



An
Bord
Pleanála

Inspector's Report ABP-303405-19

Development	Conversion of garage to habitable room and a first floor extension on the rear.
Location	24, Wilfield Park, Sandymount, Dublin 4
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1451/18
Applicant(s)	Katie Guardianelli.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Frank Darcy.
Observer(s)	Phil Darcy.
Date of Site Inspection	2 nd April 2019
Inspector	Sarah Lynch

1.0 Site Location and Description

- 1.1. The site is located to the south east of Wilfield Park Road within an established residential suburb, south east of Dublin City Centre.
- 1.2. The site comprises a two-storey semi-detached dwelling with a stated floor area of 164.14 sqm. The property has been extended in the form of a single storey extension to the rear and has a decent sized garden to the rear in which there is a large block and render outbuilding.
- 1.3. The site is bounded to the public road by a c. 1.2 metre dash and brick wall and to the rear by a 1.5 – 1.8 metre block wall dressed in Sections with trellis.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Conversion of garage to habitable room.
 - First floor extension to rear.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 10 no. conditions. The following are of particular relevance:

- No. 2 – eastern window of bedroom 4 shall be permanently glazed with obscure glazing.
- No. 3 – eastern window of bedroom 2 shall be omitted.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planners report is consistent with the planning authority decision.
- Further information was requested seeking proposals to address the overlooking from windows proposed within the eastern gable.

- In response to the further information request the proposed gable window serving bedroom no. 2 was proposed to be omitted and the window serving bedroom no. 4 was proposed to be obscure glazed.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

Two observations were received from no. 22 Wilfield Park which is the neighbouring property to the north east of the appeal site. The issues raised are covered in the grounds of appeal.

4.0 Planning History

There is no recently recorded history pertaining to the appeal site.

5.0 Policy and Context

5.1. Development Plan

Dublin City Development Plan 2016-2022

Zoning objective Z1, the objective for which is 'to protect, provide and improve residential amenities.'

The following Sections are of relevance:

- 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

5.3. EIA Screening

The development is not of a class for the purpose of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

- Overlooking & loss of privacy
- Loss of light
- Existing separation distance from opposing first floor windows is c. 4.4metres

6.2. Applicant Response

- Appellants house has been altered and extended since originally built.
- Obscure glazing can be utilised to prevent overlooking
- Restricted opening can be utilised to prevent overlooking
- Existing windows in the gable have been replaced
- The proposed new windows do not exacerbate overlooking to no. 22.
- Reference to 22 metre separation is not relevant to the appeal site.
- No overshadowing will occur.
- Existing boundary wall blocks light

- ABP granted an extension at no. 20 Wilfield Park and conditioned that one of the bedroom windows was obscure glazed.

6.3. **Planning Authority Response**

- None

6.4. **Observations**

An observation has been submitted by the appellants wife, the issues raised are as those raised within the grounds of appeal.

6.5. **Further Responses**

The appellant has responded to the applicant's response to the appeal and reiterates the issues raised within the grounds of appeal, new issues are summarised as follows:

- The appellant's dwelling has been built as permitted all windows within the side gable were part of the original design.
- The precedent referred to by the applicant in relation to the obscure glazing at no. 20 Wilfield Park relates to a secondary window in a bedroom.
- The provision of an obscure glazed window to serve a bedroom results in a substandard form of development.
- Restricted window opening would be unenforceable.

7.0 **Assessment**

The subject site is located within zoning objective Z1, which seeks to 'protect, provide and improve residential amenities'. It is considered that the proposed extension to an existing dwelling is acceptable in principle within the zoning objective for the area. The main issues pertaining to this appeal are those raised within the grounds of appeal. I am satisfied that no other substantive issues arise. The main planning issues are as follows:

- Overlooking & loss of privacy

- Overshadowing
- Appropriate Assessment

Overlooking & loss of privacy

- 7.1. It contended by the appellant that the proposed development would result in a loss of privacy to their property by virtue of the proposed gable window serving bedroom no. 4 and the gable window serving bedroom no. 2. It is important to note at this juncture that Dublin City Council have imposed a condition i.e. condition no. 3 which seeks the omission of the gable window serving bedroom no. 2 and have imposed a further condition i.e. condition no. 2 which requires the window serving bedroom no. 4 to be permanently obscure glazed. These conditions have been imposed as a response to the appellants submission in relation to the planning application and are considered to be reasonable. Whilst I do not consider it necessary to revisit the merits of condition no. 3, I have concerns relating to condition no. 2 and the provision of an obscure glazed window to serve a bedroom.
- 7.2. I noted at the time of inspection that one of the existing gable windows within the appellants property, no. 22 Wilfield Park, directly opposes the proposed window of bedroom no. 4 within the appeal site. The separation distance between these opposing windows is limited at c. 4.5 metres. The introduction of a window at this point in the gable would result in direct overlooking to the bedroom of no. 22. This is unacceptable. The use of obscure glazing within this ope and the positioning of a side hinge would reduce any overlooking to no. 22 and I consider this to be a reasonable solution in this instance.
- 7.3. Notwithstanding the foregoing, I do not consider the provision of a single obscure glazed window to serve a bedroom to be acceptable. The provision of a window within a bedroom with no aspect would result in a substandard form of development for future occupants. Whilst I have no objection to the construction of this room and the use of obscure glazing within it, I consider an alternative use would be more appropriate in this instance. If the Board are of a mind to grant permission, I recommend that a condition is imposed which precludes the use of this room as a bedroom.

Overshadowing

- 7.4. It is submitted by the appellant that the proposed extension will result in overshadowing to their rear garden, which will hamper the growth of their fruit trees. The proposed development will extend c. 4.6 metres from the existing rear elevation of the dwelling and will not extend beyond the rear building line of the neighbouring property to the north east of the appeal site. The existing dwelling has a south east / north west orientation with the rear garden receiving sunlight for a significant period of the day. Having regard to the orientation and limited length of the proposed extension I do not consider that the proposed development would generate overshadowing to such a significant level as to warrant a refusal. I therefore consider the proposed development to be acceptable in this regard.

Appropriate Assessment

- 7.5. 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.

Conclusion

- 7.6. Subject to the foregoing I consider the proposed development to be of modest scale and size and I consider the provision of a two-storey rear extension to this modest dwelling to be in accordance with the provisions of the Dublin City Development Plan 2016-2022.

8.0 Recommendation

- 8.1. I recommend that permission is granted subject to the following conditions.

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. The eastern side window serving bedroom no. 2 shall be omitted.

Reason: In the interest of residential amenities of the surrounding area.

3. The eastern window serving bedroom no. 4 shall be obscure glazed in perpetuity and shall have restricted opening, details of which are to be agreed in writing with the planning authority prior to the commencement of development.

Reason: in the interest of the residential amenity of neighbouring properties

4. The proposed room labelled 'bedroom no. 4' on drawing no. 5974-03, shall only be used for a use which is ancillary to the use of the dwelling house and shall be precluded from use as a bedroom.

Reason: In the interest of residential amenity and proper planning

5. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

6. 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.

7. 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.

Sarah Lynch Planning Inspector

3rd April 2019

