 9 th , 2018
Inspector	Breda Gannon
Appendix 1	Site plan Photographs

1.0 Site Location and Description

- 1.1. The site is located at No 39 Dean Swift Road, Dublin 11. It accommodates a two-storey mid terrace house. The house has a plaster finish with a brown tile roof covering. The original garden area to the front has been replaced with a paved area, provided car parking space for 2 no. cars. To the rear there is a more recent single storey extension that extends over the full width of the site. The long narrow rear garden is enclosed by fencing/hedgerow with a wall forming the rear boundary.
- 1.2. The site forms part of a residential area consisting of strong terraces, with interventions in the form of front porches and alterations to external finishes. Many of the houses have been extended to the rear, including those on either side of the subject site.

2.0 Proposed Development

- 2.1. The proposal is to develop an additional storey over an existing single-storey extension to the rear of the house. The extension which would have a stated floor area of 31.7m², would have a flat roof and provide additional bedroom accommodation.
- 2.2. The planning authority sought further information on the application on 7/6/18. It raised concerns regarding overshadowing of the adjoining property at No 37 and the potential for overbearing impacts.
- 2.3. A response to the further information request was submitted on 2/7/18 and included a shadow analysis of i) existing conditions on the site, ii) the situation with the proposed development in place, and iii) the proposed extension in place and including a possible single-storey extension to the adjoining property.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission for the development subject to 7 no. conditions. Condition No. 2 which is relevant to the appeal is as follows:

The first floor rear extension shall be relocated at least 1m away from the party boundary with No 37 Dean Swift Road. The internal layout shall be amended accordingly.

Reason: *In the interests of orderly development and visual amenity.*

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The **Planning Officer's** report of 20/7/18 noted that the concerns raised in the further information request, regarding the potential for overbearing impacts on adjoining properties, had not been fully addressed. It was recommended that a condition be attached requiring that the first-floor extension be positioned at least 1m from the boundary of the adjacent property at No 37. It noted that there is an existing single-storey rear extension to the rear of No 41 and, accordingly, it was considered that the proposed extension would not have an overbearing impact on this property.

3.2.2. Other Technical Reports

The **Drainage Division** in their report of 2/5/18 raised no objection to the development subject to standard conditions.

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

None

4.0 **Planning History**

No details of any relevant planning history relating to the site were forwarded by the planning authority.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the **Dublin City Development Plan 2016-2022**. The site is located in an area zoned 'Z1' – *Sustainable Residential Neighbourhoods*, with the following objective;

'To protect, provide and improve residential amenities'

Section 16.10.12 (Extensions and Alterations to Dwellings) and Appendix 17 (Guidelines for Residential Extensions) of the Plan are relevant to the consideration of the proposed development.

Relevant extracts from the Plan are appended to the back of the report for the Board's information.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

- The appeal is against Condition No 2 of the planning authority's decision which requires that the extension be relocated at least 1m from the party boundary with No 37 Dean Swift Road.
- The owners of the property at No 37 informed the applicants that it is their intention to build a 40m² extension which may negate the concerns regarding overshadowing and visual impact.

The appeal is supported by a letter from the owners of No 37 stating they have commenced construction of the extension to the rear of their property.

7.0 Assessment

- 7.1. The proposal is to provide a first-floor extension to the rear of the house, which would have a similar footprint to the existing ground floor extension. The planning authority's concerns relate to the potential for overbearing and overshadowing impacts. The shadow diagrams submitted in response to further information indicate that there would be a minor reduction in sunlight as a result of the development but that the impact would be negligible and would not cause a significant diminution of the residential amenities of property in the vicinity.
- 7.2. I would point out to the Board note that since the planning authority made its decision on the application, construction has commenced on a single storey extension to the rear of No 37. It extends over the full width of the site and projects forward marginally from the building line of No 39.
- 7.3. Having regard to the established use of the site and the zoning objective for the area, I consider that proposed development is acceptable in principle. The proposed extension will contribute significantly to the level of accommodation afforded to residents of the house and the site is adequate to accommodate the development without impacting on the amenity afforded by the rear garden.
- 7.4. There are no windows in the side elevation of the proposed extension that would result in overlooking of the properties on either side. There are no directly opposing properties to the rear which would be impacted by the windows in the rear elevation. No issues arise therefore with regard to overlooking and impacts on privacy..
- 7.5. While there will be some loss of sunlight to the rear garden areas, having regard to the size of the gardens associated with these properties, there would be no significant impact on the residential amenities of the area. I consider that the potential for overbearing impacts is significantly reduced by the construction of the single-storey extension to the adjacent property at No 37.
- 7.6. It is not considered that the development gives rise to any significant issues warranting further consideration by the Board. Having regard to the nature of the proposed development and the nature of the condition the subject of the appeal, it is considered that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted. It is recommended therefore

that the appeal can be considered on the basis of the appealed condition only pursuant to section 139 of the Planning and Development Act 2000.

- 7.7. I do not consider that there would be any significant benefits to either property by the imposition of Condition No 2, which requires a 1m set back of the proposed extension from the boundary with No 37. I recommend, therefore, that the planning authority be instructed to remove Condition No 2.

8.0 Appropriate Assessment

- 8.1. Having regard to the location of the development within a serviced built up area, the nature of the development and the separation distance from Natura 2000 sites, I consider that the proposed development either alone, or, in combination with other plans or projects, would not be likely to have significant effects on a European site, in view of the sites' conservation objectives and that, therefore, a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is not required.

9.0 EIA Screening

- 9.1. 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 EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

10.0 Recommendation

- 10.1. In light of the above assessment, I recommend that the planning authority be directed to REMOVE Condition No.2.

11.0 Reasons and Considerations

Having regard to the pattern of development in the area and the adjoining development on both sides of the site, it is considered that the width of the extension as proposed would be acceptable in terms of visual amenity and adjoining residential development.

Senior Planning Inspector

18th October 2018.