



An
Bord
Pleanála

Inspector's Report ABP-304879-19

Development	Construct a single-storey rear extension and install two rooflights and two rear windows
Location	50 Castle Grove, Clontarf, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4227/18
Applicant(s)	Elizabeth Cronin
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	Anne Cronin
Observer(s)	None
Date of Site Inspection	24 th September 2019
Inspector	Colm McLoughlin

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1.0 Site Location and Description

1.1. The appeal site is located on Castle Grove, a narrow tree-lined street in the residential area of Clontarf, approximately 4km northeast of Dublin city centre. It is square in shape and measures a stated 226sq.m. It sides onto a narrow laneway and contains a detached flat-roofed single-storey two-bedroom house with timber-panel gated vehicular access from the front and a rear courtyard space. The surrounding area is characterised by two-storey terraced housing along Castle Avenue to the east and two-storey semi-detached housing along Castle Grove to the west. The subject house occupies part of the original rear gardens to Nos.133 and 133a Castle Avenue and there is a similar style and scale infill development directly opposite the site to the south (No.49). Ground levels in the vicinity are relatively level with a gradual drop moving southeast.

2.0 Proposed Development

2.1. The proposed development comprises:

- the construction of a single-storey rear extension with a stated gross floor area (GFA) of 13sq.m;
- the installation of two roof lights and two east-facing windows to the rear.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission subject to five conditions of a standard nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial report of the Planning Officer (December 2018) noted the following:

- the rooflights would not be visible from the front street area;

- the subject house permitted under Dublin City Council (DCC) Ref. 3880/10 was provided with 95sq.m of rear private amenity space. This was subsequently reduced to 73sq.m and would be further reduced to 59sq.m as a result of the current proposal. There should be sufficient space based on the number of bed spaces that would be provided and the applicable Development Plan standards, although the applicant should clarify whether or not the amenity space would receive sufficient natural light.

The final report of the Planning Officer (June 2019) reflects the decision of the Planning Authority. The Planning Officer was satisfied that their previous concerns had been fully addressed by way of the further information submitted by the applicant.

3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) - no objection, subject to conditions.

3.3. Prescribed Bodies

- Irish Water – no response.

3.4. Third-Party Submissions

- 3.4.1. During consideration of the application by the Planning Authority, two third-party submissions were received from the adjoining residents of Nos.133 and 135 Castle Avenue. The issues raised in both of these submissions are summarised within the grounds of appeal below.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. Recent planning applications relating to the appeal site include the following:
- ABP Ref. PL29N.242874 (DCC Ref. 3443/13) – this planning application, proposing the installation of a bedroom window on the east-facing rear

elevation, was withdrawn by the applicant in February 2014, following a third-party appeal of the Planning Authority's decision to grant permission;

- ABP Ref. PL29N.238154 (DCC Ref. 3880/10) – permission granted in May 2011 for a single-storey two-bedroom house served by a vehicular access off Castle Grove. Condition no.4 of the permission restricted the exempted development rights for the house;
- ABP Ref. PL29N.231569 (DCC Ref. 4032/08) – permission refused in April 2009 for a house on the grounds that it would constitute overdevelopment of the site, would seriously injure the residential and visual amenities of the area and would endanger public safety by reason of traffic hazard;
- ABP Ref. PL29N.212991 (DCC Ref. 2473/05) - permission refused in November 2005 for a house on the grounds that it would constitute substandard development with respect to vehicular access and the provision of private open space, and as it would break the established building line along Castle Grove and would be visually obtrusive.

4.1.2. The Planning Authority and the appellant have both referred to a closed enforcement case relating to the footprint of the building and a porch on the appeal site (DCC Ref. E0505/12).

4.2. Surrounding Sites

4.2.1. Reflective of the surrounding built-up residential context, recent planning applications in the immediate area primarily relate to proposals for domestic extensions, none of which appear to be particularly relevant to the appeal case.

5.0 Policy & Context

5.1. Development Plan

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

5.1.2. Relevant planning policies for the proposed development are set out under Section 5 (Quality Housing) and Section 16 (Development Standards) within Volume 1 of the Development Plan. Appendix 17 to Volume 2 of the Development Plan provides guidance specifically relating to residential extensions.

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. One third-party appeal has been lodged by an adjoining resident of No.135 Castle Avenue, to the northwest of the appeal site. The grounds of appeal can be summarised as follows:

- there is an extensive planning history associated with the appeal site;
- with the exception of a high-level hall window, the house was originally designed with no other windows facing eastwards and the parent permission (ABP Ref. PL29N.238154) restricted the exempted development rights to install windows and undertake other works to the house;
- a window was previously being installed in the east elevation of the subject house, which led to enforcement action being taken by the Planning Authority;
- proposals would result in reduced privacy for neighbouring residents, as well as overlooking into the rear of neighbouring houses;
- windows should be opaque to address overlooking;

- the proposed development would result in the devaluation of neighbouring property.

6.2. Applicant's Response

6.2.1. The applicant did not respond to the grounds of appeal.

6.3. Observations

6.3.1. None received.

6.4. Planning Authority Response

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

7.0 Assessment

7.1. Introduction

7.1.1. The Dublin City Development Plan 2016-2022 sets out general principles for consideration when extending dwellings, such as residential amenity issues, privacy, relationship between dwellings and extensions, daylight and sunlight, appearance, the subordinate design approach and materials. The two-bedroom house on site was granted permission by An Bord Pleanála in May 2011 (ABP Ref. PL29N.238154), which included a condition restricting the exempted development rights for the property. It is now proposed to extend the house, primarily by providing an additional third bedroom and inserting new windows and roof lights.

7.1.2. The proposed development would entail works solely to the rear of the house that would not be visible from the front street area and would feature plaster finish and windows to match the existing house. The proposed extension would not inhibit natural light to the internal rooms of the house. Accordingly, I am satisfied that the appearance of the extension would complement the scale and design of the host house and would not be out of character with the surrounding residential area. Consequently, I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal relate to the following:

- Overlooking & Loss of Privacy;

- Private Amenity Space.

7.2. Overlooking & Loss of Privacy

- 7.2.1. The grounds of appeal largely focus on the impact of the proposed development on the residential amenities of the appellant's property adjoining to the north, in particular the potential for excessive overlooking to arise and the potential for loss of privacy. The only existing east-facing window to the house is a high-level window to a hall area. The east-facing window to the proposed extension and the two additional east-facing windows, proposed to serve a bedroom and a bathroom, would be each situated 6.5m off the eastern boundary with Nos.133 and 133a Castle Avenue. These proposed ground-level windows would open onto and overlook the rear courtyard space to the house, which features a boundary wall topped with a timber panel fence, in total at least 2m in height, along the boundaries with Nos.133 and 133a. There are outbuilding structures to the rear of these adjoining gardens and extensive trees and other planting providing screening between the appeal site and houses to the east. Given this existing and proposed context, I am satisfied that the proposed extension and new windows would not reasonably result in overlooking or loss of privacy to the rear of adjoining properties, including the appellant's property at No.135. I also note that the first-floor rear elevation to the closest houses to the east, Nos.133 and 133a, would be 15.8m from the eastern boundary to the appeal site and 22.3m from all three of the proposed additional windows to the subject house. Consequently, I am satisfied that there would be sufficient separation distance between the upper floor windows of neighbouring housing to the new windows of the subject house to ensure that excessive direct overlooking would not arise for occupants of the subject or neighbouring houses.
- 7.2.2. In conclusion, the proposed development would not result in excessive direct overlooking between neighbouring properties or loss of privacy for neighbouring residents. Accordingly, permission should not be refused for reasons relating to the potential impact of the proposed development on neighbouring residential amenities. Furthermore, based on the above, it is reasonable to conclude that the development would not impact on neighbouring property values.

7.3. Private Amenity Space

- 7.3.1. The Dublin City Development Plan 2016-2022 does not provide minimum private amenity area requirements when extending existing houses, however, as a guide I note that it does state that 60-70sq.m of rear garden area is usually sufficient for houses in the city. Standards applied in the Development Plan specifically require 10sq.m of private amenity space per bed space in new houses in areas such as this outside of the inner city. The proposed extension would result in the house comprising three double-bedrooms with capacity to accommodate six bed spaces. As a guide this would require a minimum of 60sq.m to be provided for the house.
- 7.3.2. A total of 95sq.m of private open space was permitted to be provided on site for the residents of the house, as part of the parent permission (ABP Ref. PL29N.238154). It is stated by the applicant that 59sq.m of garden space would be provided for the extended house. Accordingly, I consider that the extent of rear private amenity space, based on comparable Development Plan standards, would be sufficient and appropriate to serve occupants of the extended house.
- 7.3.3. In response to a request for further information, the applicant submitted a set of shadow analysis drawings to estimate the extent of overshadowing that would arise as a result of the proposed development. When considering the natural lighting arising from a proposed development, the Development Plan refers to the Building Research Establishment (BRE) guidance titled 'Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice' (2011). For an amenity area to be sufficiently sunlit throughout the year, the BRE guide suggests that at least half of the external amenity area should receive two hours of sunlight on the 21st day of March. Based on the drawings submitted by the applicant, including a model that appears to accurately portray the scale and layout of the proposed development, I am satisfied that sufficient natural lighting would be available to the rear private amenity space.
- 7.3.4. In conclusion, I am satisfied that the proposed development would provide an appropriate quantity and quality of private amenity space for future occupants of the house and the proposed development should not be refused permission for reasons relating to the provision of private amenity space.

8.0 Appropriate Assessment

- 8.1.** Having regard to the minor nature of the proposed development and to 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, for the reasons and considerations, as set out below.

10.0 Reasons and Considerations

- 10.1.** Having regard 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 and visual amenities of the area or of property in the vicinity, and would provide a suitable level of amenity for occupants of the house. 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 submitted on the 17th 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 external finishes of the extensions, shall harmonise with those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

3. 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.

Colm McLoughlin
Planning Inspector

1st October 2019