



An  
Bord  
Pleanála

## Inspector's Report ABP-303770-19

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<b>Development</b>	Demolition of garage and construction of extension to side; new dormer window to first floor to rear roof.
<b>Location</b>	1, Farney Park, Sandymount, Dublin 4
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	4453/18
<b>Applicant(s)</b>	E Caher & D Branagam
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Declan & Niamh Darcy
<b>Observer(s)</b>	Aoife Young & Damien Young
<b>Date of Site Inspection</b>	26 <sup>th</sup> April 2019
<b>Inspector</b>	Colin McBride

## **1.0 Site Location and Description**

1.1. The appeal site, which has a stated area of 0.0269 hectares is located to the south east of Dublin City centre at no. 1 Farney Park, Sandymount, Dublin 4. The appeal site is occupied by a two-storey semi-detached dwelling. To the north is no. 2 Farney Park, which is part of the same pair of semi-detached dwellings the site is part of. To the south are a number of two-storey semi-detached dwellings that back onto the southern boundary of the appeal site and front onto Clarendon Road. To the west is an amenity spaces associated with an existing apartment block located on Clarendon Road to the south west of the site.

## **2.0 Proposed Development**

2.1. Permission is sought for the demolition of existing garage and construction of new 21-storey extension to side, new dormer window to first floor rear roof and all associated landscaping and drainage works. The proposed development removes the single-storey garage to the side of a two-storey dwelling and entails construction of a two-storey extension to the side, which ties into the existing roof profile. The extension entails an increased floor area of 36sqm.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission granted subject to 8 conditions. Of note is the following condition...

Condition no. 2: Double height window on gable elevation and bedroom window at first floor level to be fitted with obscure glazing.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

Planning report (24/01/19): The proposal was deemed to be in accordance with development plan policies and acceptable in the context of the visual amenities of

the area and the residential amenities of adjoining properties. A grant of permission was recommended based on the conditions outlined below.

### 3.2.2. Other Technical Reports

Drainage Division (10/12/18): No objection subject to conditions.

### 3.3. **Third Party Observations**

Submissions were received from...

Declan & Niamh Darcy, 54 Claremont Road, Sandymount, Dublin 4.

Aoife Young & Damien Young, 52 Claremont Road, Sandymount, Dublin 4.

The issues raised in the submission include....

- Non-compliance with zoning objective and development plan policy in relation to extensions.
- Bulk, scale and proximity of the development considered to be overbearing and visually dominant.
- Excessive level of glazing on the gable of the extension with concerns over privacy.

## 4.0 **Planning History**

WEB1344/14: Permission granted for widening of vehicular entrance.

## **5.0 Policy and Context**

### **5.1. Development Plan**

The relevant Development Plan is the Dublin City Council Development Plan 2016-2022.

The site is zoned Z1 with a stated objective 'to protect, provide residential amenities'.

#### Section 16.2.2.3 Alterations and Extensions

Dublin City Council will seek to ensure that alterations and extensions will be sensitively designed and detailed to respect the character of the existing building, its context and the amenity of adjoining occupiers.

#### 17.4 Privacy

Extensions should not result in any significant loss of privacy to the residents of adjoining properties. Generally, windows overlooking adjoining properties (such as in a side wall) should be avoided. Where essential, the size of such windows should be kept as small as possible and consideration should be given to the use of high-level windows and/or the use of obscure glazing where the window serves a bathroom or landing.

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

None in the vicinity.

## **6.0 The Appeal**

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

A third party appeal has been lodged by Jim Brogan Planning and Development consultant on behalf of Declan & Niamh Darcy, 54 Claremont Road, Sandymount, Dublin 4. The grounds of appeal are as follows...

- The appellants' home backs onto the side boundary of the appeal site (southern boundary).
- The appellants note concerns regarding the fenestration on the gable wall facing their garden which would result in significant overlooking as well as noting the proximity and scale of the extension to the rear boundary of their property and its unduly obtrusive impact.
- The appellants are dissatisfied with the condition no. 2 and consider that it fails to address the issue of concern reasons.
- It is noted that the double height window proposed on the gable was originally intended to have clear glazing and such would have caused significant overlooking. It is noted that fitting the window with obscure glazing does not alleviate the concern of perceived overlooking due to its scale, orientation and location relative to the appellants' property.
- The appellants note Appendix 17 of the City development Plan and Section 17.4 regarding privacy as well as development Plan policy for extensions under Section 16.10.12
- The appellants object to a bedroom window overlooking their rear garden and note that that despite it being fitted with obscure glazing it would cause perceived overlooking. It is noted the provision of windows in side walls of extension should be avoided under Development Plan policy (Section 17.4)
- The appellant also questions whether it is appropriate to have any windows with obscure glazing serving a bedroom.
- The appellants note Section 17.5 of the Development Plan and the need for appropriate separation between dwellings back to back or where the side gable of a dwelling faces onto the rear boundary of another dwelling. It is considered that the proposed extension would have a visually dominant and overbearing impact.
- The appellants raise the concern about potential light pollution of their rear garden due to the size and proximity of the windows on the gable of the extension.

## 6.2. Applicant Response

Response from Studio Red Architects on behalf of the applicants, David Branagam & Eimear Caher, 1 Farney Park, Sandymount, Dublin 4.

- The applicants note that a number of dwellings in the immediate vicinity have undergone similar or larger scale developments than proposed in this case with 16 properties listed (Farney Park and Claremont Road).
- The proposed extension has been designed to have regard to the amenities of adjoining properties.
- The gable window serving the bedroom is to allow for emergency escape as per Part B Building Regulations. Both windows on the gable are required to benefit from southern light and it is noted that the terms of condition no. 2 will be complied with.
- It is noted that separation distances between the southern gable windows and the rear of the properties on Claremont Road are in excess of 22m.
- The proposal has been designed to avoid overshadowing to adjoining properties.

## 6.3. Planning Authority Response

No response.

## 6.4. Observations

Observation by Aoife Young & Damien Young, 52 Claremont Road, Sandymount, Dublin 4.

- The observers own no. 52 Claremont Road, Sandymount. The observers' property is located to the south of the appeal site and backs onto the side boundary of the appeal site. The observers note support for the grounds of the third party appeal submission.

- The observers raise concerns about the provision of windows on the southern gable of the extension and impact on privacy to the rear of the observers' property due to their proximity and orientation.
- It is noted that reduced privacy would be contrary the Z1 zoning objective for the site and Development Plan Policy in regards to extensions (section 16.10.12).

## 6.5. Further Responses

6.5.1 Response by Jim Brogan Planning and Development Consultant on behalf of the appellants, Declan and Niamh Darcy, 54 Claremont Road, Sandymount, Dublin.

- It is noted that the appellants' views on the proposed development remain unchanged.
- The precedent examples listed by the applicant are not relevant to the issues raised in this appeal.
- The appellants question the need for the window on the basis of Building Regulations with it noted a window is also provided for the bedroom on the rear elevation.
- The appellants question the benefit of the windows proposed if they are fitted with obscure or opaque glazing in terms of the transmission of light.
- The appellants reiterate the concerns regarding the excessive size of the window serving the landing, the overbearing impact of such and the possibility of light pollution.

## 7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

Design, scale, adjoining amenity

Appropriate Assessment

7.2 Design, scale, adjoining amenity:

7.2.1 The proposal entails demolition of an existing single-storey garage to the side of a two-storey dwelling and the construction of a two-storey extension to the side of the existing dwelling. The extension ties in with the existing building line and roof profile of the existing dwelling and brings the gable end of the existing dwelling right up to the southern boundary. In terms of overall design and scale the extension is subordinate to the existing dwelling and has adequate regard to the character, scale and design of the existing dwelling on site. The extension is successful in integrating with the existing dwelling and would have no adverse impact on the visual amenities of the area or the character of the streetscape.

7.2.2 The dwelling on site is located along Farney Park with the side boundary of the dwelling on site (southern) being the rear boundary of no.s 50, 52, 54 and 58 Claremont Road, which are two-storey semi-detached dwellings that back onto the site. The appellants are located in no. 54 with an observation from the owners of no. 52. The issues raised relate to the proximity of the southern gable to the rear gardens of the appellants' property and the provision of two windows in the southern elevation, a bedroom window at first floor level and a double height window serving the landing/stairs.

7.2.3 The appeal submission notes that the gable of the extension is in close proximity to the boundary between the appeal site and the appellants' with it considered visually dominant when viewed from the appellants' property. The proposed extension is a full height extension that shifts the gable of the existing dwelling southwards so it is right up against the boundary with the dwellings along Claremont Road that back onto the site. Despite the proximity of the extension to the boundary with adjoining property, the pattern of development is such that it adjoins the end of the gardens



serving Claremont Road. The gardens of the dwellings are significant in depth. Despite the gable of the dwelling being extended closer to the boundary with adjoining properties, the degree of separation and pattern of development is such that it would have no adverse or significant impact on the amenities of the adjoining properties to the south or any other adjoining properties. The proposed extension would not be visually dominant or overbearing relative to adjoining properties and result in no loss of light or overshadowing.

7.2.4 The main issue in the appeal concerns the location of two windows on the gable of the extension. The largest of the windows is a double height window serving the landing/stairs and the other is a window serving a bedroom at first floor level. The bedroom window is indicated to have obscure glazing while the landing window was subject to condition no. 2 requiring the fitting of obscure glazing. Section 17.4, Privacy of the City Development Plan notes that “generally, windows overlooking adjoining properties (such as in a side wall) should be avoided. Where essential, the size of such windows should be kept as small as possible and consideration should be given to the use of high-level windows and/or the use of obscure glazing where the window serves a bathroom or landing”. In relation to the bedroom window it serves first floor bedroom, which has a second window on the rear elevation (west). I do not consider that the side window is necessary as the bedroom has its main window on the western elevation in keeping with the main east west orientation of the dwelling. I would recommend a condition omitting this window.

7.2.5 I would consider that the provision of a window serving the landing is acceptable and subject to a condition requiring fitting of obscure glazing would be in accordance with Section 17.4 of the City Development. I would also note that the level of separation between the gable and the rear elevation of the properties along Claremont Road (ground and first floor) is significant and in excess of 22m. I am satisfied that given the level of separation and existing pattern of development that the landing window is not excessive in scale and the provision of obscure glazing would adequately deal with the concern regarding overlooking.

7.2.6 The appellants' also refer to potential light pollution into their garden. I do not consider that such is an issue as the window in the gable is not excessive in size and is to be fitted with obscure glazing. I would also note that there is a single-storey structure at the end of the appellants' garden adjoining the boundary that provides a degree of separation between the appellants' garden and the appeal site.

7.2.7 I am satisfied that having regard to an appropriate condition (omission of bedroom window and fitting of obscure glazing to landing window) that the design and scale of the extension is acceptable in regards the visual amenities of the area, the residential amenities of adjoining properties and would be in accordance with the proper planning and sustainable development of the area.

7.3 Appropriate Assessment:

7.3.1 Having regard to the nature and scale of the proposed development and its proximity 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 a European site.

## 8.0 Recommendation

8.1. I recommend a grant of permission subject to the following condition.

## 9.0 Reasons and Considerations

Having regard to the design and scale of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the visual amenities of the area and would not seriously injure the amenities of adjoining property. 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 proposed development shall be amended as follows:

(a) The window on the southern gable of the extension serving the bedroom at first floor level shall be omitted.

(b) The double height window on the southern gable of the extension serving the landing/serves shall be fitted with obscure/frosted glazing and shall be retained permanently as such.

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 attenuation and 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall 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.

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Colin McBride  
Planning Inspector

29<sup>th</sup> April 2019