



An  
Bord  
Pleanála

## Inspector's Report ABP 3035953-19.

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<b>Development</b>	Construction of a house extension to the rear/side and associated works
<b>Location</b>	78 Melvin Road, Terenure, Dublin 6
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	1570/18
<b>Applicant(s)</b>	Liam Cormack
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Liam Cormack
<b>Observer(s)</b>	Mairead Carroll
<b>Date of Site Inspection</b>	26 <sup>th</sup> March 2019
<b>Inspector</b>	Irené McCormack

## **1.0 Site Location and Description**

- 1.1.1. The subject site is located on a horseshoe cul-de-sac at the southwestern end of Melvin Road in a well-established residential area, south east of Dublin City Centre.
- 1.1.2. The site comprises of a modest two-storey semi-detached dwelling with a stated existing floor area of 67.80sqm.

## **2.0 Proposed Development**

- 2.1. Permission is sought the construction of a 74.5sqm single and two storey extension to the rear side of the dwelling. The proposed extension is hipped roof structure stepping from two storey to single storey. The site takes a triangular form increasing in depth from front to back. The proposed extension is a modern addition finished in a selected grey brick cladding, black window frames and elements of timber cladding. The building line follows the line of the shared side boundary and is set back 1.250m from the boundary. The two-storey element extends 8.5m at a height of 6.9m before stepping down to single storey.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority refused permission for the following reason:

The proposed development by reason of its scale, depth and position would be visually obtrusive, result in undue overlooking and would be unduly overbearing when viewed from adjoining properties and Melvin Road. Therefore, it would materially and negatively impact the residential amenity and setting of the streetscape. The proposed development would set an undesirable precedent for similar development. The proposed development would therefore contravene the zoning objective 'Z1', to protect, provide and improve residential amenities and objectives of the Development Plan and be contrary to the proper planning and sustainable development of the area.

### **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 unacceptable in terms of design and scale.

### **Other Technical Reports**

**Drainage Department-** Report dated 27<sup>th</sup> November 2018 – No objection

### **3.3. Third-party observations**

A total of two submissions were made in relation to the development. A brief summary of the issues raised in the submissions to the Planning Authority are set out below:

- Overshadowing
- Overlooking
- Impact on sunlight/daylight
- Design – scale and bulk

### **4.0 Planning History**

DCC Ref. 4471/17 - Planning permission refused for a similar development citing a similar reason for refusal.

### **5.0 Policy and Context**

#### **5.1. Development Plan**

**Zoning objective:** The site is located within an area zoned Z1 which seeks “To provide for and improve residential amenities.”

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

### **5.2. Natural Heritage Designations**

None

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The applicant has submitted an appeal, the grounds of which is summarised as follows:

- Reason for refusal is the same as that of the previous planning application DCC Ref. 4451/17 even though the design has modified, and the planner's assessment acknowledges this.
- The development has no impact on daylight provision of the adjoining dwellings, the extension is subordinate to the main house and there is no negative overlooking.

- The applicant will omit the rear (south-east) window at first floor level if required. Revised drawings submitted in this regard.
- The extension is set behind the building line and would not have a negative impact on the streetscape and the development by reason of design; site layout would not be overbearing or overshadow adjoining property.
- It is noted that each house is at an angle to the other and that impacts are reduced, and the development would not establish a negative precedent.

#### 6.1.1. **Planning Authority Response**

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

#### 6.2. **Observations**

1 no. observation received from Mrs. Mairead Carroll, no. 76 Melvin Road. A summary of the observations raised are outlined below:

- The revised design does not go far enough to reduce negative impact on no. 76 Melvin Park.
- Reference to site context and the existing rear sheds on the application site and the adjoining apartment block to the rear and the impact of additional development in this context.
- Impact on daylight and sunlight and overlooking raised.
- A condition should be imposed relating to the single use of the dwelling.

### 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:

- Design
- Residential Amenity
- Appropriate Assessment

- 7.1.1. The site is located within an area zoned Z1 which seeks “To provide for and improve residential amenities.” As such the proposal is acceptable in principle, subject to the detailed considerations below.
- 7.1.2. The applicant has submitted revised drawings with the appeal omitting a rear southeast facing bedroom window at first floor level. The revised proposal has been considered in the assessment below.

## 7.2. Design

- 7.2.1. The planning authority assert that the proposed development by reason of its scale, depth and position would be visually obtrusive, result in undue overlooking and would be unduly overbearing when viewed from adjoining properties and Melvin Road and negatively impact the residential amenity and setting of the streetscape.
- 7.2.2. The proposed development is large modern extension to the rear side of the site. The proposed extension extends along the side and rear western site boundaries. The extension is located 1.250m from the shared site boundary and steps from two-storey to single storey to form front to back.
- 7.2.3. The alignment of the site extending in width from front to back would render the proposed extension subordinate in form to the main dwelling when viewed from the public road. A significant amount of private amenity space would remain in the back garden after its construction. The rear extension would maintain a reasonable separation from the side boundaries of the site and the observer’s property. The side gable of the two-storey element of the extension aligns with the side gable of the adjoining no. 76 and the similar height of its roof and eaves mean that it would not be unduly overbearing or overshadow the neighbouring garden. The pitch of the two-storey roof is relatively shallow with an overall ridge height of 6.9m, and the single storey element is a flat roof design 3m in height.
- 7.2.4. Visibility of a structure from adjoining properties does not in itself mean that the amenities of those properties would be injured, and the proposed extension is behind the building line of the house and would not be visible from the public footpath due to the alignment of the site. I do not consider that the proposed extension would be out of character with the existing development in the area or represent a visual intrusion.

### 7.3. Residential Amenity

- 7.3.1. In relation to **overlooking** ground floor windows are not normally considered to give rise to undue overlooking of adjoining properties, as an adequate degree of privacy can be provided by dividing boundary walls. The existing boundary walls are 1.8m high in this case. However, the first-floor rear southeast facing bedroom window is 6m from the boundary of no. 80 Melvin Road. The applicant has submitted revised drawings omitting this window. I consider this acceptable. There are no windows overlooking the rear garden of no. 76. to the west of the site. A reduction in the extent of the extension or a requirement that its windows be of obscure glazing would not be justified.
- 7.3.2. The planning authority considers that the proposed development would have an **overbearing** impact. It is noted that the primary views of the extension will be from the northern approach within the cul-de-sac and from the side passage of no. 76. View of the proposed development elsewhere within the estate will be screened by existing dwellings. The proposed extension has been set back from the primary building line and the design of the extension extending in width from front to back and in line with the gable of no. 76 would mean that the extension will be largely screened from view for the nearest residential properties, including no. 76. While the extension will be intermittently visible from within the estate and the side passage of no. 76, it is considered that the proposal will not have a significant visually overbearing impact given the design, separation distances, alignment of no. 76 and the suburban context.
- 7.3.3. A **shadow cast** analysis was submitted with the planning application and I note that the proposed extension will not have a significant determinantal impact on adjoining dwellings, in particular, no. 76. The rear gardens are south/south-west facing and benefit from all day sun.
- 7.4. Having regard to the foregoing, I consider the proposed development would be in keeping with the character of the area and would not seriously injure the amenities of

the neighbouring properties by reason of overlooking, overshadowing, overbearing or otherwise.

#### **7.5. 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 Z1 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 and by the further plans and particulars received by An Bord Pleanála on the 1<sup>st</sup> February 2019, 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 first floor southeast facing bedroom window shall be omitted in accordance with revised drawings received by An Bord Pleanála on the 1<sup>st</sup> February 2019.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

3. 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.

**Reason:** To restrict the use of the extension in the interest 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.

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Irené McCormack  
Planning Inspector

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15th April 2019