



An  
Bord  
Pleanála

## Inspector's Report ABP-303171-18

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<b>Development</b>	Construction of extension with pitched roof to the rear of dwelling and all associated site works.
<b>Location</b>	63, Sundrive Road, Dublin 12.
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	1476/18
<b>Applicant(s)</b>	Micheál O'Connor
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Micheál O'Connor
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	9 <sup>th</sup> February 2019
<b>Inspector</b>	Michael Dillon

## 1.0 Site Location and Description

- 1.1. The site, with a stated area of 88m<sup>2</sup>, is located on the northeast side of Sundrive Road, Crumlin, Dublin 12. There is a small, two-storey, end-of-terrace house on the site with red-brick façade and slate roof. The gable elevation of the house is red-brick. The façade has been painted brick colour (red oxide). A large single-storey extension to the rear of the house has been demolished – the house unoccupied.
- 1.2. Immediately to the northwest is a vacant plot – most of which seems to have been incorporated into the garden of no. 69. There is a metal container within this plot, which forms part of the boundary with the appeal site. The remainder of the boundary is a hedge/fence and a demolished wall. To the northeast, the site abuts an area of public open space (Éamonn Ceannt Park) – the boundary with which is a 2.2m high concrete block wall with a low pedestrian gate. To the southeast, the site abuts the curtilage of no. 61 Sundrive Road – a similar-type house with a large two-storey extension occupying a considerable portion of its rear garden – the boundary with which is a 1.5m high concrete block wall: neither capped nor plastered. To the southwest, the site abuts Sundrive Road.
- 1.3. The house opens directly onto a wide pavement – with kerbside parking available. Many cars park up on the pavement. Most of the houses within this terrace, and the adjoining terrace to the northwest, have single-storey or two-storey extensions to the rear, many of which occupy a considerable portion of the rear gardens.

## 2.0 Proposed Development

Permission sought on 17<sup>th</sup> September 2018, to construct a two-storey extension of 77m<sup>2</sup>, to the rear of an existing two-storey house of 43m<sup>2</sup>. The rear extension will have a pitched roof. Permission is also sought for external wall insulation.

## 3.0 Planning Authority Decision

By Order dated 9<sup>th</sup> November 2018, Dublin City Council issued a Notification of decision to grant planning permission subject to 7 conditions – the principal ones of which may be summarised as follows-

1. Development shall be carried out in accordance with the plans and particulars received with the planning application.
2. Requires payment of a development contribution of €950.40.
3. Requires submission of revised plans to include-
  - a. the extension shall project a maximum of 4.0m at first floor level.
  - b. the extension shall project a maximum of 8.0m at ground level.
  - c. development shall be set back a minimum of 1.3m from the boundary with no. 61 Sundrive Road – both at ground- and first-floor level.
  - d. the proposed north-facing kitchen/dining-room window, on the boundary of the vacant plot, shall be omitted.
  - e. all guttering and downpipes shall be fixed entirely within the property.
7. Relates to drainage, and requires, *inter alia*, compliance with SuDS.

#### 4.0 Planning History

There is no planning history pertaining to the appeal site.

**Ref. 1642/17:** Permission refused by Dublin City Council for first floor extension to the rear of two-storey house at no. 69 Sundrive Road – to the northwest of the current appeal site. On appeal by the 1<sup>st</sup> Party to An Bord Pleanála (**ABP-301272-18**), permission was granted on 26<sup>th</sup> July 2018, subject to conditions. This development has not been carried out.

**Ref. 3852/00:** Permission granted for two-storey extension to rear of no. 61 Sundrive Road. It has been constructed, and measures 8.6m in depth, and 3.4m in width.

#### 5.0 Policy Context

##### 5.1. Development Plan

The relevant document is the Dublin City Development Plan 2016-2022. The site is zoned 'Z1' – To protect, provide for and improve residential amenities. Guidance, standards and objectives for extensions and alterations, to existing dwellings are set out in Section 16.10.12, and at Appendix 25.

## 5.2. Natural Heritage Designations

The site is neither within nor immediately adjoining any natural heritage designation.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The appeal from A1 Architects, agent on behalf of the applicant, Micheál O'Connor, received by An Bord Pleanála on 6<sup>th</sup> December 2018, can be summarised in bullet point format as follows-

- The appeal is against condition 3.a, 3.b and 3.c only.
- The Planner's Report was generally in favour of the proposed development, as many of the houses in the area have been similarly extended. The design was considered to be in-keeping with the design of the houses in the area.
- The site coverage is high at 79% – the indicative range for Z1-zoned land being 45-60%. However, the development was considered acceptable, having regard to historical site coverage. An open space area of 19m<sup>2</sup> remains, which is below the Development Plan standard for three-bedroom houses. Éamonn Ceannt Park, to the rear of the house, offers considerable amenity for residents.
- There are three similar-type extensions in this area: and permission granted for a fourth, at no. 69 to the northwest. All face northeast towards Eamonn Ceannt Park. Windows are not restricted or blocked in any way.
- No. 61 has some windows addressing the appeal site – but would appear to provide only secondary light to the house. Windows currently receive no direct sunlight because they are northwest facing, located at ground floor level, and are in close proximity to the boundary wall. If the existing single-storey extension at this site had not been demolished [it was taken down for safety reasons], there would be a similar impact on the windows of the neighbouring property, as would result from the proposed extension.
- The extension to the rear of no. 71 is similar in size/layout to the proposed extension; and located similarly in relation to neighbouring property.

- Planning permission has been received for a two-storey extension, almost 8m long, at no. 69.
- The original houses are small, at just over 40m<sup>2</sup>. A larger extension is the only way to maximise space in the current, difficult property market.

## 6.2. Planning Authority Response

There is no response from DCC, to the grounds of appeal submitted.

## 7.0 Assessment

The principal issue of this appeal relates to impact on residential amenity – particularly that of no. 61 Sundrive Road to the southeast. This is a 1<sup>st</sup> Party appeal against the imposition of a condition (parts of) which requires considerable redesign of the proposed extension – to reduce the scale, and to limit overlooking of adjoining property. I would not consider that the Board should restrict itself to consideration of the condition appealed, but rather should look at the application *de novo*.

### 7.1. Development Plan

The proposed residential extension is in accordance with the residential zoning of the Development Plan for the area.

### 7.2. Layout & Design

- 7.2.1. The original houses in this terrace are small, at 43m<sup>2</sup>. A large, single-storey, flat-roofed extension to the rear of the house has been demolished. A number of houses in this terrace, and the terrace to the northwest, have been substantially extended to the rear – at ground- and first-floor level. The Board has recently granted permission for a first-floor extension to the rear of the nearest house to the northwest (no. 69) – ref. ABP-301272-18. The sites are not exactly comparable – the site to the northwest being slightly wider than the current appeal site. This site would also appear to have expanded into the vacant site between no.s 63 and 69. The extension permitted by the Board was a flat-roofed structure to the rear, which projected out to the side of the house. It was to be constructed just inside the party

wall with adjoining no. 71, and to project some 7m, at first-floor level, from the rear elevation of the original house.

- 7.2.2. The extension as proposed on the appeal site is 88m<sup>2</sup> – slightly more than twice the size of the existing house on the site. The drawings submitted show a ground level window in the northwest elevation – lighting the kitchen-dining-room/family area. This window opens directly onto the adjoining vacant site: condition 3.d of the Notification of decision to grant planning permission, rightly required its removal. This part of condition no. 3 was not appealed by the applicant. Such a window would seriously interfere with the amenities and future development potential of the adjoining site. The applicant has not indicated any interest in this adjoining site. A similarly-worded condition should be attached to any grant of permission to issue from the Board.
- 7.2.3. The proposed development is located only 0.65m from the boundary wall with no. 61, to the southeast. This is insufficient to allow for access, for maintenance purposes, for a two-storey extension. The PA required, by way of condition 3.c, that the extension be set back a minimum of 1.3m from the boundary with no. 61. I note that no. 61 is set back a minimum of 1.3m from the centre-line of the common boundary wall. It is not unreasonable to require the developer to do the same. The extension as proposed, would result in an unnecessary degree of overshadowing of the adjoining site (no. 61), and windows lighting habitable rooms at ground floor level. The two-storey extension, as proposed, would result in an unacceptable loss of evening summer sunshine for occupants of no. 61. No. 61 has a number of windows at ground floor level and at first floor level. A 1.3m setback would serve to narrow the proposed extension somewhat and increase the separation between the two extensions (no. 61 & 63). I note that the two-storey extension appears to be constructed on the boundary with the adjoining vacant site to the northwest – presenting a blank northwestern elevation wall, some 13.3m long and 5.5m high.
- 7.2.4. The proposed extension extends 8.7m out from the back wall of the original house – similar to that on the site of adjoining no. 61. However, the extension at no. 61 is considerably narrower. The rear garden remaining would be only 2.4m in depth – rendering it of little amenity value. A 4.0m rear garden depth would be of some amenity use, whilst still allowing for an extension of considerable size. The immediate proximity of Éamonn Ceannt Park is noted in terms of amenity space

available to residents. In view of the existence of similar-sized, two-storey extensions to the rear of other houses, I would not consider it necessary to restrict the first-floor extension, as required by way of condition 3.a. The requirement for a minimum depth 4m rear garden would have the effect of shortening the extension slightly.

7.2.5. Drawings submitted show the staircase and en-suite bathroom windows in obscured glazing. The adjoining house, no. 61, has similarly-placed windows. In the context of the tight urban form of development in this area, I would not consider that first-floor windows would give rise to overlooking of adjoining property or loss of amenity.

7.2.6. The application makes reference to the fixing of exterior insulation to walls. Drawings indicate self-coloured render being affixed to the existing red-brick gable wall of the two-storey house. This would appear to be outside of the site as outlined in red, and would require permission to enter the adjoining site to give effect to it. Condition 7.e required that all guttering and downpipes shall be fixed entirely within the property, but did not make reference to any external insulation. Any grant of permission to issue from the Board should require that external cladding shall not be permitted on the gable elevation or the front elevation of the house – as this would be visually incompatible with the front elevation of neighbouring no. 61 and the gable elevation of neighbouring no. 69. Drawings submitted do not clearly indicate what is proposed for the front elevation – showing brickwork. There is ample space within the old house for insulation to be fixed internally – regard being had to the fact that the house is to be considerably extended.

7.2.7. A condition should be attached to any grant of permission to issue from the Board, requiring submission for revised drawings, for the written agreement of the PA, to reflect the above requirements – prior to commencement of any development.

### 7.3. **Water**

The proposed development will be connected to existing public foul sewers and watermains – although only limited drawings have been submitted. The drawing appears to show a combined sewer within the rear garden. Condition 7.c of the Notification of decision to grant planning permission required compliance with SuDS.

On such a restricted site, it is not clear how this could be achieved, and no indication is given of the permeability of the soil within the rear garden area.

#### **7.4. Other Issues**

##### **7.4.1. Development Contribution**

Condition 2, of the Notification of decision to grant planning permission, required payment of a development contribution of €950.40. This presumably reflects the reduced floor area permitted. A similarly-worded condition should be attached to any grant of permission to issue from the Board.

##### **7.4.2. Hours of Construction**

Condition 5, of the Notification of decision to grant planning permission, placed a restriction on construction hours; in the interests of residential amenity. This was entirely reasonable. A similarly-worded condition should be attached to any grant of permission to issue from the Board.

##### **7.4.3. Environmental Impact Assessment Screening**

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 environmental impact assessment can, therefore, be excluded at preliminary examination stage, and a screening determination is not required.

##### **7.4.4. Appropriate Assessment Screening**

Having regard to limited nature of the proposed development, and to the fact that it will be connected to the public sewer network, 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 an European site.

#### **8.0 Recommendation**

I recommend that permission be granted for the Reasons and Considerations set out below, and subject to the attached conditions.



## 9.0 Reasons and Considerations

Having regard to the zoning provisions for the site, to the nature and scale of the proposed development, and to the existing pattern of development in the vicinity; it is considered that the proposed development, subject to compliance with the conditions set out below, would not be out of character with development in the area, would be in keeping with the existing house on the site, and would not seriously injure the residential or visual 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. Prior to commencement of any development on the site, the developer shall submit to, and obtain the written agreement of the planning authority for, a revised set of drawings to reflect the following requirements-
  - a) the ground floor kitchen & dining/family area window in the northwest elevation, shall be omitted from the development;
  - b) the entire extension shall be set back a minimum of 1.3m from the centre line of the boundary with the adjoining property at no. 61 Sundrive Road;
  - c) the entire extension shall be set back a minimum of 4.0m from the boundary wall with Éamonn Ceannt Park;
  - d) no gutters, downpipes or eaves shall over-sail adjoining property.

e) the proposed external cladding on the front or gable elevation of the original two-storey red-brick house, shall be omitted (in favour of internally-mounted insulation, if required).

**Reason:** In the interest of clarity, visual amenity, residential amenity, rights of adjoining property owners, and to provide a suitable quantum of private amenity space to the rear of the dwelling for the use of future occupants.

3. The external finishes of the proposed extension, including roof tiles/slates, shall harmonise with those of the existing dwelling in respect of colour and texture.

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

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

**Reason:** In the interest of public health and to ensure a proper standard of development.

5. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive; between 0800 to 1400 hours on Saturdays; and not at all on Sundays or public holidays. Deviation from these times shall 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.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable

indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act, 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Michael Dillon,  
Planning Inspectorate**

**18<sup>th</sup> February 2019**