



An  
Bord  
Pleanála

## Inspector's Report ABP-304699-19

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<b>Development</b>	Single and two-storey rear extension, single-storey front extension and a rear dormer window extension
<b>Location</b>	24 Russell Avenue East, East Wall, Dublin 3
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	2619/19
<b>Applicant(s)</b>	Brian Rush
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third-Party
<b>Appellant(s)</b>	1) Fiona Reilly, Rita Morrison & Paddy Cullen
<b>Observer(s)</b>	Transport Infrastructure Ireland
<b>Date of Site Inspection</b>	4 <sup>th</sup> September 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 east of Dublin city centre on Russell Avenue East in the East Wall residential area. The site has a stated area of 98sq.m, with approximately 4.5m frontage onto Russell Avenue East, and an overall site depth of 22m. It contains a two-storey mid-terrace house with a single-storey flat-roof rear extension. The house is finished with painted-white plaster, pvc windows and concrete profile roof tiles. The front area comprises pea gravel and paviours leading to the front door, enclosed by railings, gates and a low wall with a vehicular entrance onto Russell Avenue East. To the rear is a 3.2m-deep yard area, flanked to the east by an extension to No.23 Russell Avenue East and backing onto the rear of houses along Church Road.
- 1.2. The immediate East Wall area is characterised by rows of two-storey terraced houses, fronting onto a grid-network of streets, albeit with Russell Avenue East laid out in a circular arrangement around a recreation centre. Ground levels in the vicinity drop steadily moving southeast.

## 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 14sq.m;
  - the construction of a single and two-storey rear extension and a single-storey front extension with a stated GFA of 49sq.m;
  - the installation of a rear dormer window extension and two rear rooflights.

## 3.0 Planning Authority Decision

### 3.1. Decision

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

Condition 2. – the rear extension at first-floor level shall be reduced to extend to a maximum of 3.5m from the rear boundary wall;

Condition 3. – the store at first-floor level and the converted attic space shall be used for storage only.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

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

- houses along Russell Avenue East are situated on restricted sites and feature a variety of rear extensions, dormer windows and front porches;
- it is considered that the proposed first-floor rear element of the extensions, extending to a depth of 4.3m from the rear boundary wall, would have undue impact on the adjoining properties at Nos. 23 and 25 Russell Avenue East and the depth of this extension element should be reduced to 3.5m to allow for an appropriate size bedroom;
- the proposed store at first-floor level and the mezzanine store to the attic space should only be used for storage purposes given that they would not meet applicable standards for habitable rooms;
- a balance must be struck in allowing for development of properties such as this, while also protecting neighbouring amenities;
- given the nature of the receiving environment, standards with respect to private open space and separation distances can be relaxed.

### **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;
- Transport Infrastructure Ireland (TII) – Section 49 (Luas Redline Extension) supplementary contributions may apply.

### **3.4. Third-Party Submissions**

- 3.4.1. One third-party submission was received from three residents of the adjoining properties, Nos.23 and 25 Russell Avenue East, and the matters raised are covered within the grounds of appeal below.

## **4.0 Planning History**

### **4.1. Appeal Site**

- 4.1.1. I am not aware of any 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:

- DCC Ref. 4541/07 - permission refused in September 2007 for a two-storey rear extension including roof terrace, front porch, rear dormer window extension and front rooflights to No.14 Russell Avenue East, 45m to the southeast of the appeal site. In refusing permission the Planning Authority concluded that the scale and massing of the proposed extensions would not complement the host house and the proposed roof terrace would lead to overlooking of neighbouring properties;
- Dublin City Council Ref. 5576/05 - permission granted in February 2006 for the demolition of a rear extension and the construction of a single-storey rear extension and a front vehicular access to No.23 Russell Avenue East, adjoining the appeal site to the east.

## **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) of Volume 1 to the Development Plan. The following subsections of the Development Plan are considered relevant:

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

5.1.3. When assessing residential accommodation, the Development Plan refers to the need to consider the standards contained in the Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice' (2<sup>nd</sup> Edition, 2011).

5.1.4. Appendix 17 to Volume 2 of the Development Plan provides guidance for residential extensions, including specific guidance in relation to residential amenity (Section 17.3), sunlight and daylight (Section 17.6), appearance (Section 17.7) and roof extensions (Section 17.11).

## 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 three adjoining residents of Nos.23 and 25 Russell Avenue East. The appeal, which was accompanied by photographs, can be summarised as follows:

## Local Amenities

- the proposed development would result in overdevelopment of the site, which would lead to the area resembling an apartment block, and the extensions would have an overbearing impact when viewed from neighbouring properties;
- proposals would provide insufficient private open space for future occupants;
- studies regarding the potential loss of light or overshadowing of neighbouring properties were not provided with the application and the appellants are concerned that undue overshadowing and loss of light would arise, particularly considering the limited extent of current daylight available to the appellants' properties and as No.25 has not been extended;
- rationale for limiting the depth of the rear extension to 3.5m has not been provided by the Planning Authority and the limitation applied would fail to significantly address the extent of overshadowing to neighbouring properties that would arise;
- the extensions would allow for increased overlooking, which would impact on the privacy of the appellants;
- the proposed front extension would be incongruous in appearance and would restrict light to the hallway of No.23;

## Other Matters

- the site notice was displayed two weeks after the stated display date;
- it is not clear if the proposed development would result in two or three bedrooms;
- there is a need to consider the impact of dust emissions on a neighbouring resident with a medical condition;
- construction details relating to sound insulation, as well as the structural alteration works to the roofspace, the chimney and the existing combined front shelter have not been provided.

## 6.2. Applicant's Response

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

### Local Amenities

- precedent for the scale of development proposed already exists within the immediate area;
- a private patio area measuring 7.5sq.m would be provided for future residents in line with the surrounding prevailing pattern of rear amenity areas to houses;
- the extension would be reduced in depth to reflect the scale of two-storey extensions to Nos.19 and 26 Russell Avenue East;
- the response is accompanied by a set of shadow study drawings, which reveal only a marginal increase in the shadowing effect, and the extent of extensions is reasonable and appropriate;
- the gables to the extension would be finished in white to reflect light;

### Other Matters

- the necessary sound-proofing and fire-proofing would be undertaken as part of the development;
- the proposed development would not encroach on the neighbouring property, and the original concrete canopy to the front doorway would not be removed.

## 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. An observation was received from TII, referring the Board to the content of their previous submission to the Planning Authority, including reference to the potential Section 49 (Luas redline extension) contribution scheme adopted for this area.



## 6.5. Further Submissions

6.5.1. The appellants' submission in response to the submission from the applicant, primarily reaffirms matters raised in their initial grounds of appeal, including the following:

- further extensions may not necessarily be in the interests of local residents, particularly where these are rationalised based on unauthorised extensions or those considered under previous planning regimes;
- it is not clear whether or not the applicant intends to reduce the 'storage' area or what they intend to do with the property. The applicant has not discussed the proposals with the appellants;
- the shadow study drawings contain several inaccuracies and inconsistencies and as a result cannot be relied upon. Painting the gables white would not result in a net gain of daylight to neighbouring properties;
- the front extension would be unbalanced with the adjoining property at No.23.

## 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.

### 7.2. Impact on Residential Amenities

7.2.1. The adjoining houses, including the appellants' properties, No.23 to the east and No.25 to the west, are constructed on a similar level and building line as the house

on the appeal site. The applicant's house features a single-storey rear extension abutting the side boundaries, for a depth of 2.6m with No.23 and for a depth of 3.9m with No.25. The house at No.25 has not been extended, whereas No.23 features a single-storey rear extension, including side parapet and lightwell, abutting almost the full depth of the rear yard to the appeal site. The majority of houses along the adjoining rows of houses feature rear extensions, some of which extend to the rear boundary of their respective properties.

7.2.2. It is proposed to construct an extension at ground and first-floor level to the rear of the house. The ground-floor element would be stepped and would replace the existing rear extension. It would also extend almost to the rear boundary, abutting the neighbouring extension to No.23. The extension would also be constructed onto the boundary with No.25 and would extend 4.3m to the rear of the building line to No.25. The extension would feature extensive glazing to the southwest onto a courtyard space, with one side-facing window, which is proposed to serve a toilet. A 1.5m-high wall is situated on the boundary with No.25. Given this existing and proposed context, including the depth of the extension to No.23, I am satisfied that the ground-floor element of the proposed extension would not have a negative impact on the amenities of adjoining properties, as a result of overlooking or excessive loss of light. The proposed extension would result in a stated 7.5sq.m of rear amenity space remaining for future occupants of the extended house. This is significantly below contemporary standards generally required for housing, however, given that the existing provision of approximately 18sq.m rear amenity space is also below standards and the inner-urban context, with similar and often less provision of rear amenity space to neighbouring properties, I am satisfied that the provision of rear amenity space, as proposed, would be acceptable.

7.2.3. Consequently, it is only the first-floor rear element of the extension works that requires further assessment with regard to their potential impact on neighbouring residential amenities and it is this element of the proposed development that has the greatest potential to impact on the residential amenities of neighbouring properties. Condition 2 of the Planning Authority's decision requested that this first-floor element of the proposed development be reduced to extend to a maximum of 3.5m from the rear boundary wall. The applicant accepts the requirement for this reduction and, as a prerequisite, I consider that a reduction of the depth of the rear extension to a

maximum of 3.5m from the rear building line of the house (and not the rear boundary) on site would be necessary. Along the subject row of eight houses, only Nos.19 and 26, which are end of terrace houses, have been extended at first-floor level, and while these extensions would appear to be recent additions, I am not aware of planning permissions relating to same.

7.2.4. The grounds of appeal assert that the proposed development would result in overlooking of their properties. There are no side-facing windows proposed in the first-floor extension and I am satisfied that the development would not reasonably lead to excessive overlooking of the appellants' properties, particularly when compared with the present situation. I also note that there are properties to the rear along Church Road backing onto Russell Avenue East and the appeal site. The existing first-floor rear window to the subject house is approximately 13.2m from the nearest directly facing window to the southwest on No.57 Church Road, whereas the revised proposals would allow for a window approximately 3.5m closer to this neighbouring window, maintaining a separation distance of 9.7m. I acknowledge that the present separation distance is significantly below typical residential development standards, a further increase in the proposed separation distance would reduce the potential for excessive undue overlooking between these properties.

7.2.5. The grounds of appeal assert that the proposed development would have an overbearing impact when viewed from the adjoining properties. The first-floor extension would be constructed directly abutting the boundary with Nos.23 and 25 and would be 1.6m from the nearest first-floor windows to these houses. The height of the extension would extend almost 1m above the existing roof eaves level to the subject and adjoining houses and would be 1.2m above the nearest neighbouring windows. Again I note the extent of extensions to No.23 directly abutting the boundary with the appeal site, which results in only a small yard area allocated for amenity space for this house. No.25 has not been extended and the rear amenity area to this house would be to the northwest of the first-floor extension. Accordingly, considering this context and the height and depth of the proposed first-floor extension, I am satisfied that there would be merit in reducing the depth of the first-floor extension, particularly given the potential for this aspect of the proposed

development to have an overbearing impact when viewed from the rear amenity area to No.25 and from the rear first-floor windows to Nos.23 and 25.

7.2.6. The grounds of appeal raise concerns regarding the potential loss of sunlight and daylight, the potential for overshadowing to arise and the absence of a sunlight / daylight study accompanying the application. The proposed first-floor extension would be to the southeast of No.25 and to the west of No.23. The existing extensions to No.23 negate the potential impact of the development to the ground-floor of this property, however, there is potential for loss of sunlight and daylight to No.23, given the absence of extensions to this property. 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.1901/ A3). A study or assessment of the levels of sunlight and daylight to internal living areas is not provided and there are some inconsistencies in the existing and proposed scenarios presented. The position, orientation, height and depth of the first-floor element of the proposed extension relative to the nearest windows to the ground and first floor of No.23 and to the first floor of No.25, has potential to restrict light to these properties. Furthermore, the proposed extension would to some degree increase overshadowing of the amenity area to No.25. The depth and height of the extension at first-floor level facilitates the installation of rooflights to serve a storage room and a rear bedroom of generous size. In assessing the proposed development, the Planning Authority refer to the need to strike a balance between the development of properties, whilst also protecting neighbouring amenities. I consider that a reduction of the first-floor element of the extension to a maximum depth of 3m from the rear building line would allow for an appropriately-sized bedroom to serve future occupants of the extended house, while also substantially addressing the amenity issues raised above relating to overbearing impact, overlooking, overshadowing and loss of daylight and sunlight. A condition should be attached to this effect in the event of a grant of permission arising.

7.2.7. In conclusion, subject to a condition reducing the depth of the proposed extension at first-floor level, the proposed development would not give rise to an unacceptable impact on residential amenities and permission should not be refused for this reason.

### 7.3. Design & Impact on Visual Amenities

- 7.3.1. The site and immediately surrounding area is not provided with any conservation status. It is proposed to extend the house at ground-floor to the front across almost the entire width of the house for a depth of 1m. Section 17.7 of the Dublin City Development Plan 2016-2022 outlines requirements for the 'appearance' of extensions, including the need to resist 'extensions to the front, which significantly break the building line'. The grounds of appeal assert that the proposed front extension element of the development has not been designed to complement the pattern of development on the streetscape, including the adjoining house at No.23. Housing along Russell Avenue East is similar in style and layout. I note the existence of front extensions to house Nos.21, 27 and 31 within 30m of the appeal site, two of which feature canopy extensions across the full width of the house. Despite the curvilinear street layout, the front building line to Russell Avenue East is largely well defined, but it is intermittently stepped by the above referenced interventions. Consequently, I am satisfied that the proposed front extension, would not significantly disrupt or break the front building line along Russell Avenue East. Furthermore, it would have an indiscernible impact when viewed in the streetscape and would not have a detrimental impact on the visual amenities of the area.
- 7.3.2. The neighbouring properties along the southern side of Russell Avenue East do not feature roof extensions of a similar scale to that proposed. The area (5.55sq.m) that the proposed dormer would occupy would amount to approximately 50% of the original rear roof plane (11sq.m), however, as the proposed first-floor extension would also be constructed with parapets over the roof eaves level, only minimal area of the roof plane would remain visible (approximately 10% or 1.2sq.m). Section 17.11 of Volume 2 to the Development Plan, which requires dormer extensions to 'be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible'. The proposed dormer window extension alongside the first-floor extension, would dominate the rear roof plane. I am satisfied that the proposed rear dormer window extension, as proposed, would fail to respect the character of the existing house on site and housing in the area and would have an incongruous appearance where visible from the immediate area. Given the scale and width of the proposed rear dormer window extension, the nature of the space that this would serve, the surrounding context and the provisions of the Development Plan, I am

satisfied that reducing the width of the rear dormer would be necessary to ensure that the proposed development does not have an adverse impact on the scale and character of the main house and in order to safeguard the visual amenities of the area. In conclusion, I am satisfied that a condition requiring a reduced width for the proposed rear dormer window extension to a maximum of half the width of the existing roof plane to the house would be warranted.

- 7.3.3. In conclusion, subject to a condition addressing the width of the proposed rear dormer window extension, I am satisfied 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. I also note that domestic extensions, such as that proposed, are exempt from payment of contributions under the Supplementary Development Contribution Scheme for the Luas Red Line Docklands Extension (Luas C1) Scheme.

## **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 and would not seriously injure the residential

or visual amenities of the area or of property in the vicinity. 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, 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 proposed rear extension shall be reduced to a maximum depth of 3 metres at first-floor level, when measured from the original rear building line of the house;
  - (b) the rear dormer window extension shall be reduced in width to not exceed an external width of half the width of the rear roof plane and shall be centrally positioned on the roof plane.

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

**Reason:** In order to safeguard the residential and visual amenities of property in the vicinity.

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.

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Colm McLoughlin  
Planning Inspector

9<sup>th</sup> September 2019