



An
Bord
Pleanála

Inspector's Report ABP-303791-19

Development	Double storey extension to the rear.
Location	13 St. Patricks Villas, Ringsend, Dublin 4
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4462/18
Applicant(s)	Karen Daly
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Karen Daly
Observer(s)	Ailbhe O'Briain
Date of Site Inspection	02/05/2019
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1. The subject site is an end of terrace two storey dwelling in the inner suburb of Ringsend, south Dublin. The area is high density, with three terraces of dwellings forming a single block. Rear yards are small and many have been developed with single and two storey extensions.
- 1.2. The subject dwelling, no. 13 is bound to the west by the terrace formed by no.s 14-20 and to the south by the terrace no.s 28-36 (single storey dwellings). Being at the end of the terrace, the rear garden of no. 13 is smaller than the adjoining sites and is triangular in shape. The rear yards of no. 15,16,17 and 28 all share a boundary wall with the subject dwelling no. 13.

2.0 Proposed Development

- 2.1. On the 23rd November 2018, planning permission was sought for the construction of a two-storey extension (28.8sq.m.) to the rear of an end-of-terrace two storey dwelling. On the site of 48sq.m. this would result in a plot ratio of 0.44 and a site coverage of 1.47.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 24th of January 2019, the Planning Authority issued a notification of their intention to GRANT permission subject to 8 no. conditions. Condition no. 2 states:

2 The development herein permitted shall be revised as follows:

a) the proposed first floor extension shall be omitted in full.

Development shall not commence until revised plans, drawings and particulars showing the above amendments, and the consequent revised roof over the ground floor extension, have been submitted to and agreed in writing with the Planning Authority.

Reason: in the interests of orderly development and residential amenity.

3.2. Planning Authority Reports

- 3.2.1. **Drainage Report:** No objection subject to conditions.

3.2.2. **Planning Report:** Site is located in an Z2 Conservation Zone. Ground floor extension although it leaves a rear yard of only 6.5sq.m. is acceptable. Proposed first floor extension would be visually obtrusive when viewed from 16 Bridge Street. Proposed first floor extension cannot be modified by condition due to the constrained nature of the site. Proposed first floor extension is contrary to section 16.2.2.3, section 16.10.12 and appendix 17.3 of the development plan. Recommendation to grant permission but omit proposed first floor extension.

3.3. **Prescribed Bodies**

3.3.1. **TII:** S49 condition required if permission is to be granted as site falls within S49 Levy scheme for light rail.

3.4. **Third Party Observations**

3.4.1. One objection on file, the grounds of which have been made in an Observation to the Board.

4.0 **Planning History**

4.1.1. There is no planning history on the subject site. A number of the dwellings on the three terraces of St Patricks Villas have received planning permission for rear extensions. Of relevance to the subject site are:

- 11 St Patricks Villas: 2462/03 Planning permission granted for a two storey extension to the rear.
- 19 St Patricks Villas: 3891/06 Planning permission granted for demolition of existing single storey extension and construction of two storey extension.
- 18 St Patricks Villas: 1403/04 Planning permission granted for second storey extension over existing two storey extension.

5.0 **Policy and Context**

5.1. **Dublin Development Plan 2016-2022**

5.1.1. In the Dublin City Development Plan 2016 -2022 plan, the site is zoned '**Z2 Residential Conservation**' which has the stated objective "to protect and improve the amenities of residential conservation areas". Within Z2 zones 'Residential' is a permissible use.

- 5.1.2. **Chapter 16** includes the Development Management Standards and has regard to Design, Layout, Mix of Uses and Sustainable Design.
- 5.1.3. **Section 16.2.2.3** of the development plan refers to Alterations and Extensions. The section states that DCC 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. In particular, alterations and extensions should:
- Respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings
 - Retain a significant proportion of the garden space, yard or other enclosure
Not result in the loss of, obscure or otherwise detract from architectural features which contribute to the quality of the existing building
 - Retain characteristic townscape spaces or gaps between buildings
 - Not involve the infilling, enclosure or harmful alteration of front lightwells.
- 5.1.4. **Section 16.2.2.3** also states that extensions should be confined to the rear in most cases, be clearly subordinate to the existing building in scale and design and incorporate a high standard of thermal performance and appropriate sustainable design features.
- 5.1.5. **Section 16.10.12** regarding Extensions and Alterations to Dwellings states that the design of residential extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy. In addition, the form of the existing building should be followed as closely as possible, and the development should integrate with the existing building through the use of similar finishes and windows. Extensions should be subordinate in terms of scale to the main unit. Applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied that the proposal will: Not have an adverse impact on the scale and character of the dwelling, Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.
- 5.1.6. **Appendix 17** of the development plan provides general principles for residential extensions.

5.2. **Natural Heritage Designations**

- 5.2.1. The subject site is located 1.2km from the South Dublin Bay SAC and the South Dublin Bay and Tolka River Estuary SPA.

5.3. **EIA Screening**

- 5.3.1. Having regard to nature of the development comprising extension to an existing dwelling and the urban location of the site there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. An agent for the first party has submitted an appeal against Condition no. 2 of the Planning Authority's decision to grant permission. The grounds of the appeal can be summarised as follows:

- Without the first-floor extension the proposed development will not be fit for purpose.
- Dublin City Council has granted three two-storey extensions immediately surrounding the subject site: no. 11 (2462/03), no. 18 (1403/04) and no. 19 (3891/06).
- No. 11 St Patricks Villas has the same orientation as the subject site yet was not considered by the Planning Authority to have adverse impacts.
- The two -storey extensions at no. 18 and 19 take up the garden and were not considered by the Planning Authority to be visually obtrusive.
- It is submitted that there is a precedent for the subject site.
- The Board is requested to be consistent with the adjoining three houses and grant permission for the proposed first floor extension.
- The appeal is accompanied by a letter from the applicant which states that she grew up in the subject house. The house needs significant refurbishment. The applicant states that the proposed development is required to make the property

habitable. The letter states that photographs are attached however the Board will note that no photographs were submitted with the appeal.

6.2. **Planning Authority Response**

6.2.1. None on file.

6.3. **Observations**

6.3.1. **Ailbhe O’Brian**, 16 St Patricks Villas, Dublin 4: Strongly objects to the scale and bulk of this overbearing proposal in a Z2 zone. The tapered nature of the subject site and its location in close proximity to a number of properties means the proposed first floor extension would result in significant adverse impacts. A single storey extension on the site has been demolished. The proposed 7m high two-storey extension 3.4m from the Observers back door would remove quality open space, reduce light and reduce privacy. The proposed development is over-development.

6.4. **Further Responses**

6.4.1. The Applicants agent has responded to the Observation as follows:

- In terms of visual obtrusiveness there are no windows on the gable elevation overlooking no. 16.
- The first-floor extension is set back.
- The proposed extension is wholly north of no. 16 and therefore the loss of sunlight is not an issue.
- The restricted nature of the site was taken into consideration during the design process.
- There are numerous precedents for two-storey extensions in the immediate area.

6.4.2. A letter from the applicant states that she wishes to have a second bedroom for her child and that the proposed development is a reasonable request for standard living space. The Observer and all other neighbours were consulted about the proposed development. The proposed development will be 4m from no. 16 but will be no more than 6m high. Other two storey extensions in the area are 7.5 and 7m high. To the front of the subject site is a three-storey development over 10m in height. The

proposed development was designed to accommodate neighbouring properties whilst providing basic accommodation. There will be no loss of view. The Board is requested to grant permission. Photos attached.

7.0 Assessment

- 7.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. Section 139 of the Planning and Development Act 2000- 2016 provides that where an appeal is made to the Board against only a condition of a permission and where the Board is satisfied that a de novo assessment of the appeal is not required, that the Board may issue a direction to the Planning Authority relating to the attachment, amendment or removal of the condition.
- 7.1.2. In the case of the current appeal against condition no. 2, I am satisfied that the appeal accords with the criteria of section 139 and therefore I restrict my assessment of the appeal to condition no. 2 only.
- 7.1.3. The Board will note that the Planning Authority did not attach a s49 condition as requested by TII. Should the Board decide to grant permission, they may wish to add such a development contribution.

7.2. Condition no. 2

- 7.2.1. Condition no. 2 of the Planning Authority's decision seeks the omission of the entire first floor extension. The report assessing the proposed development notes that the location of the subject site at the end of a terrace and perpendicular to the terrace of houses to the west results in a constrained site that is not replicated elsewhere in the area. The Planning Authority consider that the proximity of the proposed first floor extension to the properties to the west is such that it would be visually obtrusive. The Planning Authority's report considers options such as a set-back of or reduction in length of the extension but considers that same could not be achieved by way of condition due to the restricted nature of the site.
- 7.2.2. In terms of compliance with the development plan section 16.2.2.3 of the development plan, in referring to alterations and extensions states that they should be sensitively designed and detailed to respect the character of the existing building, its context and the amenity of adjoining occupiers. Alterations and extensions should

respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings, not result in the loss of, obscure or otherwise detract from architectural features which contribute to the quality of the existing building and retain characteristic townscape spaces or gaps between buildings. Section 16.2.2.3 also states that extensions should be confined to the rear in most cases, be clearly subordinate to the existing building in scale and design and incorporate a high standard of thermal performance and appropriate sustainable design features. The proposed development complies with the plan in that it is not visible from the street, is clearly a subordinate new extension to the existing dwelling and does not affect the established character of the area.

- 7.2.3. A balance must be struck in inner-suburban areas such as the subject site. The need to refurbish and upgrade existing dwellings to accommodate current requirements must be balanced against the need to protect the residential amenity of adjoining properties in this high-density area.
- 7.2.4. The subject first floor extension has an overall height of 5.78m (to parapet wall height) and extends from the original rear wall by 4m. There are no windows proposed on the western elevation and a large double window on the southern elevation. The subject site is not exactly the same as other properties on either terrace, being at the corner of both terraces and sharing a boundary wall with 5 no. properties as opposed to the usual three. The impact of the proposed first floor extension will be most acutely felt by no.s 15 and 16 St Patricks Villas (The Board will note that the Planning Authority refers to these properties as Bridge Street). East light to the rear yard of 16 will be reduced but not completely blocked. The rear yard of no. 15 will however be completely blocked. What little residential amenity is currently available to no. 15 will be completely removed with the construction of a 5.78m high parapet wall along the entirety of its rear boundary.
- 7.2.5. It is considered that the proposed second floor extension would be visually obtrusive from the rear yards of no.s 15 and 16, would adversely affect the light and privacy available to the residents of these dwellings and would seriously injure the residential amenity of these adjoining dwellings. The proposed first floor extension is considered to be contrary to section 16.10.12 of the development plan. The consequence of the omission of the second bedroom of the proposed dwelling for the resident of the

subject dwelling is recognised, however the provision of same cannot come at the disproportionate expense of the residential amenity of adjoining properties.

7.3. **Appropriate Assessment**

- 7.3.1. Having regard to the nature and scale of the proposed development in a fully serviced built-up urban area, no appropriate assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

8.0 **Recommendation**

It is recommended that the Board attach condition no. 2 as follows:

- 2 Prior to the commencement of development, the applicant shall submit for the written approval of the Planning Authority revised drawings showing the omission of the first floor rear extension.

Reason: To protect the residential amenity of adjoining properties.

For the following reason and considerations

Having regard to the scale and proximity of the first-floor rear extension to the rear yards of no.s 15 and 16 St. Patricks Villas, it is considered that the first-floor element would be overbearing when viewed from adjoining properties. The proposed development would seriously injure the residential amenities of these adjoining properties. The proposed development would thereby be contrary to section 16.10.12 of the Dublin City Development Plan 2016-2022 which deals with residential extensions and also contrary to the zoning objective for the area which is to protect and / or improve the amenities of residential conservation areas.

Gillian Kane
Senior Planning Inspector
10 May 2019