



An
Bord
Pleanála

Inspector's Report ABP 304657-19.

Development	Extensions at ground and first floors to front and rear, revisions to windows at side, conversion of attic space to include dormer window to rear, three velux rooflights to the front and revisions to the roof profile.
Location	No 65 Donnybrook Manor. Donnybrook, Dublin 4.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	2201/19
Applicant	Roisin Owens.
Type of Application	Permission
Decision	Grant Permission.
Type of Appeal	Third Party
Appellant	Anthony Mahon and Maria McRoberts
Date of Site Inspection	22 nd August, 2019.
Inspector	Jane Dennehy.

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1.0 Site Location and Description

- 1.1. The site of the proposed development has a stated area of 95 square metres is that of an end of terrace two storey house which has a ground floor conservatory at the rear within Donnybrook Manor. The rear garden has a depth of circa six metres and there is a narrow pedestrian path with a gate at the boundary to the rear. There are flowerbeds at the front and side overlooking end-on parking spaces, the *cul de sac* and the estate's internal access road.
- 1.2. There is a strong homogeneity in house type, design detail, materials and finishes throughout the estate which landscaped and well maintained by a management company.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for at two storey level to the front and at the rear, alterations to the roof/attic level to provide for change from hipped to gable ended roof profile and a rear dormer window, three velux windows in the front roof slope and revisions to the windows in the side elevation fenestration.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 15th May, 2019 the planning authority decided to grant permission for the development as shown in the revisions to the original proposal in the further information submission, subject to conditions.

Some adjustments are required under Condition No 2 comprising:

- (a) Reduction in depth for the first-floor extension by one metre;
- (b) A setback by a minimum distance of 800 mm from the eaves level for the roof extension.
- (c) Reduction in size for the rear window for the roof to a maximum width of 1.5 metres and maximum height of 0.8 metres.

(d) A high-level light for the east elevation which serves the dining/living room to be centrally positioned between the piers of the stone wall.

The reasoning provided is for visual and residential amenities' interests.

Under Condition No 5 hours of construction are confined to 0700 – 1800 hrs Mondays to Fridays and 0800 hrs – 1400 hrs Saturdays and under Condition No 6 compliance for noise control during construction with BS 5228 is also required.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The planning officer indicated several concerns about the original proposal. Further to assessment of the further information submission he considered the proposed development satisfactory subject to conditions with requirements for some further minor amendments.

3.3. **Third Party Observations**

Objections were received from several residents and the management company of Donnybrook Manor in which issues raised relate to landownership, incompatibility with existing character and uniformity within the estate, excessive scale and height with overbearing impact, inappropriate design, overlooking and overshadowing and noise disturbance during construction and post construction when the lift is in use.

4.0 **Planning History**

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

5.0 **Policy Context**

5.1. **Development Plan**

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

Standards for alterations and extension are set out in 16.2.2.3 and in appendix 17.

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was received from Anthony Mahon of No 64 Donnybrook Manor on behalf of himself and Maria McRoberts of No 62 Donnybrook Manor on 10th June 2019. According to the appeal the issues raised by third parties at application stage have not been satisfactorily addressed and the proposed development is not in accordance with the CDP provisions for residential extensions. The objections are outlined below.

- The scale and height of the three-storey extension are excessive for the limited size of the site and is overbearing and is contrary to section 16.10.12 of the CDP in that it has adverse impact on the scale and character of the house and affects amenities of adjacent buildings and relevant criteria in sections 17.5 and 17.6 of Appendix 17.
- With regard to the ground floor extension, there is no adjustment to the 1.8 metres projection beyond the rear building line of the extension. It will overshadow back gardens. A further reduction in depth is necessary. There is insufficient separation distance from boundaries to allow for maintenance works to the boundaries.
- The scale of the first-floor extension affects adjoining properties due to overbearing mass and overshadowing and obstruction of the outlook towards the open green area from the adjoining properties. The height and depth should be reduced.
- The two windows (replacing one window initially proposed) does not reduce perceived overlooking and invasion of privacy at adjoining properties.
- The roof/attic extension is totally inappropriate, and it should not be permitted. For storage two rooflights are more than adequate for daylight.
- The proposed front extension has negative impact on the uniformity and visual harmony of the terrace and the appearance would be disjointed. It

would set negative precedent for similar development in the estate undermining its character. This is contrary to section 16.2.2.3 according to which such uniformity should be respected. It is requested that it be omitted.

- The lift will affect the adjoining house due to noise when it is operated that It is requested that it be it moved to another position in the house
- The proposed development is at a prominent location in the estate and is visually obtrusive and out of character with the houses in the estate.
- Disruption during construction will affect residential amenities of properties on the *cul de sac* including parking by construction workers. The hours of work should be reduced from 7.00 am – 6.—pm Monday to Fridays and work should not be permitted at the weekends.
- The appellant party is seriously concerned that precedent could be set for further similar development in the estate if the devleopent is permitted.

6.2. Applicant Response

- 6.2.1. A submission was received from Stephen Molloy on behalf of the applicant on 21st June 2019 in which reference is made to the objections of the appellant at application stage and to six modifications to the original proposal submitted to the planning authority in a further information submission to address these matters. Further modifications required by condition attached to the decision to grant permission. It is therefore submitted that the proposed development has already been thoroughly assessed and there is little merit to the arguments in the appeal.
- 6.2.2. It is also submitted that issues such as noise disturbance during construction and noise generated by the lift, civil ownership matter and proximity to boundaries are entirely irrelevant. It is stated that the applicant merely seeks to extend the dwelling out to the front as far as the building line of the adjoining property at No 64 Donnybrook Manor.

6.3. Planning Authority Response

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

7.0 Assessment

- 7.1. It is considered that the cumulative impact of the proposed development in entirety as shown in the further information submission is excessive in scale and proportion to the existing dwelling, especially given the relatively compact layout and modest size of the dwellings within the estate which are uniform, notwithstanding the end of terrace position. To this end, the proposed replacement of the hipped roof with a gable ended roof, the insertion of the dormer as well as the first floor extension together, and the two storey front extension are considered excessive relative to the existing dwelling, with the effect being compounded by the configuration and limited size of the plots for the application site and the adjoining and surrounding dwellings.
- 7.2. These additions and alterations would also be visually conspicuous and incongruous in views along the internal access road and from the public realm in the estate in which the open landscaping is predominant and within which the terraced dwellings are relatively low in profile. In addition, the number of velux windows shown in the front slope of the roof gives to a sense of visual clutter in combination with the proposed two storey extension that projects forward of the front building line. As there is strong homogeneity in the modest size dwelling form design, materials and finishes and modest sized plots within Donnybrook Manor where the landscaped open space is dominant, the capacity for extension developments to the dwellings, including the end of terrace houses is restricted.
- 7.3. Furthermore, the cumulative impact of both the first-floor extension and the dormer extension would give rise to a negative sense of enclosure at the rear adversely affecting the amenities of the dwelling in terms of outlook from rear elevation windows and in terms of the attainable amenity of the rear garden of this mid terrace property.
- 7.4. In view of the foregoing, it is considered that additional modifications to the revised proposals shown in the further submission which are required under Condition No 2 attached to the planning authority decision although significant, do not fully and satisfactorily overcome the concerns discussed above.
- 7.5. The objections raised in connection with the construction phase are noted, but it is considered reasonable that, in the event that permission is granted, that the applicant's contractor be facilitated with reasonable working hours allowing for

relatively speedy completion of the construction stage. Construction takes place during a temporary period and it is reasonable that some associated disturbance and inconvenience is experienced in the immediate vicinity during such a period. To this end Condition Nos, 5, 6, 7 and 8 attached to the planning authority decision are considered reasonable and in the event of favourable consideration, it is recommended that similar requirements be attached by condition.

- 7.6. Finally, with regard to the proposed side access gate which is shown as opening outwards, it is not immediately apparent that the applicant has sufficient legal interest to implement this opening, there being possible element of encroachment. If this element of the development is to be permitted, this matter would need to be clarified, so as to ensure that the applicant would have the necessary consents, if any are required, to construct the entrance.

Environmental Impact Assessment Screening.

- 7.7. 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.

Appropriate Assessment Screening.

- 7.8. 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 to grant permission be overturned, the appeal upheld, and that permission be refused on the basis of the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to relatively small plot sizes, the uniformity of the residential development within Donnybrook Manor and the site location at a prominent end of terrace position overlooking the internal access road and landscaped open space, it is considered that the cumulative impact of the proposed development in scale, mass, height and design detail of the proposed extensions and alterations at first floor and roof level, the proposed two storey extension at the front forward of the established front building line and, the multiplicity of windows at roof level, would result in visual dominance and conspicuousness that would seriously injure the visual amenities and the established built character of Donnybrook Manor. Furthermore, the proposed extensions would lead to a sense of enclosure and a visually obtrusive and overbearing impact on the adjoining mid terrace property which would seriously injure the residential amenities of the house and its rear garden. As a result, the proposed development would be contrary to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector,
23rd August, 2019.