



An
Bord
Pleanála

Inspector's Report ABP 303400-19.

Development	Construction of a rear single storey extension with roof terrace and associated works
Location	24 Clanbrassil Street Lower, Dublin 8
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	1548/18
Applicant(s)	Dylan Cross
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	David Staunton
Observer(s)	None
Date of Site Inspection	26 th March 2019
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1.1. The appeal site is located within a mixed-use section of Clanbrassil Street Lower on the south side of Dublin City. The appeal site is a three-bay two-storey residential red brick mid-terrace property. A number of the adjoining properties have a commercial use at ground floor level with residential overhead.

2.0 Proposed Development

- 2.1. Permission is sought the construction of a single storey extension, including a roof terrace at first floor level to the rear of the existing terraced dwelling, and alterations to the internal layout of the existing dwelling.

3.0 Planning Authority Decision

3.1. Decision

The planning authority granted permission subject to 6 conditions. The following condition is of note:

C2. stipulated:

- Proposed roof terrace shall be removed.
- French doors at first floor level shall be omitted.
- The screening around the roof trace shall be omitted
- The single storey extension shall not exceed 2.8m in height.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer reflects the decision of the planning authority. The Planning Officer notes the zoning objectives for the area and that the extension is acceptable in terms of design and scale. However, the roof terrace would have an

unacceptable impact on the residential amenity of the adjoining neighbours and shall be omitted from the development.

3.2.2. Other Technical Reports

Drainage Department- Report received 8th November 2018 – No objection

3.3. Prescribed Bodies

Transport Infrastructure Ireland (TII) - Report received 16th November 2018 – No objection

4.0 Planning History

None

5.0 Policy and Context

5.1. Development Plan

Zoning objective: The site is located within an area zoned Z4 which seeks “To provide for and improve mixed-services facilities.” The residential area to the east is located within an area zoned Z2 which seeks “To protect and/or improve the amenities of residential conservation areas.”

Relevant sections of the Development Plan include:

Section 16.2.2.3: Alterations and extensions (general)

- Extensions will be sympathetic to the existing building and adjoining occupiers,
- Alterations and extensions to roof will respect the scale, elevational proportion and architectural form of the building.

Section 16.10.12: Extensions and Alterations to Dwellings

Relates to alterations and extensions to dwellings and states that development will only be granted where it will not have an adverse impact on the scale and character

of the area and will not adversely affect amenities enjoyed by occupants of adjacent buildings.

Appendix 17 of the Plan sets out design guidance with regard to residential extensions;

- 17.3: Residential amenity: extensions should not unacceptably affect the amenity of the neighbouring properties,
- 17.4 Privacy: Extensions should not result in any significant loss of privacy to the residents of adjoining properties.
- 17.6 Daylight and Sunlight: care should be given to the extensions and the impact on the adjoining properties,
- 17.11 Roof extensions: the design of the roof shall reflect the character of the area and any dormer should be visually subordinate to the roof slop, enabling a large proportion of the original to remain visible

Archaeology: Site located within a Site of Archaeological Interest for Dublin City

5.2. Natural Heritage Designations

There are three designed sites within 5km of the site.

- South Dublin Bay SAC (Site code: 000210)
- South Dublin Bay & River Tolka Estuary SPA (Site code: 004024)
- South Dublin Bay pNHA (Site code: 000210)

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal, as submitted by the third party appellant residing at No.23 Clanbrassil Street lower, Dublin 8, are as follows:

- The decision of the Planning Authority will allow for the creation of a *de facto* roof terrace.
- Private amenity space is below standard as set out the Planner's assessment.

- Noise nuisance.
- Development is not in accordance with policy objective and will have a detrimental effect on liveability and peaceful enjoyment of no. 23 (appellant's house).
- The height of the extension will comprise daylight and sunlight serving appellant's house.
- Rear window openings and door of the appellant house are incorrectly represented on the drawings.

6.2. Applicant Response

An agent on behalf of the applicant has responded to the grounds of appeal and the issues raised are summarised below:

- Proposal is for a modest 18sqm extension
- In compliance with planning authority conditions the roof terrace will be omitted.
- First floor french doors and glazed door are protected by guard rails. The submission notes that the planning authority condition is unclear and that it is reasonable to retain the french doors and glazed door with guard rails as is.
- Private open space is acceptable having regard to city centre location and that the area provided is consistent with neighbouring properties.
- The proposal will provide enhanced residential development appropriate to the Z4 zoning.
- In relation to the overall height of the extension the submission sets out that the height limit will constitute a boundary wall increases of between 150 - 700mm only having regard to the height of the existing boundary wall.
- An increase in the extension height to 3m is requested in order to comply with building regulation stating it would be difficult to achieve at 2.8m
- No survey of no. 23 was carried out and that the drawings are indicative.

6.3. **Planning Authority Response**

The Planning Authority did not respond to the grounds of appeal.

6.4. **Observations**

None

7.0 **Assessment**

7.1. **Introduction**

The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment also needs to be addressed. I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Principle of development
- Creation of *de facto* roof terrace
- Residential Amenity
- Appropriate Assessment

7.2. **Principle of Development**

- 7.2.1. The proposed development provides for the construction of a rear extension to accommodate an additional bedroom and bathroom. The site is zoned to provide for mixed use services in the current Development Plan and therefore subject to complying with other planning requirements as addressed in the following sections, the principle of the proposal is acceptable.

7.3. **Creation of *de facto* roof terrace**

- 7.3.1. Condition no. 2 of the decision of the planning authority requires the removal of the roof terrace, in particular, 2(b) states that "*the proposed first floor rear French door opening from the living room shall be omitted and the existing window opening shall remain in place*". The rear first floor currently consists a set of french doors and a glazed door both of which are protected by guard rails. The appellant asserts that the extension will allow for the creation of a *de facto* roof terrace with access from the existing set of french doors at first floor level from the living room. Whilst I note that

this section of the condition maybe somewhat confusing when read in isolation, in the context of the entire wording of condition no. 2 my understanding is that the planner is omitting the roof terrace and the french door access to same but that the existing french door opening with protected guard rail shall be retained but with no external access as is the current situation. I consider this reasonable.

7.4. Residential Amenity

- 7.4.1. The subject site contains a two-storey mid terrace dwelling on a restricted plot which fronts directly onto Clanbrassil Street and has a small rear garden which backs onto the rear of dwellings along St. Kevin's Parade. The site is typically characteristic of those sites in the vicinity. The grounds of appeal are submitted from the resident of the property to the north who argues that the extension would have a negative impact on their residential amenity, in particular from the potential to use the flat roof as a roof terrace and the associated noise and impact on sunlight and daylight as a result of the extension.
- 7.4.2. The Planning Authority decision included a condition omitting the roof terrace over the proposed extension. The applicant has stated that he accepts the condition and that the roof terrace will not be constructed. This is acceptable.
- 7.4.3. The subject site is located to the south of the appellant's dwelling (No. 23) who is concerned the extension would cause overshadowing on his property. The Planning Authority attached a condition restricting the overall height of the extension to 2.8m, this provides for a limited increase of between 150mm -700mm over the height of the existing boundary wall between no. 23 and no. 24. This is acceptable. The applicant has requested an increase in the height of the extension to 3m. I consider an increase in the height of the extension to 3m would not be justified as compliance with building standards is achievable at 2.8m in height as per the originally drawings submitted with the planning application to the planning authority.
- 7.4.4. The appellant's property contains a single storey rear extension which extends the full length of the site with approx. 8sqm of open space to the south adjacent to the northern boundary of the application site. The private open space is narrow at approx. 2m in width and is enclosed by boundary walls and adjoining rear extensions ranging from 2.1m to approx. 4m in height, the narrow width and tight urban grain

limit the natural light to the site at present. As a result, I consider the development at 2.8m in height will not result in undue adverse impacts on sunlight and daylight access to the neighbouring site no. 23, as sunlight and daylight is already restricted at this location as a result of the established pattern of development.

7.4.5. Having regard to the design of the proposed development and the pattern of development in the vicinity I do not consider the proposed development would have a significant negative impact on the amenities of the residents in the surrounding properties.

7.5. Other Matters

The grounds of appeal are concerned with the discrepancy in drawings submitted in so far as the windows of the adjoining dwelling on. 23 Clanbrassil Street lower are not correctly identified. I note the architect's response on behalf of the applicant appeal sets out that no. 23 was not surveyed and that the drawings are indicative. I do not consider the minor discrepancies to be material to the assessment and there is sufficient information to determine the application.

7.6. Appropriate Assessment

Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance to the nearest 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 the conservation objectives of any European site.

8.0 Recommendation

I recommend that planning permission should be granted, subject to conditions, as set out below.

9.0 Reasons and Considerations

Having regard to the Z4 zoning objective, the policies and objectives of the Dublin City Development Plan 2016-2022, in particular Section 16.10.12 and Appendix 17, residential extensions, the design and layout of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with

conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenity 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity

2. The proposed development shall be amended as follows:

- (a) The proposed roof terrace in its entirety shall be omitted from the proposed development.
- (b) The existing french doors with protected guard rail at first floor level shall be retained as is. No access shall be provided from the first floor onto the flat roof of the extension.
- (c) The maximum height of the extension when completed shall not exceed 2.8m.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity

3. 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

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 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: To protect the residential amenities of property in the vicinity of the site.

Irené McCormack
Planning Inspector

12th April 2019