



An  
Bord  
Pleanála

## Inspector's Report ABP-304133-19

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<b>Development</b>	Single-storey rear extension to first-floor apartment
<b>Location</b>	4 Jones' Road, Drumcondra, Dublin 3
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3329/18
<b>Applicant(s)</b>	Padraic Campbell
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First-Party
<b>Appellant(s)</b>	Padraic Campbell
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	18 <sup>th</sup> June 2019
<b>Inspector</b>	Colm McLoughlin

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## 1.0 Site Location and Description

- 1.1. The appeal site is located approximately 1.5km north of Dublin city centre on Jones' Road, off the Clonliffe Road in the Drumcondra area. The Sligo to Connolly mainline and commuter railway line is raised above the surrounding ground level and is separated from the southern boundary with the appeal site by a narrow pedestrian lane leading to houses within Robert Place and Robert Street.
- 1.2. The site has a stated area of 137sq.m, with approximately 6m frontage onto Jones' Road. It contains a two-storey semi-detached building with a single and two-storey rear extension. The Victorian-style red-brick house with front-bay window is set back from the roadside by 5m and is enclosed by a rail fence and gate. The building has been subdivided into four apartments with two at ground floor and two at first floor. To the rear is a narrow yard space running along the 1.8m-high wall forming the southern and western boundary with pedestrian lanes. An overgrown 1m-wide pedestrian lane separates the site from the rear of properties along Robert Place.
- 1.3. The immediate Drumcondra area is characterised by rows of two-storey terraced dwellings, fronting onto tree-lined streets and served by laneways to the rear. Croke Park is located immediately to the south of the appeal site on the opposite side of the railway line. Ground levels in the vicinity drop gradually moving south.

## 2.0 Proposed Development

- 2.1. The development initially proposed for retention comprised the following:
  - first-floor rear extension to a house with a gross floor area (GFA) of approximately 13sq.m.
- 2.2. In addition to the standard planning application contents, the application was accompanied by a Planning Report.
- 2.3. On foot of a request for further information revised plans were submitted to the Planning Authority, which revealed that the first-floor rear extension proposed for retention forms part of a one-bedroom apartment and that the building was split into four apartments.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The Planning Authority decided to refuse permission for the following reason only:

- 'The first floor extension provides an unsatisfactory standard of residential accommodation for the occupants of unit 4 and reduces the overall residential amenity for the other 3 units within the dwelling by overdeveloping the subject site. In addition to this, permitting the retention of the first floor extension would be setting a precedent for similar type development and depreciates the value of property in the vicinity. The development is contrary to proper planning and sustainable development of the area and contrary to the zoning objective Z1 'to protect, provide and improve residential amenities'.'

### 3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial report of the Planning Officer (August 2018) noted the following:

- the house has been subdivided into four apartments and it is inaccurate to describe the proposals as retaining an extension to a house;
- there are concerns that the minimum floor area standards, as set out in Department's New Apartment guidelines, are not being met;
- the first-floor extension proposed for retention would be 1.9m from the rear boundary and 6m from the rear elevation to housing along Robert Place;
- windows are only proposed for retention in the elevation facing southwards onto the railway line abutments;
- the rear extension would appear to be significantly impacting on light to the small rear yard area to the rear of No.3 Robert Place;
- further information is required with respect to the subdivision of the house into four apartments, the impact on daylight to houses along Robert Place and the appearance of the extension when viewed from Robert Place.

The final report of the Planning Officer (March 2019) reflects the decision of the Planning Authority and noted the following:

- the four apartments fall short of the minimum apartment standards, however, the proposed extension solely relates to an extension to one of the apartments;
- the sunlight and daylight study submitted highlighted problems regarding the lighting to No.3 Robert Place and the roof profile of the extension would be amended by the applicant to address this. However, the extension would continue to have an overbearing impact on neighbouring properties, when viewed from their private amenity spaces.

### 3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) - no objection subject to conditions.

### 3.3. Prescribed Bodies

- Irish Rail – no response;
- Irish Water – no response.

### 3.4. Third-Party Submissions

3.4.1. On third-party submission was received from a resident of No.3 Robert Place, which is located directly to the rear of the appeal site, raising the following concerns:

- enforcement action commenced on the rear extension in May 2018;
- the extension has resulted in significant loss of light to a kitchen and has also impacted on the signal from the neighbours baby monitoring equipment;
- the extension is an eye-sore and has a negative impact on the value of neighbouring property.

## 4.0 Planning History

### 4.1. Appeal Site

4.1.1. I am not aware of any recent planning applications on the appeal site. The Planning Authority refer to enforcement action on the appeal property under Dublin City Council (DCC) Ref. E1268/17 regarding 'development works without planning permission'.

## 4.2. Surrounding Sites

- 4.2.1. There have been numerous applications for domestic extensions in the immediate area, none of which appear to be of particular relevance in the assessment of the subject development for retention.

## 5.0 Policy & Context

### 5.1. Development Plan

- 5.1.1. The appeal site has a zoning objective 'Z1 - Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022, with a stated objective 'to protect, provide and improve residential amenities'. It is located approximately 220m outside the 'inner city' zone, as defined in Map K of the Development Plan. The Jones' Road Railway Bridge adjacent to the south is included within the Planning Authority's Record of Protected Structures (Ref. 884).
- 5.1.2. Under Policy QH1 of the Development Plan, the Planning Authority will have regard to various Ministerial Guidelines relating to urban housing, including the 'Sustainable Urban Housing: Design Standards for New Apartments'. The following policies and sections of the Plan are also considered relevant:
- Policy QH18 – support the provision of high-quality apartments;
  - Policy QH19 – promote the optimum quality and supply of apartments.
  - Section 5.5.6 – Apartment Living
  - Section 16.2 – Design, Principles & Standards;
  - Section 16.10 - Standards for Residential Accommodation;
  - Section 16.10.13 – Sub-division of Dwellings;
  - Section 16.38 – Car Parking Standards.
- 5.1.3. The Plan refers to 'Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice' (Building Research Establishment Report 2<sup>nd</sup> Edition, 2011) when assessing standards for residential accommodation.

## 5.2. Environmental Impact Assessment - Preliminary Examination

- 5.2.1. Having regard to the existing development on site, the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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. A first-party appeal against the decision of the Planning Authority was received by the Board. The appeal was accompanied by a set of plans and photographs and raised the following:
- the building has been subdivided into four bedsits/apartments and in 2017 an extension was added to the rear of the first-floor bedsit to provide a separate bedroom with en-suite shower room. The extension has upgraded the bedsit to a one-bedroom apartment, thus improving the housing stock;
  - at further information stage the applicant agreed to amend the gable-end of the extension to form a hipped-pitch roof that would address the loss of light to housing along Robert Place;
  - lighting to the ground-floor rooms to the rear of Robert Place, including No.3, is already restricted given the limited area of their associated rear yards (3sq.m), the existence of a 2m-high wall along the rear boundary of these properties, the east-facing orientation and the existing railway line abutments;
  - the extension does not restrict the baby monitoring equipment signal within No.3 Robert Place and there are other external and internal factors that would have greater impact on the future sale of the property than the subject extension;
  - the current housing shortage, the need for greater flexibility of accommodation, the city centre location and the standard of accommodation

provided in the property, justify the subject proposals to retain the extension to the first-floor apartment.

## **6.2. Planning Authority Response**

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

## **6.3. Observations**

6.3.1. None received.

## **7.0 Assessment**

### **7.1. Introduction**

7.1.1. The proposed development for retention that was initially described in the public notices accompanying the planning application, only referred to a first-floor extension and the floor plan layout on the drawings submitted did not illustrate that the building had been subdivided. During consideration of the application, the Planning Authority submitted that the building had been subdivided into four apartments and in response to a further information request, the applicant provided revised floor plan drawings that revealed the building was subdivided into 2 one-bedroom apartments at ground floor and a two-bedroom apartment and a one-bedroom apartment at first floor. The appellant has outlined that the refurbishment of the building to subdivide it into four separate units occurred over 17 years ago and I have not been made aware of planning permission for same. It is the revised drawings for the proposed development for retention, as submitted at further information stage, that are relevant to the assessment below. Accordingly, I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Apartment Standards;
- Impact on Residential Amenities.



## 7.2. Apartment Standards

- 7.2.1. The Planning Authority's reason for refusal of retention planning permission refers to the unsatisfactory standard of residential accommodation for the occupants of apartment no.4, which would also impact on the amenity of the other three apartments in the building, and has led to the overdevelopment of the site. Within the grounds of appeal it is asserted that the first-floor extension was intended to improve the amenities for the residents of apartment no.4, by extending this unit from a bedsit into a one-bedroom apartment. It is also asserted in the grounds of appeal that there is a strategic housing necessity supporting the retention of the proposed development, including the associated apartments, given the ongoing housing shortages in the city and the high standard of accommodation provided in the subject apartments.
- 7.2.2. Within the further information response to the Planning Authority, the appellant has acknowledged that the minimum apartment standards required in the 'Sustainable Urban Housing: Design Standards for New Apartments' (2018) would not be fully adhered to, but that the minimum standards required in these Guidelines would not be applicable given that they apply only to new-build apartments. However, I wish to highlight to the Board that the Guidelines request that Planning Authorities practically and flexibly apply the general requirements of the Guidelines when considering refurbishment schemes.
- 7.2.3. Section 16.10.13 of the Dublin City Development Plan 2016-2022 outlines that the sub-division of a large house in a highly-accessible area may be permitted, subject to the residential amenity standards set out in Chapter 16 of the Plan, including the minimum floor space requirements. Policy QH18 of the Dublin City Development Plan 2016-2022 seeks 'to promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments', while policy QH19 of the Plan seeks 'to promote the optimum quality and supply of apartments for a range of needs and aspirations'. From the outset it is noted that the standards outlined in Section 16.10.1 of the Development Plan primarily apply to new-build apartments and it is acknowledged in the Development Plan that in refurbishment schemes it may not always be possible to meet the

minimum standards. In such cases the standards may be relaxed, subject to the provision of good quality accommodation.

- 7.2.4. The one-bedroom apartment no.4 is stated to measure between 26sq.m, which is below the 38sq.m standard permissible in limited circumstances based on the Apartment Guidelines. The living/dining/kitchen room for the extended apartment, measuring 12sq.m, is well below the minimum aggregate floor area (23sq.m) set out in the Guidelines, while the apartment bedroom, measuring 10.3sq.m, marginally falls under the minimum bedroom size (11.4sq.m). An individual storage area or private amenity area is not proposed for the apartment, with only indirect access to the 'shared open space' available. Apartment No.4 is single aspect, and despite the position of the railway abutment structure approximately 8.5m in height and 7m to the south of the apartment, as the apartment is served by south-facing windows, I am satisfied that it would be served by sufficient levels of natural light.
- 7.2.5. In conclusion, the extension to the apartment proposed for retention does not provide an appropriate level of amenity for current and future occupants, on the basis of the inadequate provision of private amenity space to the apartment, the significant shortfall in minimum floor areas for the apartment and the absence of apartment storage areas. In this regard the proposed development for retention would be contrary to policies QH18 and QH19 of the Development Plan, which seek to promote the provision of high quality apartments and to promote the optimum quality and supply of apartments. Accordingly, the proposed development for retention should be refused for reasons relating to apartment standards, particularly as to permit the development for retention may lead to precedent for further similar development in the area.
- 7.2.6. While the appeal site currently contains a multiple-occupancy dwelling, in facilitating the sub-division of houses, Section 16.10.13 of the Development Plan clearly seeks a higher quality of accommodation than that which is currently provided for on site.

### **7.3. Impact on Residential Amenities**

- 7.3.1. In initially assessing the proposed development for retention, the Planning Authority raised various concerns primarily relating to the proximity of the first-floor rear extension to the neighbouring properties to the rear along Robert Place. The

Planning Authority asserted that the extension would impact on lighting to the housing along Robert Place and would be overbearing when viewed from No.3 Robert Place. As part of the further information response to the Planning Authority, the appellant agreed to address this by proposing to amend the gable-end to the first-floor extension and replace this with a hipped-pitch roof. Following this, the Planning Authority decided not to refuse the proposed development for retention for reasons relating to the impact on the residential amenities of neighbouring properties.

7.3.2. The extension is closest to No.3 Robert Place, which is a two-storey mid-terrace house, with a single-storey rear projection and a small rear yard backing onto a 1m-wide gated pedestrian lane. Drawing No.1806-PLA-07 submitted by the appellant as part of their further information response, illustrates the position of the extension proposed for retention relative to the rear of No.3 Robert Place. The housing within Robert Place is situated on ground that is approximately 0.6m higher than the ground in the appeal site. A 2m-high boundary wall is situated approximately 1.5m from the rear kitchen window to No.3 Robert Place.

7.3.3. Overlooking of properties along Robert Place does not arise as there are no rear-facing windows in the subject extension. The kitchen window to No.3 Robert Place is approximately 4.7m directly to the east of the extension and 6.6m below the roof ridge of the extension. I note that a hipped and pitched-roof is now proposed for this extension. I am satisfied that the outlook from this window and natural lighting to this room and the rear yard area is primarily constrained by virtue of the proximity of the kitchen to the rear boundary wall and the railway abutment to the south. Taking into consideration the inner-urban context, the amendment proposed to the extension at further information stage, the position of the extension on the appeal site and the layout of No.3 Robert Place, including a very limited rear yard area that is flanked by a 2m-high boundary wall, I am satisfied that the proximity and height of the proposed extension for retention would not lead to a detrimental loss of sunlight and daylight to the neighbouring property and would not have a significantly overbearing impact when viewed from the neighbouring property. Consequently, the extension does not have an unacceptable effect on the amenities enjoyed by the occupants of neighbouring houses and, accordingly, the proposed development for retention should not be refused for reasons relating to the impact on residential amenities.

## 8.0 Appropriate Assessment

- 8.1. Having regard to the minor nature of the proposed development for retention and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 9.0 Recommendation

- 9.1. I recommend that permission is **refused** in accordance with the following reasons, considerations, and conditions.

## 10.0 Reasons and Considerations

1. Having regard to the inadequate provision of internal living areas, the inadequate provision of private amenity space and the absence of storage area for the extended apartment no.4, and also having regard to the restricted size of the site, it is considered that the development for which retention is sought would provide a substandard quality of residential accommodation and environment for the occupants of apartment no.4, would be contrary to policies QH18 and QH19 of the Dublin City Development Plan 2016-2022, which seek to promote the provision of high-quality apartments and to promote the optimum quality and supply of apartments, and would set an undesirable precedent for similar developments in the vicinity. The development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Colm McLoughlin  
Planning Inspector

19<sup>th</sup> June 2019