



An
Bord
Pleanála

Inspector's Report ABP 304314-19

Development	Demolition of first floor extension and construction of new extension.
Location	33 Tudor Road, Ranelagh, Dublin 6
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2209/19
Applicant(s)	Imelda Gleeson
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Neil and Frances Murphy
Observer(s)	None
Date of Site Inspection	11 th July 2019
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1. No. 31 Tudor Road is located in the mature residential suburb of Ranelagh south of Dublin city centre. The house is located on the eastern side of the road and faces westward. It forms part of a pair of semi-detached dwelling. The appellants house, no. 32 is to the immediate south. The existing dwelling on site comprises of a two-storey dwelling together with a two-storey return and two storey side extension.
- 1.2. Tudor Road is located to the immediate north of Cowper Gardens and links up with Park Drive, another residential road to the east. The site is located within 100 metres of Cowper LUAS Station.
- 1.3. The street comprises predominantly semi-detached two-storey early 20th Century dwellings characterised by redbrick with pebbledash render and small railed front garden areas.

2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of the existing first floor extension to the side of the property and the construction of a replacement first floor extension to the side of the existing house. The demolition of the existing chimney to the rear and all associated internal alterations, external alterations and site works.
- 2.2. The replacement extension would extend between 0.4 metres and 0.9 metres further towards the shared boundary with No. 32 Tudor Road. It would also extend a depth of 1.9 metres further towards the front elevation and building line. The existing extension has a dual pitched roof while the proposed extension will be a hipped roof.

3.0 Planning Authority Decision

3.1. Decision

The planning authority granted permission subject to 6 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.3. The report of the Planning Officer reflects the decision of the planning authority. The Planning Officer notes the zoning objectives for the area and that the extension is acceptable in terms of design and scale and would have an acceptable impact on the character of the existing dwelling, the appearance of the streetscape and amenities of adjoining properties subject to conditions.

3.3.1. **Other Technical Reports**

Drainage Department- Report received 11th March 2019 – No objection

3.3.2. **Third Party Observations**

The planning authority received a letter of objection. The grounds for objection include the following:

- There is a history of non-compliance on this site.
- The proposal would fundamentally change the original design of the road which reflects a uniform separation between dwellings.
- A minimum setback from the building line was established by ABP's appeal decision Ref: PL29S.223599.
- The proposal would impact daylight entering No. 32 Tudor Road's living area.
- The proposed rear windows would overlook No. 32's rooflights above their living room.

4.0 **Planning History**

Site

ABP PL29S.241733 / DCC 2014/13 – Retention permission and completion granted in 2013 for a ground floor extension providing utility room, dining room, store and WC.

Section 5 referral DCC ref. 0184/12 – 2012 Declaration that extension to the back of the house and partial conversion of the garage at side, to provide living room, utility room, storey and WC would/is not exempted development.

ABP PL29S.241523 / DCC 3368/12– 2012 permission granted for the construction of a first-floor extension to side gable of house to provide ensuite bathroom.

Adjoining

ABP PL 29S.223599 /DCC 1970/07 – 2007 permission granted for the extension, conversion of attic space and the provision of a new vehicular entrance at no. 31 Tudor Road.

5.0 Policy and Context

5.1. Development Plan

Zoning objective: The site is located within an area zoned Z1 which seeks “To protect and improve residential amenities.”

Relevant sections of the Development Plan include:

Section 16.2.2.3: Alterations and extensions (general)

- Extensions will be sympathetic to the existing building and adjoining occupiers,
- Alterations and extensions to roof will respect the scale, elevational proportion and architectural form of the building.

Section 16.10.12: Extensions and Alterations to Dwellings

Relates to alterations and extensions to dwellings and states that development will only be granted where it will not have an adverse impact on the scale and character of the area and will not adversely affect amenities enjoyed by occupants of adjacent buildings.

Appendix 17 of the Plan sets out design guidance with regard to residential extensions;

- 17.3: Residential amenity: extensions should not unacceptably affect the amenity of the neighbouring properties,
- 17.4 Privacy: Extensions should not result in any significant loss of privacy to the residents of adjoining properties.

- 17.6 Daylight and Sunlight: care should be given to the extensions and the impact on the adjoining properties,
- 17.11 Roof extensions: the design of the roof shall reflect the character of the area and any dormer should be visually subordinate to the roof slope, enabling a large proportion of the original to remain visible

5.2. **Natural Heritage Designations**

None

6.0 **The Appeal**

6.1.1. Grounds of Appeal

The grounds of appeal, as submitted by the third-party appellant residing at No.32 Tudor Road, Ranelagh, are as follows:

- Previous planning applications referenced and it is outlined that the applicants have a history of failure to comply with planning resulting in an unauthorised bare block structure on site for 5 months when the previous extension was being constructed.
- A minimum setback from the building line was established by ABP's appeal decision Ref: PL29S.223599- no. 30 and 31 Tudor Road.
- The development will alter the original design concept of the road where a minimum of 2 metres separation is maintained between the semi-detached houses with each having a side passage with rear access.
- It is set out that the development will encroach on their house and impact on their evening light
- The development will overlook their ground floor living room rooflight and would constitute a breach of privacy.

6.2. **Applicant Response**

- It is set out that the development is for the applicant's child with autism.
- The proposal is minor and will replace an existing extension at first floor level.

- Planning history outlined. It is noted that the third party has appealed every application made by the applicants.
- The development complies with all relevant policies of the development plan. The extension is subservient to the existing and adjoining dwelling and does not adversely impinge on the streetscape. The house is not a protected structure or located within an architectural conservation area.
- The proposed first floor windows are located in roughly the same position as the existing first floor extension windows proposed to be replaced.
- The proposed first floor windows face the garden and the public road. There are no windows facing the boundary with no. 32. The proposed rear window will not adversely overlook the velux window of no. 32 .
- It is considered that the appellants overshadowing concerns are exaggerated. The extension is in line with the rear building line and is set back from the front building line. There is no adverse overshadowing due to the orientation and site layout.
- Reference is made to planning precedent in the area for large scale rear extension, including no. 32.

6.3. **Planning Authority Response**

None

7.0 **Assessment**

7.1. **Introduction**

The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment also needs to be addressed. I consider the substantive issues arising from the grounds of appeal relate to the following:

- Design and Impact on Residential Amenity
- Appropriate Assessment

7.1.1. The site is zoned Z1 “to protect and improve residential amenities”. Residential is a permissible use within this zoning category. The existing house is a semi-detached two-storey early 20th Century dwelling characterised by redbrick with pebbledash render and small railed front garden. The house has previously been extended over the garage with the addition of a first-floor extension. The current proposal seeks to replace this first-floor extension with a larger extension incorporating an additional bedroom, ensuite and wardrobe with a total floor area of approx. 16sqm. Therefore, the principle of the extension is acceptable on ‘Z1’ zoned land, subject to safeguards.

7.2. Design and Impact on Residential Amenity

7.2.1. The third-party grounds of appeal assert that the design approach including building line will result in loss of amenity for their property and adversely affect the established character of the area. In my opinion the **design** of the proposed extension is consistent with the general character of the area in terms of scale and mass, building line and height. The design approach reflects that of the existing dwelling including red brick quoins and pebble dash finish. The **building line** is recessed behind the main dwelling and the roof profile lower. The extension is subordinate to the main dwelling and in accordance with Section 16.2.2.3: *Alterations and extensions (general)* of the Development Plan. The design approach and palette of materials are appropriate, in my view, and in keeping with the character of the area. Furthermore, all works will be carried out within the site as outlined in red and no works will be permitted to encroach or overhang third party properties.

7.2.2. The appeal refers to the original design concept of the road where a minimum of 2 metres separation is maintained between the semi-detached houses with each having a side passage with rear access. There is currently no side access to the rear of the site as this area is occupied by a domestic garage. Site inspection indicated that the general character of the area has been altered over time with the addition of side/garage extensions to some of the houses with the loss of rear side access passages. Notwithstanding same, this application relates to a first-floor extension only over the existing garage. The issue of a side passage is not a matter for consideration.

7.2.3. Furthermore, the appellants in their submission refer to planning ref. ABP PL 29S.223599. I note that this application was for a rear extension, conversion of attic space and the provision of a new vehicular entrance at no. 31 Tudor Road. I have

reviewed this application and there were no conditions of note attached to the grant of planning permission.

7.2.4. The third-party appellant has raised the issue of residential amenity including impacts on daylight and sunlight/overshadowing and loss of privacy.

7.2.5. The 'Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities' and its accompanying 'Urban Design Manual' does not set rigid minimum separation distances but does require that habitable rooms and private amenity space should not be directly excessively overlooked by neighbouring residents. The appellants have raised specific concerns in relation to the impacts on their living room rooflights. In terms of **overlooking** the first-floor extension is in line with the established rear building line and the first-floor bedroom window will look onto the applicant's rear garden. Furthermore, the proposed first floor rear window is in a similar position to the existing first floor extension window proposed to be replaced. The development is located in a suburban context and the existence of rear first floor windows is an established norm in the area. I am satisfied that there is no additional adverse overlooking of the adjoining property as a result of the development.

7.2.6. In relation to loss of daylight and sunlight/overshadowing, The BRE Guidelines (Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice, 2011) note that consideration of impacts is limited to rooms where daylight is required, including living rooms, kitchens and bedrooms. I note the rear of the site is east facing and the extension works are located at first floor level between the gable ends of the no. 32 and no. 33 and conforms to the established building lines. Accordingly, I am satisfied that there would be no **loss of light** or **overshadowing** to the adjoining no. 32 as a result of the development.

7.2.7. Overall, I do not consider the proposal results in any injurious impact on residential amenity and would not have an adverse impact on the character of the area. I consider the principle of the development is in line with Appendix 17 of the Development Plan.

7.3. **Appropriate Assessment**

Having regard to the nature and small scale of the proposed development 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

8.0 Recommendation

9.0 Recommendation

I recommend that planning permission be **GRANTED** for the proposed development having regard to the reasons and considerations and subject to conditions as set out below.

10.0 Reasons and Considerations

Having regard to the design and appearance of the proposed extensions, and the pattern of development in the vicinity, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the residential amenities of property in the vicinity and would not adversely impact on the character of the area. The proposed development, therefore, would be in accordance with the proper planning and sustainable development of the area.

11.0 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. 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

3. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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

Irené McCormack
Planning Inspector

22nd July 2019