



An  
Bord  
Pleanála

## Inspector's Report ABP-303749-19

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<b>Development</b>	Retention of alterations to previously approved application including increase in length of rear extension and reduction in overall height.
<b>Location</b>	64 Glendhu Road, Off Navan Road, Dublin 7
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	4461/18
<b>Applicant(s)</b>	Robert Dunne
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Grant Retention
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Derek and Colette Lennon
<b>Observer(s)</b>	Pauline Macey
<b>Date of Site Inspection</b>	27 <sup>th</sup> May 2019
<b>Inspector</b>	Una O'Neill

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## 1.0 Site Location and Description

- 1.1. The subject site is located approx. 6km northwest of Dublin City Centre in an established residential area, south of the Royal Canal and north of the Navan Road. The site is located on the northern side of Glendhu Road at the end of a cul-de-sac. The rear gardens of Ashington Rise side onto the front and rear side boundary of the appeal site. Ashtown train station is approx. 1km west of the site.
- 1.2. The subject site comprises a semi-detached two storey dwelling, with existing permitted two storey and single storey rear extension. The existing rear extension has been built deeper than originally permitted and comprises a section 2.2m deep for which retention permission is being sought.

## 2.0 Proposed Development

- 2.1. The retention application comprises the following:
  - An increase in the length of a previously permitted extension from 4.5m to 6.7m, resulting in an increase in floor area of 20sqm.
  - Reduction in the overall height of the extension from 3.3m to 3.1m.

## 3.0 Planning Authority Decision

### 3.1. Decision

Retention Permission GRANTED, subject to 4 conditions, including the following:

**C2:** Development contribution.

**C4:** Development to be retained in accordance with all conditions relating to reg. ref. 2572/18.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority.

### 3.2.2. Other Technical Reports

Drainage Division: No objection subject to condition.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

A number of objections were received, which raised concerns in relation to the scale and design of the extension, overbearing impact, impact on visual amenity, and non-compliance with the previous permission.

## 4.0 Planning History

**2572/18** – Permission GRANTED for a two storey and single storey extension to the rear.

**C3:** The ground floor rear extension shall project a maximum of 4.5m from the rear plane of the dwelling.

**C4:** The external finish shall be similar to the existing house in respect of materials and colour.

## 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 a European 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 appeal has been submitted jointly by the residents of 109 Ashington Rise and 111 Ashington Rise, located east of the appeal site. The rear boundaries of 109 and 111 Ashington Rise form part of the side garden boundary of the appeal site. The grounds of appeal are summarised as follows:

- The extension as constructed contravenes section 16.10.12 of the development plan and appendix 17, which relates to residential extensions, due to the length, height and appearance of the extension.
- The extension rises 1.48m above the boundary wall of no.s 109 and 111, which is overbearing and damages the visual amenity of these properties.
- It is unclear if the extension was constructed with a step down as indicated on the planning drawings. It is requested that the inspector from An Bord Pleanála check on site the height of the extension against what was permitted.
- The third parties believe the roof of the extension needs to be reduced more than the 200mm proposed in the retention application.
- The existing extension is not in accordance with condition 4 of the parent permission, reg 2572/18 given the gable wall and end wall have not been rendered and are therefore not similar in material and colour to the existing house. There are gaps and voids in the blockwork and the view from the rear garden is a cause of great concern. The wall should be rendered. The

applicant was permitted access to finish the wall but did not avail of this. Photos have been submitted with the appeal.

- In the planner's report relating to the previously permitted application the original proposed length of 8m was considered overbearing yet the extension was constructed to a length of 6.7m. The rear of no. 111 Ashington Rise now has an extension projection to look at from the rear garden that was not granted planning permission.
- The as built extension has not been inspected from the rear of Ashington Rise and it could not therefore have been judged properly in terms of overbearance.
- The planner's report notes the additional extension would continue to span the width of the rear of 109 Ashington Rise and would continue to be visible from 111. As residents of 111, it is noted that they now have to look out at an extension which should not have been built, as per the original permission.
- The extension by virtue of its size and overbearing nature should be at least scaled back to the previous permitted length of 4.5m from the rear plane of the dwelling and reduced in height.
- In terms of precedence quoted, no. s 23 and 27 Glenbrook Road cannot be compared like for like as they do not have existing dwellings that face side on as in the current situation, have longer rear gardens, and adjacent dwellings contain existing rear extensions thereby reducing the overlooking/overbearing impact. No.27 s decision was appealed to ABP. No. 28 Kinvara is not comparable as it only faces dwellings to the rear and not to the side as in this instance and has a greater garden length. No. 11 Villa Park Road also does not have houses side on to the rear and have no house to the rear.
- This extension is excessive and has a detrimental impact to the visual amenity of our home and property value.

## 6.2. Applicant Response

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

- The appellants have not measured the height of the extension from their rear garden. It is lower than what was permitted under 2572/18. The extension only looks high in photos because the boundary is 1.8m high. The extension is higher than the 1.8m boundary to achieve a min 2.4m ceiling height.
- There is a step down in the proposed extension as per the planning drawings.
- The applicant used a finished block on the gable end instead of render as access was not allowed by a neighbour to facilitate rendering.
- The appellants appear to be trying to retrospectively object to an extension that was previously granted under 2572/18.

### **6.3. Planning Authority Response**

The planning authority considers the comprehensive planning report deals fully with the relevant issues raised and justifies its decision.

### **6.4. Observations**

An observation has been received from the property owner of 107 Ashington Rise, which is summarised as follows:

- The rendering and finish of the dwelling does not match the existing house or surrounding properties.
- The owner of 107 has given their permission to the applicant to allow access to rectify the finishes, but this has not been undertaken.
- The industrial blocks used are badly finished, look dangerous in places where large globs of mortar have not been pointed and could erode and crumble into the neighbouring property. The unfinished blocks have an oppressive visual impact on 107, 109 and 111 Ashington Rise to the rear.
- The extra depth of the rear extension impacts on the properties to the rear.

### **6.5. Further Responses**

None.

## 7.0 Assessment

### Introduction

- 7.1. A previous permission on the appeal site permitted a two storey extension to the side and a single storey extension to rear. The single storey extension was conditioned to have a maximum length of 4.5m from the rear plane of the dwelling (reduced from a proposed length of 8m), for reasons stated in the planner's report relating to potential overbearance on the adjoining dwelling, no. 62, west of the appeal site.
- 7.2. The applicant in this application proposes to retain the unauthorised section of the single storey rear extension, which has a depth of 2.2m and height of 3.1m (reduced from previously permitted 3.3m), with overall floor area of approx. 20sqm.
- 7.3. I consider that the relevant issue in determining the current appeal before the Board relates to design and impact on the amenity of the area.

### Design and Impact on Amenity of the Area

- 7.4. The third party considers the additional element of the single storey rear extension for which retention permission is visually overbearing given the height, depth and finish of the extension, when viewed from 109 and 111 Ashington Rise and this extension detracts from the amenity and property value of dwellings on Ashington Rise, including 107.
- 7.5. With regard to the increased depth of the extension, the previously permitted extension extended along the majority of the rear garden boundary of no. 109 and ended approx. 500mm before that section of the boundary adjoining 111 Ashington Rise. However, the extension now also runs along a section of the rear boundary of 111 Ashington Rise by approx. 1.8m (total garden width is approx. 6.9m). I consider the precedent of extending along the rear boundary of 109 has been established by the previous permission on this site. The residents of 111 Ashington Rise are now more directly impacted by this extension given it extends across a section of their rear garden boundary, however, I do not consider the impact, given the height of the extension at 3.1m and given the separation distance from the rear elevation of 111 Ashington Rise of approx. 10m, to be so significant in terms of visual overbearance or outlook as to warrant a refusal.



- 7.6. The third party queries whether the height of the extension has been built in accordance with the permitted height. I note the site has different levels from front to back with a step down internally from the existing dwelling to the permitted extension and a further step down to the garden, which is again lower in level. The stated height of the extension to be retained is 3.1m above ground level. The permitted height was 3.3m. It is my view that the height of the single storey extension at 3.1m is acceptable and is not significantly overbearing in terms of its impact on the neighbouring properties.
- 7.7. With regard to finishes, while the drawings indicate the finish was to comprise a 'new render finish to match dwelling', a condition on the previous permission (reg ref 2572/18) stated that 'the external finish shall be similar to the existing house in respect of materials and colour'. This condition does not require the extension to match exactly existing finishes. I note that the permitted two storey extension and the single storey extension to be retained is finished on the side elevation facing Ashington Rise with a finished block above the boundary wall and standard block work below the boundary wall. The other elevation to no. 62 is finished with a pebbledash. The gable end of the single storey extension is rendered. I note that the wall is built tight against the boundaries. I consider the finished block, while not a render, is overall acceptable in terms of its visual impact and is in keeping with the existing dwelling.
- 7.8. Should the third party wish to dispute further the constructed heights and finish relating to that part of the development not subject of this appeal, I note that matters of enforcement are for the planning authority to address and are not within the remit of An Bord Pleanála.
- 7.9. I note reg. ref. 2572/18 limited the extent of the single storey extension due to concerns relating to the overbearing nature of the proposed 8m depth extension on the adjoining dwelling, 62 Glendhu Road. I do not consider the extension, with an overall depth of 6.7m, impacts negatively in terms of overbearance or outlook on no. 62.
- 7.10. Having regard to the lack of a significant impact on the residential amenities of property in the vicinity, as discussed above, there is no evidence to support the third party contention that the proposal would affect property values in the area.

7.11. Having regard to the nature and scale of the proposed single storey extension for which retention is sought, the pattern of development in the area, and proximity to adjacent residential properties, I am of the view that the proposed development would not seriously injure the residential amenities of property in the vicinity and would not be injurious to the visual amenity of the area.

### **Appropriate Assessment**

7.12. 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 retention permission is granted.

## **9.0 Reasons and Considerations**

9.1. 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.	The development shall be retained 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
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	<p>prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on 25/06/2018, planning register reference number 2572/18, and any agreements entered into thereunder.</p> <p><b>Reason:</b> In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.</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><b>Reason:</b> In the interest of public health.</p>
4.	<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><b>Reason:</b> 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>

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Una O'Neill  
Senior Planning Inspector

29<sup>th</sup> May 2019