



An  
Bord  
Pleanála

## Inspector's Report ABP-303323-18

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<b>Development</b>	Construction of first floor extension.
<b>Location</b>	4, Blessington Lane, Dublin 7
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	4113/18
<b>Applicant(s)</b>	Fergus Bruton.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Fergus Bruton
<b>Observer(s)</b>	Cepta Farrell
<b>Date of Site Inspection</b>	13 <sup>th</sup> May 2019.
<b>Inspector</b>	Suzanne Kehely

## 1.0 Site Location and Description

- 1.1. The subject site of 97 sq.m. is located on the southern side of Blessington Lane and is approx. 40 metres east of Mountjoy Street. The Lane comprise a mix of dwelling types ranging from single to two storey dwellings on the southern side and larger scaled mews sites/properties to the rear of Blessington Street on the northern side. The exception is a six storey apartment block on fronting Blessington Lane, Mountjoy Street and Wellington Street. To the rear of the site is a school building (Wellington Centre) fronton Wellington St. The Lane is predominantly residential with some small commercial use such a vehicle repairs premises at the western end of the lane. The subject dwelling is a mid-terrace double fronted single storey cottage. No 5 to the west is similar scaled dwelling. No3 to the east is a narrower single fronted dwelling with a part gabled façade and it is adjoined by the apartment development on its other side.
- 1.2. The subject site is irregular. From the historic maps and outline (some of which is apparent in the submitted drawings) the cottage type dwelling has extended from a principal depth of 7.5m to the entire depth of the site which appears to include an access yard that originally extended to the rear of the original terrace from the west side of the no. 6 to no.1. The sites of nos. No 1 and 2 and associated lane have been incorporated into the apartment development. No. 4 has extended and covered the entire original site to a depth of around 16m. It has been extended in width to 8.5m along the rear boundary and at a point where the site is 11.5m wide as it also extends to the rear of no.3. This leaves a small patio. The site frontage is about 5.8m as compared to no.3 which is about 4.8m. (Note: The dimensions on the drawings do not accurately match 1:125 scale as used in drawings.)
- 1.3. Accommodation of 84 sq.m. is presently arranged as an open plan living/kitchen area in the original part to the front with two bedrooms and two bathrooms to the rear. Patio access is off one bedroom. Bedrooms and bathroom have rooflights.

## 2.0 Proposed Development

- 2.1. It is proposed to construction a first-floor extension of 24.4 sq.m. to provide additional bedroom accommodation by way of two bedrooms and bathroom at first floor level.

- 2.2. The first-floor extension is proposed over the flat roof extension to the rear of the original pitched roof at a height off 5.7 m above ground. This and rises 2.1m over the original ridge. The proposed roof is part flat and part sloped incorporating two dormers windows in the recessed first floor front elevation and a two window in the rear elevation. Materials include a new slate roof with zinc clad dormers.
- 2.3. It is proposed to reconfigure the ground floor by moving the internal bedroom to the front part of the house by the western window. A large roof light is proposed to light the internal part of the open plan living kitchen space.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. The planning authority issued a decision to Refuse for the stated reason that: The proposed first floor extension to the rear of an existing single storey cottage which has been previously extended at ground floor level would by reason of its scale and bulk result in overdevelopment of the site which would have an adverse impact on the scale and character of the existing dwelling and by reason of overshadowing and loss of aspect be seriously injurious to the residential amenities of adjoining occupiers. The proposal could also set an undesirable precedent for similar development of this type. The proposed would therefore be contrary to the provisions of the development plan 2016-22 and to the proper planning and development of the area.

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

- 3.2.1. Planning Report: This refers to:
- Two previous decisions to refuse permission for first floor development at the site one of which included a roof garden. It is noted that the first-floor extension has now been reduced in depth from 10.8 to 7.7m and the roof garden is omitted
  - Acceptable in principle subject to 16.2.2.3 and Appendix 17
  - Objections and impacts on neighbours at no 5) in addition to support from neighbours nos. 8 and 54.

- Notwithstanding reduction there would still be an impact on No. 3 and no. 5 due to overshadowing of rooflights and open space

3.2.2. Other Technical Reports: The only report is from Drainage. No objections raised.

### 3.3. Prescribed Bodies

TII has no objections. No reports from Irish Water or NTA

### 3.4. Third Party Observations

3.4.1. The occupant of no. 5 objects and issues in relation to:

- Adverse impact of first floor on scale of existing and adjoining terraced preparties.
- Adverse impact on no. 5 open space.
- Substandard development for a four-bed house
- Overdevelopment by reference to site coverage
- Extension design is not subordinate
- Not addressing previous reasons for refusal
- Previous unauthorised extension.

3.4.2. The occupants of numbers 8 and 54 support the proposal on the basis that:

- The applicant's family are valued members of community and need extra space on a permanent basis for a growing family.

## 4.0 Planning History

4.1. In addition to the previous decision to refuse permission on the site as referred to in the planning athodyd's report the following the Board's decision relate to the site and area.

- **An Bord Pleanala ref. 106029** A similar styled extension of about 23 sq.m. was refused on appeal at no 6 to the west. It is considered that the proposed development, by reason of its mass and height, would constitute overdevelopment of the site, would be visually obtrusive on the streetscape and out of character with existing development. The proposed development would seriously injure the amenities of adjoining houses and would, therefore, be contrary to the proper planning and development of the area.

- **An Bord Pleanála ref. 303018** refers to a section 139 case whereby the Board removed a condition in relation development at 11c (a corner site and higher property) being: A dormer roof extension to the rear (south) of the existing single storey dwelling house, including an increased roof pitch of circa 0.5 metres, the demolition of the existing chimney and a new flue structure. The proposed development will also include increasing the roof height of the existing single storey return by circa 0.75 metres, a new roof light to the single storey return, increasing the height of the western site boundary wall by circa 0.7 metres, internal alterations and all associated site development works at 11C Blessington Lane, Dublin.

## 5.0 Policy and Context

### 5.1. Development Plan

- 5.1.1. The appeal site has a zoning objective 'Z1 - Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022, with a stated objective 'to protect, provide and improve residential amenities'.
- 5.1.2. Under Section 16.10.12 of the Development Plan, it is stated that applications for planning permission to extend dwellings will only be granted where the Planning Authority is satisfied that the proposal would: not have an adverse impact on the scale and character of the dwelling; have no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight. Sections 16.2.1 and 16.2.2.3 also apply.
- 5.1.3. Appendix 17 (Volume 2) of the Development Plan provides guidance specifically relating to residential extensions. Section 17.11 of this appendix outlines that the following principles should be observed when extending in the roof:
  - the design of the dormer should reflect the character of the area, the surrounding buildings and the age and appearance of the existing building.
  - dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible.
  - any new window should relate to the shape, size, position and design of the existing doors and windows on the lower floors.

- roof materials should be covered in materials that match or complement the main building.
- dormer windows should be set back from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties.

## 6.0 EIA Screening

6.1. Having regard to the existing development on site, the nature and scale of the proposed development and the location of the site, 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 and a screening determination is not required.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

- 7.1.1. The grounds of appeal, have been submitted by the agent and refer to:
- Urgent need for accommodation by the owner, a married man with 2 children.
  - The planning report in the previous case referred to the possibility of a smaller first floor extension which is now being proposed but refused.
  - There is much precedent for overdevelopment of this nature having regard to small size and restricted site.
  - Additional accommodation cannot be provided at single storey level.
  - The pitched roof is very low and can't accommodate a first-floor extension
  - The new sloped roof to the rear retains the original pitch to the front and cannot be viewed from the street level
  - The six storey apartment block has a more adverse impact
  - Due to southern orientation the extension will have minimal overshadowing impact on the garden of no.5. A shadow study of the back garden illustrates this. The extension will have little or no impact.

- The refusal reason based on overshadowing and loss of aspect...injury to amenity contradicts the report which states that the proposed development will not have any impact on daytime or evening sunlight.
- disputes that it would set an undesirable impact having regard to mixture of building types and heights.
- A family dwelling in /Dublin 7 is desirable in view of housing shortage and housing strategy and the proposal therefore sets a good precedent
- The buildings on Blessington Lane are of a very modest nature and need to be brought up to current standards. The only area for any sort of expansion is at first floor level.

A Sunlight, Daylight and Shadow Impact Assessment Report and Letter of support are attached.

## 7.2. **Planning Authority Response**

7.2.1. No further comment.

## 7.3. **Observations**

7.3.1. The resident of no. 5 has submitted an observation to the appeal which reiterates her previous objection to the planning authority. It is submitted that revised plans do not address the issues raised by planning authority.

## 8.0 **Assessment**

8.1. This appeal relates to a first-floor extension to an extended mid terrace single storey cottage in a confined site in a residential lane in the city. The main issues are overdevelopment, streetscape and impact on amenities of neighbouring dwellings.

8.2. The dwelling has already been extended to 84 sq.m. which is 87% of the site and this considerably exceeds guidance of 45-60% for the Z1 residential zone. The current proposal would further intensify development on the site. The proposal seeks to increase the bedroom numbers to provide a 4-bed family home with little provision for private open space which is retained at under 9 sq.m which is not in accordance with guidance.

- 8.3. The proposed first-floor extension would project approximately 2.1 metres above the existing ridge line and across almost the entire width of the plot. While the development plan permits a contemporary approach, the scale and design are not in compliance with the design approach set out in section 16 or Appendix 17.11 of the development plan.
- 8.4. I consider the increase in roof level would be incongruous being mid-terrace and of excessive scale relative to the original profile of the cottage. I accept however that this is somewhat mitigated by the recessed and restricted views. Montages would clarify this. It would however be visible from side views and the extensive elevated views from surrounding properties.
- 8.5. Aside from the visual aspect the scale and massing of the first-floor development in such a finely grained context raised serious issues of impact on amenity in adjoining properties. (I refer to Numbers 3 and 5). The impact on no 3 would be potentially considerably injurious. The first floor is proposed adjacent to a small light well courtyard to the rear of no 3 which is boxed in on two sides (south and west) already by the ground floor extension in the subject site. Having regard to the narrow width of no.3, the height and relationship with the adjoining apartment block to the east, I consider any further loss of light to be unacceptable. A first-floor extension would raise the boundary wall with no. 3 by a further 2.6m and would have a tunnelling effect and block light to the courtyard/lightwell and rooflights which are heavily reliant on the southern and western light. Sky views are also likely to be obstructed particularly through the rooflights in the western roof slope. The impact on no 5 would be quantitatively lesser but would nevertheless give rise to an overbearing impact, the extent of which I consider to be unwarranted.
- 8.6. I note the floor area is 84 sq.m. which by reference to sustainable housing policy is potentially feasible to provide three bedrooms. I refer to table 5.1 of Quality Housing for Sustainable Communities 2007 which sets out ideal space apportioning for a range of target gross floor areas. Single storey houses with 3 bedrooms for 4 persons range from 73 sq.m. up to 90 sq.m. for 6 persons. Floor areas are slightly larger in the case of apartments. A repositioning of the patio courtyard for example could improve access to light. An extension, of the scale and design proposed, is not warranted in these circumstances.



- 8.7. In conclusion, the proposed first floor would, I consider constitute overdevelopment and furthermore by reason its height, scale and design would be visually obtrusive and detract from the character of the terrace. Moreover, having to regard to relationship with the adjoining terraced houses which in themselves are on confined sites and highly reliant on skylights and sky views for amenity, it is considered that the proposed development would give rise to overshadowing and have an undue overbearing impact and would be seriously injurious to the amenities of the area. In the context of sections 16.2.1, 16.2.2.3 and 16.10.12 and Appendix 17 in relation to design approach of the development, permission for the design proposed in this case would be contrary to the proper planning and development of the area.
- 8.8. On another matter, I note the appellant raised an issue of unauthorised development on site. In this regard I note that the ordnance survey maps show an increase in footprint of development on site yet there is no record of permission – I refer in particular to the changes from the later map editions. This is not addressed in the agent’s submission, nor has the planning authority indicated evidence of consent. In the event that the Board may consider permission it would I consider be appropriate to seek evidence of planning status and possibly of legal entitlement in view of the irregular boundaries.

## 9.0 **Appropriate Assessment**

- 9.1. Having regard to the minor nature of the proposed development and to the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 10.0 **Recommendation**

- 10.1. Having read all the reports on the file and inspected the subject site, I recommend that permission be refused for the proposed development for the following reason:

## 11.0 Reasons and Considerations

1. The proposed first floor extension to the rear of an existing single storey cottage which has been previously extended at ground floor level would by reason of its scale and bulk result in overdevelopment of the site which would have an adverse impact on the scale and character of the existing dwelling and by reason of overshadowing and loss of aspect be seriously injurious to the residential amenities of adjoining occupiers. The proposed development would set an undesirable precedent for similar development of this type. The proposed would therefore be contrary to the provisions of the development plan 2016-22 and to the proper planning and development of the area.

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Suzanne Kehely  
Senior Planning Inspector

21 May 2019