



An
Bord
Pleanála

Inspector's Report ABP. 302380-18

Development	Construction of a two-storey extension to the rear of existing dwelling, external insulation and associated works.
Location	16 St. Joseph's Square, Clontarf. Dublin 3
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3156/18
Applicant(s)	Tiarnan O Dwyer.
Type of Application	Permission.
Planning Authority Decision	To Grant Permission
Type of Appeal	First Party v Condition
Appellant	Tiarnan O Dwyer
Observer(s)	None.
Date of Site Inspection	October 9 th , 2018
Inspector	Breda Gannon
Appendix 1	Site Plan Annotated photographs

1.0 Site Location and Description

- 1.1. The site is located at 16 St. Joseph's Square. Clontarf. Dublin 3. It accommodates a two-storey end of terrace house, with a more recent single-storey extension to the rear. There is a small area of private amenity space enclosed by high walls at the back of the house.
- 1.2. The site is adjoined to the south by a similar type dwelling which has been extended to the rear. The single-storey extension, which forms the common boundary between the two sites, extends over the majority of the rear garden area. To the north, there is a laneway which provides access to the subject site and the rear of the properties on Belgrove Road. The gable wall of the house and associated garden wall form part of the common boundary with the laneway. Construction of a new residential scheme fronting onto Vernon Avenue is underway to the east of the laneway.
- 1.3. St. Joseph's Square is a discreet area of high density housing with vehicular access off Vernon Avenue. It is adjoined to the east by Vernon Wood housing development and to the west by Belgrove Road, which accommodates a mixture of terraced and detached houses. To the south lies Holy Faith Secondary School and St. John the Baptist Catholic Church.

2.0 Proposed Development

- 2.1. The proposal as described in the public notices submitted in support of the application seeks permission for the following:
 - The construction of a 37m² two-storey extension to the rear of existing house consisting of 23m² at ground level and 14m² at first floor level,
 - 3m² storage shed to rear garden,
 - Removal of ground floor kitchen extension to rear,
 - new opening to existing side (north) elevation to laneway with fixed and obscure glazing,
 - Modified window opening to existing rear elevation at first floor level,
 - External insulation and all associated site and development works.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission for the development subject to conditions. Condition No 2 is relevant to the appeal and reads as follows;

'The development shall not commence until revised plans, drawings and particulars showing the following amendments have been submitted to, and agreed in writing by the planning authority, and such works shall be fully implemented prior to the commencement of the development.

- a. *The proposed rear extension shall be recessed back at least 300mm from the existing northern gable building line at least at first floor level, with the proposed first floor extension moved proportionally southwards if required.*
- b. *The rear extension shall be kept as low as possible.*
- c. *The new rear first floor window shall be reduced in scale and shall be fitted with opaque glazing to at least 1.8m above finished floor level with the window opening to the north-west.*
- d. *The proposed southern first floor opaque glazed window shall either be omitted or be made a high level window not less than 1.8m above finished floor level.*
- e. *Details of the depth of the external insulation and treatments to all elevations shall be agreed prior to commencement of development. Details shall also include the result projection and depth of cills and reveals.*
- f. *A downpipe shall be kept in position between the subject site and No 17 St. Joseph's Square.*

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

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **Planning Officer's** report of 24/7/18 notes the development plan requirements in relation to extensions and alterations to dwellings. In this case the rear extension will be visible from the mews lane and in order to reduce the potential massing of the

northern elevation and to retain the primacy of the main end of terrace house block, it is recommended that the new rear extension is recessed back from the existing northern elevation. It is also recommended that the rear extension be kept as low as possible so as not to over-dominate the existing rear roofscape.

The application includes a proposal to apply 'matching' external insulation to the existing elevations. No depth of insulation is provided. The application of external insulation can potentially create significant visual differentiation within a shared streetscape, due to a possible reduction in cill and roof projections, the increase in reveal depth and use of materials contrasting with existing treatment and texture.

The existing ground floor return to No 14 to the south, which appears more extensive than shown, means that there will be no loss of daylight to adjacent property. The proposed extension is considered to be at a sufficient distance not to give rise to significant overshadowing.

The existing first floor windows are less than 8.5m from the rear boundary and the new window will be 4.1m, which will result in overlooking. The rear first floor window should be reduced in scale and fitted with obscure glazing to at least 1.8m above FFL, with the window opening restricted to the northwest i.e. towards the adjoining laneway. It is also recommended that the southern first floor window shall either be omitted or be made a high level window not less than 1.8m above FFL. The proposed northern first floor window will be fitted with opaque glazing.

It is recommended that the development is conditioned so that no new flat roofed area shall be used as a roof garden/patio. With regard to private amenity space, the development plan requires the provision of 10m² of private open space per bedspace. Two additional bed spaces will be provided. The garden area to the rear will be reduced to 20m².

3.2.2. Other Technical Reports

The **Drainage Division** report of 4/7/18 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**

The planning authority provided details of Reg Ref No 3473/14, which has no relevance to the subject site.

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 2 (a) (c) (d) and (f).
- Condition 2(a) requires that the rear extension be recessed back from the existing northern gable building line. Changing the dimensions of the first-floor extension will significantly impact on the overall design of the extension and

the house for a number of reasons. Shifting the extension southwards would have a negative impact by reducing the distance with neighbouring properties. It would require that the width of the proposed modified window be decreased which would affect daylight entering the existing rear bedroom. It would cause a stepped effect on the gable wall and cause additional structural and drainage works. The alternative option of decreasing the width of the first floor by 300mm would impact on necessary bed and storage space.

- The proposed extension will not have a negative impact, or result in potential massing on the streetscape of the laneway that runs along the site. The streetscape of the laneway is a series of garages to the back of Belgrove Road and the large two and three storey gable walls of the Vernon Mews development (2401/13 – Figure 1). This section of the laneway will be closed by gates/barriers at both ends (Figure 2), as per Dublin City Councils instructions on 19/9/17. The new Vernon Mews development will not have access to this section of the laneway. There is a significant distance between the proposed site and the gable walls of the Vernon Mews development or any potential mews that might be built on the Belgrove Road section of the laneway in the future (Figure 3).
- Condition No 2(c) – The requirement for opaque glass and position restrictions to the proposed west facing window would mean that the new room would feel overly enclosed and result in a less than desirable space for a bedroom. Creating a functional third bedroom is a crucial part of the plan to create a family home.
- The first-floor window should remain as proposed as there is significant distance between the new window and the property to the rear at 13 Belgrove Road. The separation distance from the dwelling to the rear is c 24.5m measured from the proposed rear building line. The design considers the privacy of the rear dwellings while allowing sufficient light to enter what is currently quite a dark home. There is precedence for lesser distances between first floor windows and rear facing neighbours. The most recent is Block C of the new Vernon Mews development (2401/13) which have a separation distance of c.13m.

- Condition No 2(d) requires that the proposed first floor southern window shall either be omitted or comprise a high level window not less than 1.8m above finished floor level. The proposed southern window will bring much needed thermal solar gain to the property without affecting neighbour's privacy. The full length ground floor extension of adjoining property (Figure 3) means that there is no private outdoor space along the terrace that is visible from this window. Because of this, and the fixed and obscure finish of the window, there will be no perception of overlooking or loss of privacy. Keeping the window at the original position as per the application allows for a continuation of the window line and design between the south facing window and the proposed west facing window.
- Condition No 2 (f) requires that the downpipe be kept in position between the subject site and No 17. The correct numbering is No 18. Keeping the downpipe in its current position would impact the size of the extension and the required living space. The downpipe should remain as proposed in the application.

The applicant notes that external insulation will only be applied to the gable and rear walls and its width (100mm) will be agreed with Dublin City Council prior to the commencement of the development.

7.0 Assessment

- 7.1. Condition 2 (a) requires that the proposed extension be set back by at least 300mm from the northern gable wall building line, at least at first floor level. At ground floor level this would result in the loss of floor area and a reduction in the size of the kitchen/dining area. At first floor level it would involve either a reduction in the size of the bedroom, or, alternatively the relocation of the extension southwards on the site.
- 7.2. The existing house is located on a small site, with limited potential for extension. The laneway to the north extends from Belgrove Road to Vernon Avenue, serving the rear of existing properties. There is no public access (right of way extinguished) over the laneway which is gated at both ends. The section of the laneway close to the appeal site is framed by the high garden walls of the adjoining residential properties

on both sides. The residential development under construction to the east will not be accessed from the laneway.

- 7.3. The rear of the appeal site is screened from view by the houses on Belgrove Road. The proposed extension will not be visible from the public realm and will only be visible from a short section of the laneway in the immediate vicinity of the site. While the requirements of Condition 2(a) could be achieved without significant alterations to the proposed ground/first floors as currently configured, it would result in a loss of residential floor area on a very restricted site. Having regard to the primary use of the laneway as a service route to the rear of the existing properties, the separation distance and orientation of the residential development under construction to the east, and the lack of potential for significant adverse impacts on the residential or visual amenities of the area, I consider that the development as proposed is acceptable. I recommend that the planning authority be directed to remove Condition 2 (a).
- 7.4. Condition No 2(c) requires that the new first floor window be reduced in scale and fitted with opaque glazing to a least 1.8m above finished floor level with the window opening to the northwest (i.e. towards the laneway). The new extension would reduce the separation distance to the rear of the appeal site to 4.2m, bringing it closer to the rear garden of No 13 Belgrove Road. At present views towards the rear of this property are curtailed by vegetative screening with no views from first floor level into the neighbouring garden. However, I accept as stated by Dublin City Council that the proposal cannot rely on third party intervening screening.
- 7.5. The proposed window has a significant glazed area which the applicants wish to retain to maximise light and solar gain. The size of the window is out of character with the existing rear windows in the terrace and offers significant opportunity for overlooking, should screening arrangements change on the opposing site.
- 7.6. I consider that the replacement of the very large window with 2 no windows of similar proportions to the existing windows in the rear elevation would allow adequate sunlight and daylight to the new bedroom and result in a development which is more compatible with the overall character of the terrace. However, arising from the reduction in separation distance to the boundaries of opposing property, I consider that the potential exists for impacts on the amenity of adjacent property. To address

potential impacts on privacy, I considered that it is reasonable that the windows be fitted with opaque glass. I recommend that the planning authority be directed to amend Condition No 2(c) as set out below.

- 7.7. Condition No 2 (d) requires that the proposed southern first floor window be omitted or replaced with a high level window not less than 1.8m above finished floor level. This window will overlook the roof of the extension of the adjacent property and if fitted with obscure glazing, would not generate overlooking issues. My concern is that the inclusion of a window in such close proximity to the existing property could impact on the development potential of the adjacent house e.g. the development of a first floor extension, rights to light etc. I recommend therefore that the planning authority be directed to amend Condition No 2(d) as set out below.
- 7.8. Condition No 2(f) requires that a downpipe be kept in position between the site and the adjoining property (which the planning authority have incorrectly referred to as No 17 St Joseph's Square). The applicant has interpreted the condition to mean that the downpipe must be maintained in its current position, which is not the case. I consider that the requirements of the planning authority regarding rain water goods can be adequately accommodated on the site and recommend that the planning authority be directed to amend Condition No 2(f) as set out below.
- 7.9. 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.

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

In the light of the above assessment, I recommend the following;

- that the planning authority be directed to Remove Condition No 2(a).
- that the planning authority be directed to Amend Condition No 2(c) to read as follows;

'The new rear first floor bedroom window shall be replaced with 2 no. windows of similar proportions to the existing windows in the rear elevation of the existing house. The windows shall be fitted with opaque glass.'

- That the planning authority be directed to AMEND Condition No 2(d) to read as follows;

The proposed first floor opaque glazed window shall be omitted.

- That the planning authority be directed to AMEND Condition No 2 (f) to read as follows;

A downpipe shall be kept in position between the subject site and the adjoining property to the south.

11.0 Reasons and Considerations

Having regard to the limited size of the site and its position adjacent to a laneway which functions primarily as a service route to the rear of existing properties, it is considered that the set back of the proposed extension required by Condition No 2 (a) is not warranted in terms of the protection of existing amenities and should therefore be removed. It is considered that the amendments to Condition No 2 (c), (d) and (f) are justified in terms of the protection of the amenities of adjacent property and the character of the area and would not compromise the level of residential amenity afforded to the dwelling.

Breda Gannon
Senior Planning Inspector

19th October, 2018