



An
Bord
Pleanála

Inspector's Report ABP-304371-19

Development	Single and two-storey side and rear extensions, replacement windows, doors and garage roof and widening of vehicular access
Location	109 The Stiles Road, Clontarf, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1072/19
Applicant(s)	Kevin & Natalia Gaffney
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	Linda McEvoy
Observer(s)	None
Date of Site Inspection	3 rd July 2019
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site is located approximately 3.5km north of Dublin city centre on The Stiles Road in the Clontarf residential area. The site has a stated area of 537sq.m, with approximately 10m of frontage onto The Stiles Road, and an overall site depth of 55m. It contains a two-storey semi-detached house with a single-storey flat-roof rear extension. The house also features a single-storey side garage with flat roof and a double-height front-bay window projection, including white upvc windows, and is finished with red-brick and white mortar to ground floor, render to first floor and concrete profile roof tiles. The front garden is enclosed by a hedgerow with a narrow hardstanding area accessed from a vehicular entrance off The Stiles Road. To the rear is a 30m-deep garden area, flanked by walls adjacent to the house and hedgerows to the rear, backing onto a rear service lane.
- 1.2. The immediate Clontarf area is characterised by rows of two-storey semi-detached houses, fronting onto narrow tree-lined streets and served by laneways to the rear. Ground levels in the vicinity drop steadily moving south towards the coastline. The houses on the adjoining properties, No. 107 and 111, are constructed on similar building lines and levels to the house on the appeal site.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - the demolition of a single-storey rear extension with a stated gross floor area (GFA) of 17sq.m and the removal of a side chimney;
 - the construction of single and two-storey side and rear extensions with a stated GFA of 54sq.m;
 - the replacement of the roof to the side garage, to include two rooflights and a raised parapet, the replacement front doors and windows to the house and the installation of a rear rooflight;
 - the widening of the existing vehicular entrance off The Stiles Road and a revised front garden layout.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission for the proposed development, subject to nine conditions of a standard nature, including the following:

‘The development shall incorporate the following amendments:

a) The high level window on the southwestern side elevation of the first floor extension shall have a cill height of at least 1.7 metres.

Reason: To protect existing residential amenity’.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial report of the Planning Officer (April 2019) noted the following:

- to address the potential for overlooking from a high-level window set off the southwest side boundary with No.111 The Stiles Road, this window should be conditioned to have a cill height of at least 1.7m;
- it is not considered that the proposed extension would result in undue overlooking or overshadowing of neighbouring properties, nor would the extensions appear overbearing from neighbouring properties;
- the contemporary design approach is acceptable and would not lead to a negative impact on the overall appearance of the host house or the immediate streetscape;
- the proposed widening of the vehicular access accords with Development Plan standards.

3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) - no objection subject to conditions;
- Roads & Traffic Planning Division – no response.

3.3. Prescribed Bodies

- Irish Water – no response.

3.4. Third-Party Submissions

3.4.1. One third-party submission was received from a resident of the adjoining property to the north, No.107 The Stiles Road, which included photographs of their property and the appeal site, and raised the following concerns:

- site notices from a previous invalid planning application were displayed for the subject application;
- the proposed development would have pronounced adverse implications for the neighbouring residents at No.107;
- the construction of an extension directly abutting the boundary with No.107, would block out all light to a glass roof passageway running along the side of No.107, and would restrict views from living areas;
- the proposed works would impact on the amenities enjoyed by neighbouring residents and would have a significant downward impact on the value of the neighbouring property;
- the proposed extension would be excessively high and over-dominant and would restrict light to the garden area;
- the resultant amendments proposed to the front elevation would be out of character with neighbouring properties.

4.0 Planning History

4.1. Appeal Site

4.1.1. The appellant has referred to a previous application (Dublin City Council [DCC] Ref. WEB1061/19) on the appeal site, which was deemed invalid by the Planning Authority in February 2019. I am not aware of any other recent planning applications relating to the appeal site.

4.2. Surrounding Sites

4.2.1. There have been numerous applications for domestic extensions in the immediate area, including the following:

- An Bord Pleanála (ABP) Ref. 300253 (DCC Ref. 3764/17) - permission granted in April 2018 for a first-floor rear extension over the existing ground-floor rear extension and roof extensions, including a hipped-side dormer and a flat-roof rear dormer to No.101 The Stiles Road, which is 30m to the north of the appeal site;
- DCC Ref. 2625/13 - permission granted in August 2013 for alterations to the front elevation, single and two-storey rear extensions, first-floor side extension and roof extensions, including a rear former window, to No.121 The Stiles Road;
- ABP Ref. PL29N.238627 (DCC Ref. 4180/10) - permission granted in July 2011 for demolition of a garage and other extensions and the construction of a single-storey extension to the rear and a two-storey extension to the front of No.101 The Stiles Road. Permission included a condition requiring the ground-floor extension to be set off the northern boundary by 1m.

5.0 Policy & Context

5.1. Development Plan

5.1.1. The appeal site is zoned 'Z1 - Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022, with a land-use objective 'to protect, provide and improve residential amenities'.

5.1.2. Relevant planning policies and objectives for residential development are set out under Section 5 (Quality Housing) and Section 16 (Development Standards) within Volume 1 of the Development Plan. The following sections of the Development Plan are considered relevant:

- Section 16.2 – Design, Principles & Standards;
- Section 16.10 - Standards for Residential Accommodation;
- Section 16.38 – Car Parking Standards.

- 5.1.3. When assessing residential accommodation, the Development Plan refers to the need to consider the standards in the Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice' (2nd Edition, 2011).
- 5.1.4. Appendix 5 to Volume 2 of the Development Plan addresses road standards for various classes of development and Appendix 17 provides guidance specifically relating to residential extensions, including residential amenity (Section 17.3), sunlight and daylight (Section 17.6) and contemporary designs (Section 17.10).

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 third-party appeal against the decision of the Planning Authority was received by the Board from an adjacent resident of No.107 The Stiles Road. The appeal was accompanied by photographs and raised the following:

Principle & Design

- the appellant does not object to the principle of the development, but considers that amendments could be undertaken to address their primary concerns relating to the impact of the development on residential and visual amenities;
- the proposed development should be refused, as it is contrary to the 'Z1' land-use zoning objectives for the area, the provisions of the Development Plan and the guidance contained in the 'Sustainable Residential Development in

Urban Areas Guidelines', in particular the provisions and guidance relating to amenities and design;

- the proposed extensions would not harmonise with the host house and the established pattern of housing along the street, where they would create a terracing effect, given the absence of a setback from the first-floor extension to the side boundary;
- the proposed extensions would be incongruous and would lead to precedent for further similar development along the street;
- the ground-floor extension should be reduced in height, the first-floor element, including rear-facing window, should be omitted and a host of amendments are required to the proposed extensions;

Residential Amenity

- studies regarding the potential loss of light or overshadowing of neighbouring properties were not provided with the application and the appellant is concerned that undue overshadowing and loss of light would arise, particularly given the orientation of the appeal site to the south of the appellant's property, which includes a lightwell on the southern boundary;
- it would be more appropriate to locate the proposed extensions to the southern boundary of the appeal site, in order to reduce the potential for excessive overshadowing;
- the first-floor rear-facing window would impact on the privacy of the appellant and the development would be substantially overbearing when viewed from the appellant's property. The extension should be repositioned towards the centre of the applicants' rear elevation to address the impact on the appellant's property;
- proposals would result in nuisance to the appellant, arising from noise and light spillage at the construction and operational phases;

Other Matters

- the Planning Authority did not give sufficient consideration for the appellant's initial submission;

- works may need to take place over the shared boundary with the appellant's property, particularly considering the proximity of the extensions directly abutting the shared boundary and the appellant would resist these works;
- the demolition and foundation works may impact on the integrity of the appellant's property. Detailed demolition and construction management plans are required, addressing, amongst other issues, traffic and nuisance;
- proposals would depreciate the value of property in the vicinity.

6.2. Applicants' Response

6.2.1. The applicants' response to the grounds of appeal can be summarised as follows:

Principle & Design

- an extensive and detailed design process culminated in the modest proposals that were submitted for planning permission;
- the extension is in a contemporary style and to a scale that would be complementary and subsidiary to the host house;
- a list of properties along The Stiles Road, including photographs of same referring to their respective extensions, is appended to the applicants' response;
- visibility of the first-floor extension from the front street area would be very limited. Computer-generated images (CGIs) and a drawing of the proposed development from street-level are included to illustrate same;
- proposals were designed in compliance with best planning practice and the provisions of the Development Plan with minimal impact on the amenities of neighbouring properties;

Residential Amenity

- the response is accompanied by a Daylight / Sunlight study based on BRE standards, to examine the impact of the proposed development on the private open space to the rear of No.107. This reveals that a minimal increase in overshadowing would arise;

- the lightwell and layout of windows serving the kitchen to the appellant's property at No.107 are recognised;
- given the area (16.7sq.m), height and depth of the first-floor element and the size of neighbouring gardens, it is difficult to envisage how the proposed development would appear overbearing from No.107;
- overlooking from the rear-facing window would not be any worse than the current situation;

Other Matters

- based on commentary in the Planning Officer's report, the Planning Authority clearly took into consideration the appellant's initial submission at planning application stage;
- the proposed development would not encroach on the neighbouring property, with all works proposed to be undertaken within the appeal site. Similar situations, whereby works were carried out along a shared boundary, have arisen on other sites;
- a full set of planning application drawings, clarifying the location of the redline boundary, is included with the response.

6.3. Planning Authority Response

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

6.4. Observations

6.4.1. None received.

6.5. Further Submissions

6.5.1. The appellant's submission in response to the submission from the applicants largely reaffirms matters raised in their initial grounds of appeal, including raising the following:

- despite an extensive design process and contrary to Development Plan guidance, the applicants failed to consult or engage with the appellant before or during the planning process;
- matters relating to the potential encroachment of development, works and access onto the appellant's property to undertake works and the legal and operational implications arising from same have not been fully resolved. Furthermore, matters raised regarding the impact of the development on the residential amenities of the appellant's property have not been fully resolved, including concerns relating to overshadowing, loss of light, overlooking, nuisance during construction and the overbearing impact;
- daylight and sunlight analysis was not carried out independently;
- the existing house is ideal for family-living and the applicants have failed to address the appellant's concerns by way of revised drawings to the Board;
- the precedent cases cited by the applicants to attempt to justify the proposed development are not relevant, directly comparable or contemporary;
- the proposed first-floor side extension would be set back into the site and would be more appropriately positioned further forward over the side garage;
- the extensions would be incongruous when viewed from the streetscape and various revisions are required to address the impact on the character of the area and the host house;
- recommended reasons for refusal of permission, revisions for the proposed development and measures to address the construction phase are set out.

7.0 Assessment

7.1. Introduction

- 7.1.1. The Dublin City Development Plan 2016-2022 sets out the general principles for consideration when assessing proposals for extensions to houses, such as residential amenity issues, privacy, relationship between dwellings and extensions, daylight and sunlight, appearance, the subordinate approach and materials. I

consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal relate to the following:

- Impact on Residential Amenities;
- Design & Impact on Visual Amenities;
- Traffic & Roads Safety;
- Other Matters.

7.2. Impact on Residential Amenities

- 7.2.1. The adjacent houses, including No.111 The Stiles Road to the south and the appellant's property to the north, No.107, are constructed on a similar level and building line as the house on the appeal site. The appellant's house features a single-storey side projection served by a lightwell and a single-storey shed, which are both built directly abutting the boundary with the appeal site. The adjoining house to the south features a single-storey rear extension, which is set off the boundary with the appeal site by 3.7m.
- 7.2.2. It is proposed to construct an extension at ground and first-floor level to the side and rear of the house on site. The ground-floor element would replace an existing side and rear projection that is constructed directly abutting the boundary with No.107 and it would extend 6.2m beyond the rear building line. The ground-floor element would be positioned 3.3m off the boundary with No.111 and would be constructed onto the boundary with No.107. The ground-floor element, including an L-shaped projecting rear wing, would extend 2m to the rear of the single-storey side projection to No.107. The extension would feature extensive glazing to the south onto a courtyard space and the rear garden. North-facing windows are not proposed. A 1.8m-high wall is situated on the boundary with No.111. Given this existing and proposed context, including the depth of the extension to No.107, I am satisfied that the ground-floor element of the proposed extension would not have a significant impact on the amenities of adjoining properties, as a result of undue direct overlooking or excessive loss of light. Furthermore, extensive rear amenity space would remain for future residents of the extended house.

- 7.2.3. The grounds of appeal assert that the height (approximately 3.2m) of the proposed replacement roof for the side garage, which currently measures 2.4m in height (based on Drawing No. J1340-S2-201), would impact on lighting to No.107, including the side passageway that is served by a lightwell on the boundary with the appeal site. While I recognise that there would be an increase in the height of the garage roof along the boundary with No.107 by approximately 0.8m, I am satisfied that this increase would not be substantial enough to significantly impact on lighting to the living areas within No.107, including the ground-floor internalised side passageway.
- 7.2.4. Consequently, it is only the first-floor side and rear element of the extension works that require further assessment with regard to their potential impact on neighbouring residential amenities. It is this element of the proposed development that the grounds of appeal assert to have greatest impact on the residential amenities of the appellant's property. The grounds of appeal assert that the proposed development would result in overlooking of the property to the north via the rear-facing window. The response of the applicants asserts that the situation would be no worse than the present situation. There are no north-facing windows proposed in the first-floor extension element and in conjunction with the positioning of the rear-facing bedroom window, I am satisfied that the development would not reasonably lead to excessive overlooking of the appellant's property. I also note that the Planning Authority has attached a condition to address the potential for overlooking of the neighbouring property to the south, No.111, requiring the window on the southwestern side elevation at first-floor level to have a cill height of at least 1.7m. The applicants have not appealed this condition, and I consider that such a condition would be reasonable to attach and would suitably address the potential for excessive overlooking to occur.
- 7.2.5. The grounds of appeal assert that the proposed development would have an overbearing impact when viewed from their adjoining property. At first-floor level, the proposed extension would extend approximately 3.7m behind the rear building line on the appeal site and the adjacent houses. A flat roof with parapet is proposed for this element and this would be 0.8m above the existing eaves level and 2.4m below the roof ridge level. While I acknowledge that the first-floor extension would be constructed directly abutting the boundary with No.107 and for a depth of 3.7m, it would be 2.5m from the nearest first-floor window to No.107. I also note the position

of the side projection and shed to No.107 directly abutting the boundary with the appeal site and the expansive rear garden area, which is typical of this area. Accordingly, I do not consider that the proposed development would have a significantly overbearing impact when viewed from No.107 or from any other neighbouring properties.

- 7.2.6. The grounds of appeal raise concerns regarding the potential loss of sunlight and daylight, overshadowing from the proposed extensions and the absence of a sunlight / daylight study accompanying the application. In assessing the subject proposals, the Planning Authority considered that the proposed development would not result in undue overshadowing of neighbouring properties given the immediate context and aspect. The proposed first-floor extension element would be situated to the south and on the boundary with No.107 and, as stated above, would be 2.5m from the nearest window to No.107 and would extend 3.7m beyond the rear building line. The grounds of appeal assert that the first-floor element would also restrict light to the lightwell serving the passageway along the southern boundary of No.107. In response to concerns raised in the grounds of appeal regarding access to sunlight and daylight, the applicants submitted a set of shadow analysis drawings (Drawing No. J1340-S2-108). While a study or assessment of the levels of sunlight and daylight to internal living areas is not provided, the drawings submitted illustrate minimal increase in overshadowing of the appellant's property as a result of the proposed development and I am satisfied that they provide a reasonably accurate portrayal of the proposed development. While noting the position and orientation of the first-floor element of the proposed extension to the south of No.107, the potential for the proposed development to further significantly restrict light to this property beyond that which currently occurs would be very limited. I also note the scale and similarity in context for the first-floor rear extension to the neighbouring house at No.101 The Stiles Road, which was permitted by the Board in April 2018 (under ABP Ref. 3000253-17). While recognising that the proposed extension would to some degree increase overshadowing of No.107, the extent of overshadowing would not be uncommon in a suburban setting such as this, and would not be to an unacceptable level, given the orientation of the extension relative to No.107 and the layout of buildings within No.107.

7.2.7. In conclusion, the proposed development would not give rise to an unacceptable impact on residential amenity and should not be refused for this reason.

7.3. **Design & Impact on Visual Amenities**

7.3.1. The grounds of appeal assert that the proposed development has not been designed to complement the host house and the pattern of development on the streetscape. It is also asserted in the grounds of appeal that the proposed development would lead to a terracing effect along The Stiles Road, particularly if other residents were to follow a similar approach in extending their houses onto the shared boundary at first-floor level. In response to this, the applicants refer to various other properties within the area that have been extended via two-storey side extensions, while also highlighting the limited range of visibility of the first-floor element to the subject proposed extensions from the front street area.

7.3.2. The surrounding area is not provided with any conservation status. Guidance within Appendix 17 to the Development Plan notes that contemporary extensions, such as that proposed, should 'not detract from the character of an area' and that they can offer a contrast to the traditional building type. Numerous houses along The Stiles Road feature a variety of side and rear extensions, including first-floor side extensions without a set back from the front building line. The proposed development, as submitted to the Planning Authority, would include a setback at first-floor level from the front building line of 8m and, accordingly, cannot be considered to result in a 'terracing effect' along the streetscape, with very limited range of visibility of the extensions from the front street area. I note that the neighbouring houses, Nos.101 and 121 The Stiles Road, feature first-floor side extensions constructed abutting the shared boundary and I am satisfied that the positioning of the first-floor side extension abutting the boundary would not have a detrimental impact on the visual amenities of the area. Furthermore, I am satisfied that the alterations to the front of the house, including new windows and doors and alterations to the roof of the garage, would be acceptable, particularly considering the variety of finishes and extensions to surrounding houses. In conclusion, I consider that the proposed development would not have a detrimental impact on the visual amenities of the area and permission should not be refused for this reason.

7.4. Traffic & Road Safety

- 7.4.1. The proposed development would provide for the widening of the existing vehicular access off The Stiles Road from 2.6m to 3.6m, with a sliding timber gate inside the front boundary. The Planning Authority was satisfied that this element of the proposed development would comply with the provisions set out within Appendix 5 of the Development Plan, which I note allow for a maximum residential entrance width of 3.6m and a restriction on outward opening gates. The Roads and Traffic Planning Division of the Planning Authority did not respond regarding the proposed development. Similar scale and style entrances have been provided for along many of the houses along The Stiles Road. I am satisfied that this element of the proposed development would not impact on the safety of road users and permission for the proposed development should not be withheld for reasons relating to traffic and road safety.

7.5. Other Matters

- 7.5.1. Having regard to the lack of a significant impact on the residential or visual amenities of property in the vicinity, as discussed above, there is no evidence to support the appellant's contentions that the proposals would negatively affect property values in the area and this assertion cannot be sustained.
- 7.5.2. The appellant raises concerns regarding the ability of the applicants to undertake works along the shared boundary. In response the applicants have stated that the proposed development would not encroach on the neighbouring property, with all works proposed to be undertaken within the appeal site. This is not a matter for the planning process to resolve. The appellant has also requested detailed management plans to address demolition and construction works. Should planning permission be granted for the proposed development, conditions can be attached to restrict the hours of site development and construction works and to address the condition of the roadside. Given the nature and scale of the project, I am satisfied that this would be reasonable and appropriate in the circumstances.
- 7.5.3. Section 34(13) of the Planning and Development Act 2000, as amended, states that 'a person shall not be entitled solely by reason of permission under this section to carry out any development'. Should the Board decide to grant planning permission,

the onus is on the applicants to ensure that they have adequate legal interest to carry out the proposed development, and an advice note to this effect should be attached in the event of a permission arising.

8.0 Appropriate Assessment

8.1. Having regard to the minor nature 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.

9.0 Recommendation

9.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

10.0 Reasons and Considerations

10.1. Having regard to the 'Z1-Sustainable Residential Neighbourhood' zoning objectives for the site, to the nature and scale of the proposed development and to the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be out of character with development in the area, would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, 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, as amended by the further plans and particulars received by An Bord Pleanála on the 29th day of May, 2019, 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 high-level window on the southwestern side elevation of the first-floor extension shall have a cill height of at least 1.7 metres;

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of residential amenity and orderly development.

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 and to ensure a proper standard of development.

4. 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.

5. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

Advice Note: Under Section 34(13) of the Planning and Development Act 2000, as amended, 'a person shall not be entitled solely by reason of permission under this section to carry out any development.'

Colm McLoughlin
Planning Inspector

4th July 2019