



An  
Bord  
Pleanála

## Inspector's Report ABP-302682-18

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<b>Development</b>	Rebuild and modify the roof, and to extend the attic room over the kitchen return.
<b>Location</b>	6, Smith's Cottages, Donnybrook, Dublin 4
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3538/18
<b>Applicant(s)</b>	Gavin Bulfin
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Gavin Bulfin
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	20/11/18
<b>Inspector</b>	Sarah Lynch

## 1.0 Site Location and Description

- 1.1. The appeal site consists of a single storey mid terrace cottage, located in a backland position to both the properties in Carlisle Avenue and Brushfield Terrace. The site is accessed via a narrow laneway from Brushfield Terrace and has no rear access or private open amenity space.
- 1.2. The appeal site has a stated area of 48sqm and has been extended to the rear to accommodate a kitchen and bathroom. The dwelling directly abuts no. 16 Carlisle Avenue which also has no rear access or open amenity space.
- 1.3. This property has a first-floor obscure glazed small window to the rear. The appeal site contains two original roof lights within the front and rear roof slopes and two pop up roof lights within the rear single storey extension.
- 1.4. The ridge height of no. 4 and 5 to the north are noticeably higher than that of the subject site in order to accommodate an additional floor. To the south of the site the ridge heights are lower and uniform.
- 1.5. The area is characterised by established residential properties, many of which have been extended in differing forms from their original configurations.

## 2.0 Proposed Development

- 2.1. The proposed development comprises of the following:
  - Rebuild and modify the roof and extend the attic room over the kitchen return.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission was refused for the following reason:

‘The site is zoned Z2 in the Dublin City Development Plan 2016-2022 which seeks “To protect and/or improve the amenities of residential conservation areas”. Having regard to the bulk, height and massing of the proposed roof extension, and its proximity to adjoining property to the east, it is considered

that the proposed development would lead to significant loss of light to the windows of the rear elevation of that property. The proposed development would, therefore, seriously injure the amenities of property in the vicinity, by reason of loss of light, and would be contrary to the Z2 zoning objective and the proper planning and sustainable development of the area’.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The planner’s report is consistent with the planning authority decision.

#### **3.2.2. Other Technical Reports**

- Drainage Division - No objections

### **3.3. Prescribed Bodies**

None

### **3.4. Third Party Observations**

One third party observation was submitted to the Local Authority as follows:

- Condition construction hours
- Impose a condition in relation to the carrying out of a dilapidation survey on the party wall at the applicant’s expense in order to ensure orderly development.
- Detailed design of party wall is unclear, request detailed design of party wall, proposed drainage, fire stopping, and sound proofing are agreed with observer prior to the commencement of development.
- Agreement to be made with regard to gutter maintenance.

## 4.0 Planning History

None

## 5.0 Policy Context

### 5.1. Development Plan

The site is located in a Residential Conservation Area, zoning objective Z2 which seeks *'to protect and/or improve the amenities of residential conservation areas'*.

Relevant Policy:

- Policy CHC4 - protect the special interest and character of all Dublin's Conservation Areas.
- 16.2.2.3 – Alterations and Extensions (General)
- 16.10.12 Extensions and Alterations to Dwellings
- Section 17.3 Residential Amenity Issues
- Section 17.4 Privacy
- Section 17.6 Daylight and Sunlight
- Appendix 17

The guidelines contained within this section provide general advice and design principles for residential extensions.

### 5.2. Natural Heritage Designations

None

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- Current accommodation is limited and restricted.

- Roof and attic are in poor condition and have to be renovated.
- The loss of light to a fixed closed obscure glazed window to the rear of 16 Carlisle Avenue would be limited.
- Attic timbers require strengthening, thermal insulation is required and there is a rodent problem due to the dilapidated state of the roof.
- It is suggested that materials will reduce the overall impact of the development on 16 Carlisle Avenue by reflecting more light to the existing window.
- Restrictions on construction hours are accepted.
- The proposed development would markedly improve the living standards of the property.

## 6.2. Planning Authority Response

- None received

## 6.3. Observations

- None

## 7.0 Assessment

7.1. The subject site is located within zoning objective Z2 which seeks *'to protect and/or improve the amenities of residential conservation areas'*. I consider the proposed extension to an existing dwelling to be acceptable in principle with the zoning objective for the area.

7.2. I consider that the key issues relate to the following:

- a) Residential Amenity – loss of light.
- b) Scale form & Design.

### **Residential Amenity – loss of light**

- 7.3. The Local Authority contends that the proposed development by virtue of its height, bulk and massing and proximity to adjoining properties to the east would lead to significant loss of light to no.16 Carlisle Avenue.
- 7.4. The proposed first floor extension has an overall floor area of c.9.94 sqm and will increase the ridge height of the existing roof by c. 1.1 metres. From site inspection it was evident that the existing window to the rear of no.16 Carlisle Avenue is a high-level window which is fixed shut and obscure glazed similar to a high-level bathroom window.
- 7.5. The applicant has proposed the construction of a mansard roof adjacent to this property which will slope away from this window and will permit some light to it. I do not consider that the loss of light to this high-level window given the position of it within the western flank of the dwelling would be of such significance to result in a serious negative impact on the residential amenities of this property. To refuse the proposal on this basis is not considered to be appropriate in this instance.

### **Scale, form & design**

- 7.6. The existing site is restricted in its opportunity to increase floor area and improve living accommodation for residents. The provision of a mansard roof achieves required internal ceiling heights whilst setting the roof back from the neighbouring property and thus minimising any potential impacts. The additional height at the ridge line slopes east from the front elevation and similar to the neighbouring properties at no. 4& 5 will be difficult to see from the access lane and surrounding area due to the angle receding angle.
- 7.7. Whilst the development of mansard roofs would not normally be permissible in such circumstances it is considered that in this instance where the development is largely out of sight from the surrounding area and enables the applicant to achieve additional living accommodation in this significantly restricted site the design of the proposed development is acceptable.
- 7.8. Having regard to the foregoing it is considered that the proposal would not negatively impact the visual amenities of the surrounding conservation area zoning.
- 7.9. The proposed development incorporates a window within the southern elevation of the extension which overlooks the existing properties to the south of the subject site. Single storey extensions have been developed to the rear of these cottages and

have included roof lights within the structures. The neighbouring property has three pop up rooflights. Given the design of these lights it would not be possible to have a view into this property from the proposed southern window. This window would permit day light to the proposed extension and thus improve the overall living environment for the residents.

- 7.10. Overall the scale, design and orientation of the proposed development which is will be largely out of sight to the surrounding area is considered to be acceptable. The proposal will not result in any significant overlooking or overshadowing.

#### **Other matters**

- 7.11. Other matters with regard to boundary walls etc are civil matters and fall outside issues under consideration by An Bord Pleanala.

#### **Appropriate Assessment**

- 7.12. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any 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.

### **8.0 Recommendation**

- 8.1. It is recommended that permission is granted.

### **9.0 Reasons and Considerations**

- 9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. Details of external roof materials shall be submitted and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In order to protect the visual amenities of the surrounding conservation area.

3. Water supply and drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

4. Construction works relating to the proposed development shall only be carried out between the hours of 08.00 hours and 18.00 hours Monday to Friday, 9am and 16.00 on Saturdays and at no time on Sundays or Public Holidays.

**Reason:** In order to protect the residential amenities of property in the vicinity.

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Sarah Lynch  
Planning Inspector

22<sup>nd</sup> November 2018