



An  
Bord  
Pleanála

## Inspector's Report

### ABP-304767-19

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<b>Development</b>	Demolition of shed and construction of extension, attic conversion and all associated works.
<b>Location</b>	14, Cill Eanna, Raheny, Dublin 5
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	WEB1195/19
<b>Applicant(s)</b>	Aisling & Damien Mulholland
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Paul Anderson
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	13 <sup>th</sup> September 2019
<b>Inspector</b>	Ciara Kellett

## 1.0 Site Location and Description

- 1.1. The appeal site is located in a residential development named Cill Eanna in Raheny, Dublin 5. The area is characterised by well established, medium density, two storey, semi-detached suburban type housing. Most of the houses have been extended with either side garages, or side extensions of one and two storeys and the majority of the houses have a hipped roof profile. There are mature hedgerows and trees along the footpaths and in private gardens. The roadway is of sufficient width to provide for parking on either side of the road, as well as allow for two-way traffic.
- 1.2. The house is one half of a semi-detached pair with no.16, and the appellant lives to the south in no.12, separated by garages abutting the gable ends of both dwellings. The house is not overlooked to the rear. The site is bounded to the front on the south-western side by a low-level boundary wall with gates.
- 1.3. Cill Eanna is located to the west of Raheny village and the DART railway line runs to the north of the housing development and the Howth Road runs to the south. The dwelling is within easy walking distance of the village and two DART stations.
- 1.4. Appendix A includes maps and photos.

## 2.0 Proposed Development

- 2.1. It is proposed to demolish a small shed to the rear and to construct a one and two storey extension to the rear and side, and to convert the attic to a bedroom with the inclusion of a rear dormer window, as well as alterations to the first-floor rear windows and to widen the vehicular entrance.
- 2.2. In total it is proposed to add an additional 67sq.m to the dwelling over the three floors to increase the overall area from 128sq.m to 195sq.m.
- 2.3. The rear dormer at attic floor level is set below the roof. The side extension will be two storeys and the hip roof will be extended over the extension but will be maintained as a hip roof.
- 2.4. The extension to the rear is single storey across the rear of the dwelling but set back from the boundary with no.12 (appellant's dwelling) by c.1.1m. A high-profile window

will face the boundary wall with no.12. The rear roof design proposed is a 'butterfly' or 'inverted pitch' type of roof.

- 2.5. The single storey rear extension is indicated as being 4.375m high with steps down to the rear garden. The ground level is indicated at 9.78m and the ridge height of the extension is indicated as 14.7m resulting in a height above ground level of 4.92m. The rear elevation presented on the drawings indicates that the neighbouring dwellings have a similar step-down arrangement to their back gardens.
- 2.6. Rooflights are proposed on the single storey extension to the rear and on the extended roof to the side. A rooflight is referred to on the attic floor plan to the front and rear of the dwelling, but the rooflight to the front is not indicated on the proposed front elevation.
- 2.7. In terms of materials proposed it is indicated that the roof tiles will match the existing tiles.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority decided to grant permission subject to 10 standard conditions.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

The Planner's Report is the basis for the Planning Authority's decision. In summary it includes:

- Side extension would result in two-bay house becoming three-bay and in the event the neighbouring house was to seek permission for similar development it could effectively create a terrace effect – however due to the fully hipped roof, the houses would still present themselves as semi-detached. There are numerous examples in the immediate vicinity and in this regard side extension is acceptable.

- Dormer window to the rear is set back from the eaves and is considered to be subordinate to the rear plane of the extended roof.
- The rear extension includes a high-profile window and due to the height as indicated 2.8m – 3m would result in overlooking the rear garden of no.12. This window should be fitted with obscure glazing. Following this modification, the single storey rear extension should have no detrimental effect on the neighbouring property by reason of overbearing, overlooking or overshadowing.
- The width of the property is sufficient to allow for a vehicle entrance width of 3.4m.
- Notes objections centre around issues of overlooking, overshadowing and overbearing effect and considers that this would be the case. However, having regard to the planning history in the immediate vicinity, notes that this has been accepted by the Planning Authority.
- Recommends permission is granted subject to conditions.

The decision is in accordance with the Planner's recommendation.

### 3.2.2. Other Technical Reports

- **Roads & Traffic:** No report
- **Drainage:** No objection subject to conditions

### 3.3. Prescribed Bodies

- **Irish Water:** No response

### 3.4. Third Party Observations

There were two objections submitted from the neighbours either side expressing concerns with overlooking, overshadowing and overbearing effect. This is similar to the one appeal and is dealt with in more detail in section 6 below.

## 4.0 Planning History

There have been numerous planning permissions granted for single and two storey side and rear extensions within the Eannafort/Cill Eanna area. The appellants specifically reference DCC Reg. Ref. 2367/17.

- **2367/17:** This permission was granted by the Council in July 2017 at No.46 Cill Eanna. The development proposed consisted of an extension to the gable and roof of the house to the party wall with half-hip over to create bedroom over garage and a studio in the attic space, also it is proposed to provide a 2.85m single storey extension to the rear. Condition no.6 required the side dormer window to have obscure glazing.
- **WEB1356/19:** The Council issued a notice of a decision to grant permission on 15<sup>th</sup> August 2019 (in appeals period) for the development of a two storey and single storey extension at No. 37 Cill Eanna.

## 5.0 Policy Context

### 5.1. Dublin City Development Plan 2016 – 2022

- 5.1.1. Chapter 14 of the Plan refers to land use zoning. The subject site is located in an area zoned Z1 – To protect, provide and improve residential amenities.
- 5.1.2. Chapter 16 refers to Development Standards. Section 16.2.2.3 refers specifically to alterations and extensions. It is stated that *‘Dublin City Council will seek to ensure that alterations and extensions will be sensitively designed and detailed to respect the character of the existing building, its context and the amenity of adjoining occupiers’*. In addition, it is stated that extensions should be subordinate to the existing building, retain a significant amount of garden space, and not result in the loss of roof forms.
- 5.1.3. Section 16.10.7 provides additional information on requirements for extensions to comply with. It states:

*The design of residential extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy. In addition, the form of the existing building should be followed as closely as*

*possible, and the development should integrate with the existing building through the use of similar finishes and windows. Extensions should be subordinate in terms of scale to the main unit.*

## 5.2. Natural Heritage Designations

- North Dublin Bay SAC (Site Code 000206) is c.1.5km to the south-east
- North Bull Island SPA (Site Code 004006) is c.1.5km to the south-east

## 5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, 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

A third-party appeal against the Planning Authority's decision to grant permission was submitted by a neighbour to the south of the applicant's dwelling. In summary it includes:

- Overbearing Extension: the side wall will be 6.2m high along the boundary for the length of the house and garage and will create a lightless tunnel from their dining room window to the side.
- This will cast a shadow down the length of the back garden all afternoon seriously impacting enjoyment of the garden.
- Rear Extension Roof Height: Currently enjoy amazing views from back door and kitchen/dining room windows. The garden is not overlooked. The rear extension roof height of almost 4.4m is not a normal pitched roof but goes up almost to the gutters.

- It would be visually dominant, obtrusive and overbearing.
- The extension roof height would result in a significant reduction in the value of their property and it is requested that the shape of this roof is reviewed to lower the roof to a standard single storey by having a flat roof with the pitch being away from the boundary.
- Dormer Window: Their back garden is currently not overlooked and there are no buildings at the rear. While obscure glazing is conditioned on rooflights and the high-profile window the dormer is ignored. Other dormers permitted in the area have been conditioned to be fitted with obscure glazing (Reg. Ref. 2367/17) at no.46 Cill Eanna.
- It will be difficult to continue the enjoyment of the house due to overshadowing, overlooking and overbearing impact which is contrary to zoning.

## 6.2. Applicant Response

The applicant was provided an opportunity to respond to the appeal. In summary it includes:

- The proposed extension is in keeping with similar permissions granted in the locality – there has been no change of policy which could give rise to this application being treated differently.
- Draws attention to minimum number of conditions which is reflective of careful consideration and instruction to architect to minimise any impact on adjoining properties whilst balancing the need to ensure extension improves functionality of home.
- The proposed rear single storey extension is in keeping with the extension at no.12 and will match their extension.
- The ground floor side dining room windows currently directly look into each other and are c.2.5m apart. The proposed plan would improve privacy.
- With respect to obscure glazing on the dormer this would only deny their right to a view of their garden and would affect the usefulness of the space. Large

parts of no.12 are overlooked by the existing first floor bedroom window and the dormer in no.6 Cill Eanna.

- With respect to property devaluation, as the extension is in keeping with precedent already set, it would normally be expected that it would add value to the appellant's property as any purchaser would see the greater potential – this is said from their own experience of seeing other properties in the area and the potential to improve prior to their purchase.

### **6.3. Planning Authority Response**

No further submission has been received from the Planning Authority.

## **7.0 Assessment**

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Impact on residential amenities
- Appropriate Assessment

### **7.1. Impact on residential amenities**

- 7.1.1. The appellant lives to the south-east of the applicants and currently both dwellings have abutting garages. The applicants are seeking permission for a two-storey side extension and a single storey extension to the rear, as well as an attic conversion. The hipped roof will be extended over the two-storey side extension. In terms of visual amenities, I am satisfied that this arrangement is commonplace in the vicinity with numerous dwellings incorporating such extensions. The dormer proposed will not be visible from the front of the dwelling. Therefore, I am satisfied that the proposal will not impact on the visual amenities of the area. I note that the attic floor plan indicates a conservation type rooflight to the front of the dwelling, but this is not included on other drawings. For clarity I do not consider this to be acceptable as it would detract from the visual amenities. I consider a condition to clearly state that



the permission does not permit the attic rooflight to the front should be appended should the Board consider granting permission.

- 7.1.2. The key concern of the appellant is the potential impact on his residential amenities. The appellant expresses concern with overshadowing, overbearing and overlooking as a result of this proposal. I intend to assess each element of the proposal individually as the appellant considers that there will be different impacts associated with each component.

### **Side extension**

- 7.1.3. Currently both properties incorporate a side garage abutting each other. To the rear of the garages a side window has been inserted on both properties serving the kitchen/dining areas. Currently these windows face the boundary wall. There is no dimension on the drawing but taking a measurement there would appear to be c.1.5m between the applicant's side kitchen window and the boundary wall. The applicant's in response to the appeal indicate that the distance between the opposing side windows is 2.5m.

- 7.1.4. The appellant is very concerned that he will be looking out at a 6.2m high blank wall which runs the length of the existing house from front to back. This wall is illustrated on side elevation drawing no.1604/02 (referred to incorrectly as the north-west elevation). I accept that this will undoubtedly alter the view from the side window of the appellant's property, however I do not consider that this will have a seriously injurious impact on the amenities. Currently this window looks out onto a boundary wall and into the applicant's equivalent window (I refer the Board to the photos which accompanied the appeal). While there will be a reduction in light entering this window, having regard to the orientation of the appellant's window facing north-west it is unlikely to seriously reduce the amount of actual sunlight entering. I accept there will be changes to the view, however there is precedent for similar developments in the area and I do not consider it to be a reason for refusal of permission.

### **Rear extension**

- 7.1.5. The proposed rear extension is stated as being single storey albeit 4.4m at the highest point above ground level. The roof profile is of a 'butterfly' or 'inverted pitch' type roof with the high point facing no.12. There is a set back from the boundary with no.12 of 1.16m. The side wall facing no.12 incorporates a high-profile window which

is 2.4m above ground floor level. The Council included a condition requiring this window to have permanent obscure glazing to avoid any overlooking. I consider this to be reasonable and at 2.4m above ground level is unlikely to provide overlooking opportunities.

- 7.1.6. At 4.4m in height this single storey extension is high. However, the appellant's dwelling has a single storey rear extension that is not indicated on the drawings. While no drawings are available it would appear to extend a similar distance to the subject proposal. Thus, this proposed rear extension is unlikely to cause an overbearing impact or an overshadowing impact.
- 7.1.7. Furthermore, having regard to the orientation of the dwellings, the rear extension is unlikely to cause significant overshadowing over and above the shading caused by the actual dwelling itself. The Board could consider reducing the height of part of the rear extension closest to no.12, or replacing that part with a flat roof, but having regard to the existence of the appellant's extension, this is unlikely to make a significant difference to any potential impact.

#### **Dormer Window**

- 7.1.8. The appellant notes that the Council appended conditions to permanently obscure the glazing on the rooflight and the high-profile window but not on the dormer window itself. The appellant expresses concern with overlooking and impacts on his and his family's privacy. The appellant refers to a decision by the Planning Authority to append a condition to a dormer window requiring obscure glazing Reg. Ref. 2367/17. I note that this dormer included a window to the side of the dormer as well as the front and it is the side window that was subject to condition.
- 7.1.9. While I accept that the dormer is at a higher level, I agree with the applicant that there is already overlooking from the first-floor bedroom. I am of the opinion that a certain level of overlooking is to be expected when living in an urban and suburban environment. There are many examples of dormer windows in the vicinity and in other similar areas. The dormer complies with the requirements of the Development Plan and is therefore acceptable in my opinion.

### **Property Value**

7.1.10. While not strictly a planning issue per se, I do not accept that the proposal will affect property values. There are many examples of similar extensions in the vicinity. This will be one of numerous similar extensions.

### **Conclusion**

7.1.11. Having regard to precedent in the vicinity, I am of the opinion that the subject proposal will not adversely impact on the visual amenities of the area. There is no doubt the view from the appellant's side window will alter and there will be some reduction in light but having regard to the existence of the appellant's extension and the orientation of both dwellings, I do not consider that there will be a significant impact on the residential amenities of the appellant or other properties in the area by way of overshadowing or overbearing. I am of the opinion that the subject proposal is in full compliance with the Development Plan standards for side, rear and attic extensions.

## **7.2. Appropriate Assessment**

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, no appropriate assessment issues arise and it is not considered that the proposed 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**

I recommend that permission should be granted for the proposed development subject to conditions.

## **9.0 Reasons and Considerations**

Having regard to:

- (a) the provisions of the Dublin City Development Plan 2016-2022,
- (b) the nature, scale and orientation of the development proposed,
- (c) the size of the overall site, and

(c) the pattern of development in the area,

it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or detract from the character of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
3.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
4.	<p>a) The rooflights at roof level on the south-east elevation shall be fitted with permanent obscure glazing.</p> <p>b) No rooflights are permitted on the front elevation.</p> <p>c) The high-profile window on the south-east elevation at ground floor level</p>

	<p>shall have permanent obscured glazing.</p> <p><b>Reason:</b> In the interest of clarity and to protect residential amenities.</p>
5.	<p>The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p><b>Reason:</b> To restrict the use of the extension in the interest of residential amenity.</p>
6.	<p>The footpath shall be dished at the road junction in accordance with the requirements of the planning authority. Details of the location and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The width of the vehicular entrances shall be a maximum width of 3.4metres.</p> <p><b>Reason:</b> In the interest of visual amenity and pedestrian safety.</p>
7.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, protection of the public roads and public footpaths, and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
8.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the</p>

planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Ciara Kellett  
Senior Planning Inspector

16th September 2019