



An
Bord
Pleanála

Inspector's Report ABP-303585-19

Development	Convert side garage to playroom and single storey extension
Location	1 Montrose Grove, Artane, Dublin 5
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1583/18
Applicant(s)	Dermot and Carol Coffey
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Keith and Emer Eastwood
Observer(s)	None
Date of Site Inspection	9 th April 2019
Inspector	Una O'Neill

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1.0 Site Location and Description

- 1.1. The subject site is located on the west side of Montrose Grove in the well-established residential area of Artane, approx. 7km north east of Dublin City Centre.
- 1.2. The site comprises a two storey semi-detached dwelling with attached garage, close to the junction with Montrose Court. The garage runs along the length of the dwelling and the garage with porch project forward of the front building line by approx. 400mm. The side garden/southern boundary of the site is bounded by the rear gardens of dwellings which front onto Montrose Court, with two of these to the south of the side gable of the existing dwelling. I note that 17 Montrose Court is an end of terrace dwelling attached to 15 Montrose Court and was created via the extension and subdivision of no. 15. The finished floor levels of these dwellings are higher than the dwelling on the appeal site.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Conversion of existing side garage into a playroom and utility store room
 - A first floor extension over the side garden, stepped in c.200m from the side boundary and in line with the primary front and rear elevations of the existing dwelling
 - Demolition of front porch and construction of a single storey extension to the front elevation and relocation of front door
 - Two front windows
 - One rear window
- 2.2. The stated floor area of the extensions is 29.5sqm.

3.0 Planning Authority Decision

3.1. Decision

Permission GRANTED, subject to 7 conditions, including the following:

C2: The development shall incorporate the following amendments:

- (a) The first floor side extension shall comprised a gable ended pitched roof.
- (b) The first floor side extension and the associated gable ended pitched roof shall be set back 1 metre from the primary front building line.

Reason: In the interests of visual and residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority. The following is of note:

- The proposed hipped roof may have a negative visual impact on the street and it would be preferable that it comprise a gable ended pitched roof.
- To reduce the scale and visual impact of the development it is considered that the first floor extension and its associated roof structure be set back 1m from the primary front building line by way of condition.

3.2.2. Other Technical Reports

Drainage Division – No objection.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

One objection was received and the issues raised are addressed within the grounds of appeal hereunder.

4.0 Planning History

PL29N.236777 (DCC reg ref WEB1032/10) – Permission REFUSED for Demolition of existing garage and front entrance structure and construction of 2 storey extension to the side of house plus new front entrance.

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.’
- Section 16.10.12: Extensions and Alterations to Dwellings
- Appendix 17: Guidelines for Residential Extensions.

5.2. Natural Heritage Designations

The site is not located within or adjacent to a Natura 2000 site.

5.3. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

A third party grounds of appeal has been submitted from the residents of 15 Montrose Court and is also signed by the residents of 17 Montrose Court. The grounds of appeal is summarised as follows:

- Concern raised in relation to the scale of the proposal and its proximity to the boundary, particularly considering the limited rear garden depth to no.15 and no.17.
- The proposal will have a significant negative impact on the residential amenity of the private open space of no. 15 and no. 17 by virtue of overbearing visual impact, visual intrusion and potential loss of daylight.
- The proposal would contravene the Development Plan as it would have an unacceptable effect on the residential amenities of adjacent properties.

- The drawings do not indicate how the extension is to be constructed with regard to its location within the site.
- The ground floor plan is shown constructed on the boundary and this would need to be demolished to cater for the development.
- The roof plan shows the roof constructed on the boundary wall which is confusing as the other plan shows it set off the boundary.
- The adequacy of the shadow analysis is called into question as it is stated in the report that a site visit was not undertaken for this project.

6.2. Applicant Response

The applicant has responded to the grounds of appeal as follows:

- To address issues of visual impact, intrusion and potential loss of daylight, a specialist consultant was commissioned to carry out a shadow, sunlight and daylight study. This report confirms that the development fully complies with the requirements of the BRE guidelines in relation to sunlight, daylight and shadow on the amenity spaces of the neighbours, which are north facing properties.
- The consultant advised that site visits are only required where there is a lack of information provided on the existing/proposed development or neighbouring properties. The models and analysis are based on the approved drawing, ordnance survey mapping site dimensions and reference photographs.
- The first floor extension will be positioned 200mm from the side boundary wall and 300mm from the gardens themselves.
- The existing garage was in place prior to the subdividing of 15 Montrose Court into two separate dwellings and creation of 17 Montrose Court (reg ref 1863/07), which the applicant did not object to.
- The proposed first floor load of the extension is in accordance with the engineers specifications.
- The proposed roof overhang will remain within the site boundary. The proposal is to be constructed in accordance with the conditions attached by

Dublin City Council in relation to the roof being changed to a pitched roof and requirement for a 1m step back at the front building line.

- The third party that objected to the original application is different from the group now appealing.
- The applicant requires an extension to make a four bed dwelling to cater for their family, improve the energy efficiency of the dwelling and help reduce the carbon footprint of the dwelling.
- This modest extension would not contravene the development plan.

6.3. **Planning Authority Response**

None.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

7.0 **Assessment**

7.1.1. I note that a previous application for a two storey side extension to the subject site was refused permission by ABP in 2010, reference PL29N.236777. Permission was refused for one reason, which stated the proposal would have an overbearing visual impact, visual intrusion and potential loss of daylight.

7.1.2. In this application the garage, which is inside the site boundary, is to be retained/converted and the first floor extension is to be set 200m off the side boundary wall so that it sits fully within the site. I note that the previous application, which proposed demolition and a two storey extension on the side boundary, was amended on appeal so that it would be within the site, however the proposal was nonetheless considered visually obtrusive given the limited depth of the rear gardens to the south, specifically no. 15 and no.17 Montrose Court. I note that the previous

proposal was finished with a standard pitched gable along the boundary while the roof in this application is now hipped and sits fully inside the boundary. I note that a sunlight-daylight analysis is now submitted with this application to address previous concerns in relation to potential loss of light to the dwellings to the south. In addition a deeper porch, with a depth of 1.66m, is proposed to extend across the entire front of the dwelling.

7.1.3. I consider that the relevant issues in determining the current appeal before the Board are as follows:

- Zoning
- Residential Amenity
- Traffic and Car Parking
- Appropriate Assessment

7.2. Zoning

7.2.1. The subject site is located within zoning objective Z1, the objective for which is 'to protect, provide and improve residential amenities'. The provision of an extension to an existing dwelling is considered acceptable in principle within the zoning objective for the area.

7.3. Residential Amenity

7.3.1. The proposed first floor side extension is over an existing attached garage and the first floor element is proposed to sit c. 200mm off the existing side elevation of the garage, which is indicated with a hatched blue line on the proposed roof plan.

7.3.2. The extension will sit along the width of the rear garden boundary of 17 Montrose Court and to a limited extent along part of the rear garden boundary of 15 Montrose Court, with these gardens having depths of 6.5m (no. 15) and up to 8m (no. 17).

7.3.3. With regard to the issue raised by the third party of overbearing visual impact and visual intrusion (also part of the previous refusal for development on this site), I note that the depth of the extension is predominantly along the gable of no.17, which has a substantial rear garden area, albeit limited in depth. While I acknowledge the

extension will be visible from no. 15, I consider the position of the extension inside and c. 200mm off the garden boundary of the existing dwelling to be appropriate and the proposed hipped roof profile will further minimise the visual dominance of the gable elevation when viewed from the rear gardens of the dwellings to the south. I note that the planning authority attached a condition to change the roof profile to a gable ended pitch roof to better integrate with the existing roof profile of the street, however, on balance, and in the interests of the visual impact of the gable from the properties to the south, I consider a hipped roof acceptable. I further note the proposed extension matches the front and rear building line of the existing dwelling and is therefore in keeping with the standard side profile of the existing dwelling. Overall, while the rear gardens of the dwellings to the south are not deep, I am of the view that given the positioning of the extension at first floor level c. 200mm off the boundary, and the hipped roof design proposed, the proposal will not be so visually obtrusive or overbearing on the dwellings positioned to the south of this site as to warrant a refusal.

- 7.3.4. I have considered the submitted sunlight-daylight analysis. It is clear that the proposed extension, which is positioned north of the dwellings along Montrose Court, will not result in significant loss of daylight to those dwellings or result in overshadowing of the garden areas.
- 7.3.5. There are no first floor windows proposed on the site elevation of the extension therefore overlooking is not an issue. I do not consider the proximity of the rear window to the proposed first floor rear will result in significant overlooking of neighbouring properties.
- 7.3.6. The front extension is 1.6m deep across the full width of the dwelling. I do not consider it will impact on the visual or residential amenity of the adjoining semi-detached dwelling.
- 7.3.7. Having regard to the nature and scale of the proposed two storey extension, the pattern of development in the area, the path of the sun relative to the rear gardens of the neighbouring dwellings to the south, in addition to the first floor set back from the adjacent boundary with neighbouring residential properties, I am of the view that the proposed development would not seriously injure the residential amenities of property in the vicinity, would not be visually overbearing, would not result in

excessive overshadowing/loss of light and would not be injurious to the visual amenity of the area.

7.4. Other Matters

- 7.4.1. I note condition 2(b) requires the stepping back of the front extent of the extension by 1m from the front building line in the interests of visual and residential amenity. I note a number of recent ABP decisions, where a similar condition was omitted from applications relating to similar first floor level extensions (ABP 303246-18; ABP-300726-18; PL29N.247889, and PL29N.248885). The proposed extension, being modest in scale, will not dominate the existing dwelling nor appear incongruous in the streetscape, therefore a setback at first floor level is not in my view warranted, therefore should the Board be minded to grant permission, I do not recommend the inclusion of this condition.
- 7.4.2. I note that the letter of objection is signed by two additional people to that of the original objection. I consider the primary objectors and the address used is as per the original objection to Dublin City Council and I note the content of the objection is the same. The letter has been signed by two additional people, the residents of 17 Montrose Grove. I do not consider this raises a procedural issue in relation to the Planning and Development Regulations (as amended).

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the proposed development, which relates to an extension to an existing house in an established and serviced residential area outside of any Natura 2000 sites, I am satisfied that 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.

8.0 Recommendation

- 8.1. It is recommended that permission is granted.

9.0 Reasons and Considerations

Having regard to the zoning objective, the design, layout and small scale of the development, and to the pattern of development in the area, it is considered that subject to compliance with conditions below, the proposal would not seriously injure the amenities of the area or of property in the vicinity, and would not adversely or materially impact on the character of the building or streetscape. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity.</p>
3.	<p>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.</p> <p>Reason: In the interest of public health.</p>
4.	<p>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</p>

	<p>hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
5.	<p>The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.</p> <p>Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.</p>
6.	<p>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.</p> <p>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.</p>

Una O'Neill
Senior Planning Inspector

10th April 2019