



An  
Bord  
Pleanála

## Inspector's Report ASBP 304081-19

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| <b>Development</b>         | Construction of an additional floor over the single storey rear extension including alterations to kitchen extension and interior, hardwood double glazed sash windows to front, rooflights to rear, removal of two chimney breasts and stacks at rear. |
| <b>Location</b>            | 13 Chester Road, Ranelagh, Dublin 6.  |
| <b>Planning Authority</b>  | Dublin City Council   |
| <b>P. A. Reg. Ref.</b>     | 2068/19   |
| <b>Applicant</b>           | David Keane and Alexandra Milenov.  |
| <b>Type of Application</b> | Permission  |
| <b>Decision</b>            | Grant Permission.   |
| <b>Type of Appeal</b>      | Third Party   |
| <b>Appellant</b>           | Eilish Murphy.  |
| <b>Date of Inspection</b>  | 19 <sup>th</sup> June 2019.   |
| <b>Inspector</b>           | Jane Dennehy  |

## Contents

|  |   |
|--|---|
| 1.0 Site Location and Description..... | 3 |
| 2.0 Proposed Development.....          | 3 |
| 3.0 Planning Authority Decision .....  | 3 |
| 3.1. Decision.....                     | 3 |
| 3.2. Planning Authority Reports.....   | 3 |
| 4.0 Planning History.....              | 4 |
| 5.0 Policy Context.....                | 4 |
| 5.1. Development Plan.....             | 4 |
| 6.0 The Appeal.....                    | 4 |
| 6.1. Grounds of Appeal.....            | 4 |
| 6.2. Applicant Response.....           | 5 |
| 6.3. Planning Authority Response ..... | 5 |
| 6.4. Further Responses .....           | 5 |
| 7.0 Assessment.....                    | 6 |
| 8.0 Recommendation.....                | 8 |
| 9.0 Reasons and Considerations .....   | 8 |
| 10.0 Conditions .....                  | 8 |

## **1.0 Site Location and Description**

1.1. Chester Road is a cul de sac in Ranelagh with Victorian, terraced, two storey dwellings on either side. No 13 Chester Road which has a single storey rear extension and gardens is located on the south side. The site has a stated area of 140 square metres and the existing dwelling including the ground floor extension has a stated floor area of 129 square metres.

## **2.0 Proposed Development**

2.1. The application lodged with the planning authority indicates proposals for construction of an additional floor over the existing single storey extension. The stated floor area of the existing extension is 18.8 square metres and that of the new build is 7.77 square metres. The application includes proposals for alterations to the kitchen extension and interior, hardwood double glazed sash windows to front, three rooflights to rear, and removal of two chimney breasts and sticks at rear.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. By order dated, 6<sup>th</sup> March, 2019 the planning authority decided to grant permission subject to conditions. Under Condition No 2 there is a requirement for omission of a lean to roof over the first-floor rear extension and for its replacement with a flat roof profile not extension beyond the eaves of the house or above a height of 6.2 metres. A compliance submission is required.

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

#### **3.2.1. Planning Report**

The planning officer indicated satisfaction with the proposed development subject to the modifications required under condition No 2 as referred to in para 3.1.1 above.

## 4.0 Planning History

There is no record of planning history for the application site on file.

## 5.0 Policy Context

### 5.1. Development Plan

The operative development plan is the Dublin City Development Plan 2016-2022 (CDP) according to which the site is within primarily within an area subject to the zoning objective: Z1: *“To protect, provide for and improve residential amenities”*.

Policies, objectives and standards for extensions and alterations to dwellings are set out in Section 16.1 0.12 and Appendix 17.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

An appeal was received from Brazil Associates on behalf of Eilish Murphy of No 12 Chester Road on 29<sup>th</sup> March, 2019 according to which Ms Murphy has no objection to construction of a replacement single storey extension at the application site but she objects to the scale, design and character of the proposed first floor extension.

It is stated that the extension constructed to the rear of Ms Murphy’s dwelling was designed by Brazil Associates. It is submitted that this extension, which allowed for retention of the sliding sash window in the rear facade respects the dwelling and the entire Victorian terrace. According to the appeal:

- The proposed extension spans the width of the house, has a large gable end dwarfing Ms Murphy’s extension, overshadowing her roof light and is a box over the single storey structure which obliterates the original rear façade. The extension is excessive, unsympathetic and out of character with the terrace.
- A structural appraisal is required to establish whether the party boundary and foundations would be affected and as to whether the existing extension can carry the proposed extension above. Removal of joint chimney stacks and chimneys which are on a party wall requires overseeing by a structural

engineer and a dilapidation survey in advance of works. Roof drainage from No 13 is disposed of through the downpipe at No 12 at present would need to be addressed. is collected and is shared is no precedent for such development.

## **6.2. Applicant Response**

6.2.1. A submission was received from Gregory Curran on behalf of the applicant on 25<sup>th</sup> April, 2019. Attached to which is a set of drawings showing the flat roof, (as required by Condition No 2 of the planning authority decision) along with a shadow study, and Google images which are referred to as aerial photographs in the submission. According to the submission:

- The proposed extension is a modern addition sympathetic to the house. The houses on Chester Road are not protected structures and most of them have been extended, altering the rear elevations and the original sash windows.
- The requirement by condition for replacement of the proposed 'lean to' roof with a flat roof will reduce the height and bulk and the potential loss of light through the roof light at the Appellant property would be minimal.
- A structural engineer will be employed to oversee the works, specify all structural requirements, ensure compliance with best practice and building regulations.
- The applicants propose close contact with neighbouring properties owners during the construction particularly in relation not the proposed removal of chimneys. The chimney stacks are not shared with adjoining properties.

## **6.3. Planning Authority Response**

6.3.1. There is no submission on file from the planning authority.

## **6.4. Further Responses**

6.4.1. A further submission was received from the Appellant on her own behalf on 28<sup>th</sup> May, 2019 attached to which are two photographs. According to the submission:

- Loss of light to internal accommodation especially the rooflights providing light to the space within the rear extension of her property, (which was built to replace a dilapidated extension) is the greatest concern of Ms Murphy. The submitted shadow diagrams are confusing. Light reaches the south east of the garden in summer at 6.30 or 7pm and light during the period from noon onwards would be the most affected.
- Nos 11, 12 and 13 on the terrace are shallower in depth than the other houses on the terrace. Double height extensions are in the original position of the returns and none of them extend across the entire width.
- Ms Murphy reiterates her request that a dilapidation survey be undertaken at her property prior to commencement of any of any structural works in relation to the proposed demolition of the chimney.

## 7.0 Assessment

- 7.1. It is considered that the proposed extension, shown in the original application, particularly due to the proposed infill up to existing eaves height at the party boundary and across the entire width of the house, is excessive in form and height relative to the existing terraced house and the confined plot size. It is also overbearing in relation to the adjoining properties and therefore seriously injurious to the residential amenities.
- 7.2. In the absence of the extension which has been constructed to the rear of the Appellant's property to the east side, the first-floor extension would have obstructed access to sunlight and daylight to the interior of her property and significantly reduced the vertical sky component from the rear elevation windows. However, this impact would be ameliorated by the rear extension which has been constructed at the Appellant's property. Most of the rear south facing elevation is glazed allowing for good light penetration to the interior. This is supplemented by two rooflights, one positioned over an island and the other over a dining/workspace in the interior. The east facing elevation of the proposed extension at the application site property to the west would be clearly visible through the rooflight over the island in the interior of the Appellant's property and daylight/sunlight exposure to the interior would be reduced.

- 7.3. The revised drawings attached to the response to the appeal in which the proposed extension is modified to comply with the requirements of Condition No 2 attached to the planning authority decision have been reviewed. It is considered that the modifications required under Condition No 2 attached to the planning authority decision in which a flat roof profile not exceeding the eaves height of the house or a maximum height of 6.2 metres would not adequately ameliorate the impact of excessive form and scale relative to the existing dwelling and the overbearing impact on the amenities of the Appellant's property to the east. However, this concern could be satisfactorily addressed by an additional modification which could be provided for in a revised condition. By condition, it is recommended that the width of the extension is reduced in width and setback by one meter at the east side adjoining the appellant's property. The modified extension would satisfactorily provide for a reduced by adequate size bedroom internally and would ameliorate adverse impact on the amenities of the Appellant's property to the east.
- 7.4. With these recommended modifications to the proposed extension in place it is considered that the overbearing impact and sunlight and day light penetration through the roof light in the extension at the appellant's property would be relatively unaffected and, good size accommodation within the interior of the proposed extension can be achieved.
- 7.5. It is agreed with the planning authority that the chimneys and chimney stacks, if required could be removed without undue negative impact. The undertaking by the applicant to consult with the adjoining property owner, (The appellant) and undertake a survey on structural stability is noted. There is no objection to the proposed insertion of roof lights in the rear roof slope of the existing dwelling and to the proposed alterations to the interior of the dwelling.

7.6. **Environmental Impact Assessment Screening.**

Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental

impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### **7.7. Appropriate Assessment Screening.**

Having regard to the small-scale nature of the proposed development and, to the serviced inner suburban location, no Appropriate Assessment issues 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**

- 8.1. In view of the foregoing, it is recommended that the planning authority decision be upheld subject to conditions to include the requirement by condition of an additional modification as discussed above.

#### **9.0 Reasons and Considerations**

- 9.1. It is considered that subject to compliance with the conditions set out below, the proposed development would be not be seriously injurious to the residential amenities of adjoining property and would be compatible with existing development. 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 lodged with the application as amended by the further plans and particulars lodged with An Bord Pleanala on 25<sup>th</sup> April, 2019 on 12<sup>th</sup> February, 2019, except as may otherwise be required 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.

**Reason.** In the interest of clarity.

2. The extension shall be setback to provide for a minimum separation distance of one metre from the east side boundary with the adjoining property at No 12 Chester Road. Prior to the commencement of the development the applicant shall submit and agree in writing, revised plan, section and elevation drawings.

**Reason.** In the interest of the residential amenities of the adjoining property and visual 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. Details of materials, colours and textures of all external finishes shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of visual amenity.

**Jane Dennehy**  
Senior Planning Inspector  
19<sup>th</sup> June, 2019.