



An  
Bord  
Pleanála

## Inspector's Report ABP 302693-18

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<b>Development</b>	Renovation and extension of two-storey terraced house to include single and two-storey extension to the rear.
<b>Location</b>	48 Ard Righ Road, Stoneybatter. Dublin 7.
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3510/18
<b>Applicant(s)</b>	Ciaran Giblin
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	To Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Elizabeth Donovan.
<b>Observer(s)</b>	Christopher O' Raw
<b>Date of Site Inspection</b>	November 20 <sup>th</sup> , 2018
<b>Inspector</b>	Breda Gannon

## 1.0 Site Location and Description

- 1.1. The site is located on the east side of Ard Righ Road, Stonebatter. Dublin 7. It accommodates a mid terrace two-storey dwelling which has been extended to the rear. The houses in the terrace are on very restricted sites and run back to back with the houses on Viking Road.
- 1.2. The site is c 4.1m wide and c 11m deep. The single storey extension, which is to be demolished, extends from the rear building line to the rear boundary. The rear boundary is formed by a concrete wall enclosing a small external yard. The property is adjoined by the single-storey extensions of adjoining property on each side.

## 2.0 Proposed Development

- 2.1. The proposal is to demolish part of the kitchen and the existing single-storey extension to the rear of the house and to construct a new single-storey extension on the ground floor and an en-suite extension at first floor level.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to grant permission for the proposed development subject to 6 no. standard type conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The **Planning Officer's** report of 7/9/18 notes that the houses in the locality have almost 100% site coverage and that it is difficult to achieve development plan standards for open space, distances between opposing first floor windows etc. Having regard to the orientation of the dwelling and existing rear extensions it is considered that the proposed development would not impact significantly on adjoining properties in terms of loss of light or overbearing impacts and it would greatly enhance the living accommodation of the existing house. It concludes that

the proposed development is acceptable and in accordance with the proper planning and development of the area.

The **Drainage Division** in their report of 9/8/18 raised no objection to the development subject to standard conditions.

### 3.3. **Prescribed Bodies**

The TII in their report of 9/8/18 confirmed that they had no observations to make on the proposed development.

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

Two third party submissions were received by the planning authority in respect of the development. The concerns raised relate to potential impacts on adjoining residential property arising from overlooking, overshadowing and overdevelopment.

### 3.5. **Planning History**

There is no planning history relating to the subject site.

## 4.0 **Policy Context**

### 4.1. **Development Plan**

The operative development plan is the **Dublin City Council Development Plan 2016-2022**. The site is located in an area zoned Z2 with the following objective;

*‘To protect and/or improve the amenities of residential conservation areas’*

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.

### 4.2. **Natural Heritage Designations**

None

## 5.0 The Appeal

### 5.1. Grounds of Appeal

- Resides at No 46 Ard Righ Road.
- The proposed development would be located to the south-east of appellants property which includes a small single-storey kitchen extension with large south facing windows. The extension would be overlooked and overshadowed by the proposed development. It would also impact on the outlook from the kitchen and set an undesirable precedent.
- The houses in this area have very limited private open space to the rear and therefore there is a premium on the amenity value of these spaces to the residents of the houses. Careful consideration must be given to the configuration of any new build to ensure that the amenity value of rear private open spaces is adequately protected.
- Due to its height, bulk, scale and mass, the proposed extension would constitute overdevelopment of a severely restricted site.
- The applicant in this case made a successful third party objection to a proposal for a two-storey rear extension to No 49 and the grounds of 'right to light'. The property on the appeal site has a similar relationship with No 49 as appellants house has to No 48.
- While there are many examples where single-storey extension have been permitted to the rear of properties in the area, two-storey extensions have not been permitted in the past 2969/10 and 2640/13. Regrettably, there has been some relaxation in this policy and a first floor rear extension has been permitted to the rear of 13 Viking Road (Reg. Ref. WEB1162/17). However, any relaxation in standards to date has only allowed small projections of c 2m. The current proposal is for a first floor extension of c 4.7m.
- The current proposal would mark a major departure in terms of policy by allowing a first floor extension of significant scale, relative to the size of the existing dwelling and proportionate to the scale and configuration of the

existing house. The Board is urged to maintain the established policy and to adhere to the approach taken in respect of PL 29N. 237424.

- The site is located in a residential conservation area and this designation acknowledges the special character of the area. The proposed development due to its height, bulk and scale will be completely incongruous in the context of the residential conservation area.

## 5.2. Applicant Response

The applicant's response to the grounds of appeal which were prepared by Michael Halligan Planning Consultants, are summarised as follows:

- The plans have been designed to avoid any undue impacts on the residential amenity of adjoining property.
- The applicant is replacing an existing extension identical in form and size to many others in the immediate environs with a similar modern extension and retaining a small courtyard. None of this can be considered to constitute overdevelopment or excessive massing or scale.
- The appellant's main concerns appears to be the first floor extension. Having regard to the proximity of appellants windows to the adjoining boundary wall and extension, the resultant angle of vision is limited and no significant additional visual impact will arise from the proposed en-suite extension.
- Having regard to the orientation of the site, the separation distance and intervening development, it is not considered that the proposed extension would give rise to significant loss of daylight or sunlight to appellant's courtyard or kitchen.
- No overlooking issues arise as there are no windows in the elevations of the en-suite.
- The Board recently refused permission (PL29N. 301879) for a rear extension to No 13 Viking Road to the rear of appellant's property. The first floor element was double the size of appellants proposal and extended for the full depth of the site along a party boundary.

- The case referred to in the appeal included a full width bedroom extension and a rear facing window and is not directly applicable to the small current proposal.
- There are a number of similar proposals which have been granted planning permission. Under Reg. Ref. WEB 1162/17 permission was granted for a two-storey extension to No 13 Viking Road, which is currently under construction. Under 3212/18 permission was granted for a rear extension to No 43 Sitric Road which included a first floor bathroom of the same scale as currently proposed. Other examples include WEB 1120/18, which included a first floor en-suite identical to current proposal at 42 Sitric Road and 4281/15 at 41 Sitric Road.
- This is a long established suburban residential area where residential extensions are essential to bring old houses up to modern day standards. A balance needs to be struck between this necessity and the need to avoid undue interference with the amenities of adjoining property and this has been achieved in the design of the proposal.

### 5.3. **Planning Authority Response**

The planning authority considers that the Planning Officer's report deals fully with all the issues raised and justifies its decision. No additional comments are provided.

### 5.4. **Observations**

An observation was received from the owner and occupier of the adjoining property at No 47. It raises similar issues to those raised in the appeal regarding the impact of the proposed development on residential amenity

## 6.0 **Assessment**

- 6.1. The proposal is to construct an extension to the rear of the house. There will be no alterations to the front elevation and accordingly there will be no impacts on the character or integrity of the terrace, or, the visual amenities of the area.

6.2. The main issue that arises for determination by the Board in respect to this appeal relates to the potential for impacts on residential amenities arising from the proposed development.

It is proposed to demolish part of the existing kitchen area and the flat roofed extension to the rear of the house and replace it with a new extension which would accommodate a new kitchen and shower room. The alterations would open up the ground floor area of the house, providing a reasonable living space. A courtyard area will be maintained, which although restricted in size, will allow some light to penetrate into the rooms and provide a utility area for the house.

There are no windows proposed in any of the elevations at ground floor level which would result in overlooking with impacts on privacy of adjoining property. The extension will be similar in height to adjoining development, which excludes any potential for overshadowing or overbearing impacts. The ground floor extension does not create any impacts on the amenities of adjoining property, and, accordingly I have no objection to this part of the development.

The first floor extension is the contentious part of the proposal. It would accommodate an en-suite bathroom to the main bedroom. A rooflight would provide light and ventilation and the absence of any windows in the rear or side elevation ensures that there would be no impacts on the privacy of adjacent property. The concerns raised by the third parties relate to precedent, overshadowing and overbearing impacts.

I note that with a few exceptions, first floor extensions do not form part of the general pattern of development in this area. A perusal of the local planning history suggests that up until relatively recently such development has to a large extent been resisted by the planning authority for reasons relating to impacts on the amenities of adjoining property. However, as noted in the First Party rebuttal planning permission has been granted at No's 41, 42 and 43 Sitric Road (3212/18, WEB 1120/18 & 4281/18. These authorise similar development to that proposed, including an increased kitchen area and shower room wrapped around an area of open space at ground floor level with a first floor extension projecting up to 2.7m from the rear building line. Planning permission has also been granted at 13 Viking Road (WEB 1162/17) for a ground and first floor extension, which is currently under construction.

Whilst it is accepted in these cases that it is not possible to achieve standards for private open space, the planning authority concluded that the developments would not impact on the residential amenities of adjoining property and were acceptable having regard to the need to encourage city living.

I also refer to the Board's decisions made in respect of similar proposals in the vicinity. In the case of PL 29N. 237424, the Board omitted a first floor extension to the rear of 58 Viking Road on the grounds of precedence and that it would detract from the character and visual amenities of the residential conservation area. The proposed extension projected by c 2.5m and extended across the full width of the site. A yard area was to be maintained between the extension and the rear boundary.

At 13 Viking Road, the Board refused permission for an extension to the rear of the house (PL 29N. 301897). The proposal involved a two-storey extension which would have raised the height of the rear boundary wall to 5.51 across the full width of the courtyard associated with No 46 Ard Righ Road, resulting in overbearing impacts. It was also considered that the proposal would result in overshadowing, be visually incongruous and detract from the character and visual amenities of the residential conservation area. A previous proposal which was granted permission by the planning authority involving a ground and first floor extension at the rear of the property is current under construction on the site.

The proposed extension on the subject site will project by 2.1m beyond the established building line, which is marginally shorter than those permitted by the planning authority on Sitric Road. It will be contiguous with the boundary of No 47 and will be set back from the rear and other side boundary. It will alter the pattern of development on this side of Ard Righ Road and will result in some level of increased overshadowing of adjacent property (which are already impacted by boundary walls and adjacent development) particularly during the evenings at summer time.

The houses in this area occupy narrow and restricted plots with limits the potential for extension. All of the houses in the locality have ground floor extensions, of various sizes and proportions, some resulting in complete site coverage. The only opportunity for improving the quality of accommodation afforded by these houses is



to extend at first floor level, which brings challenges in terms of protecting adjoining residential amenity.

In order to safeguard the future of this housing stock and to ensure some level of accommodation approaching modern living standards is provided, I would not be opposed to the consideration of limited first floor extensions that can be provided without significant adverse impacts on adjoining property. I accept that this is a challenge having regard to the confined nature of the sites.

Having regard to the limited projection of the proposed first floor extension, the limited potential for significant impacts on adjoining property residential in terms of overlooking, overshadowing and overbearing consideration, I consider that the proposed first floor extension would be acceptable in this area.

## **7.0 Appropriate Assessment**

8.0 Having regard to the location of the development within a serviced area, the nature of the development and the separation distance from Natura 2000 sites, I accept 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. Having considered the contents of the planning application, the decision of the planning authority, the provisions of the development plan, the grounds of appeal and the responses thereto, my inspection of the site and my assessment of the

planning issues, I recommend that permission for the development be granted for the reasons and considerations set out below

## 11.0 Reasons and Considerations

Having regard to the Zoning objective 'Z2' for the area as set out in the Dublin City Development Plan and the pattern of development in the area, it is considered that subject to the conditions set out below, the proposed development would not seriously impact on the residential or visual amenities of the area and would therefore be in accordance with the proper planning and sustainable development of the area.

## 12.0 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 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 interests of clarity.

2. The external finishes of the proposed extension shall match the external finishes of the existing dwelling in both colour and materials used.

**Reason:** In the interests of visual amenity.

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

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

4. Prior to commencement of development, a Construction Management Plan shall be submitted to, and agreed in writing with the, planning authority. The plan shall include details of the intended construction practice, including proposals for traffic management, noise management and measures for off-site disposal of construction/demolition waste.

**Reason:** In the interest of amenities, public health and safety.

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours 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.

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Breda Gannon  
Senior Planning Inspector

30<sup>th</sup> November 2018