



An  
Bord  
Pleanála

## Inspector's Report ABP 305303-19.

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<b>Development</b>	Two storey extension to front and side, single storey extension, dormer extension to rear and porch extension.
<b>Location</b>	16 Sandymount Castle Park. Dublin 4.
<b>Planning Authority</b>	Dublin City Council.
<b>P. A. Reg. Ref.</b>	WEB/1347/19.
<b>Applicant</b>	B. Sheridan and V. Mc Cullough,
<b>Type of Application</b>	Permission
<b>Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Lorna Kelly.
<b>Date of Site Inspection</b>	4 <sup>th</sup> January, 2020.
<b>Inspector</b>	Jane Dennehy.

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## 1.0 Site Location and Description

- 1.1. The site has a stated area of 352 square metres and is that of a two storey semi detached house with a garage to the side and front and rear gardens. It is located mid-way along a row of semi-detached pairs of two storey houses on the east side of Sandymount Castle Park a cul de sac in a long-established residential area.

## 2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for removal of the single storey garage to the side of the house and for construction of a two storey extension to front and side, single storey extension and dormer extension (for a new bedroom at attic level) to rear, porch extension a new rooflight to the front and widening of the entrance to 3.6 metres and associated site works. The total stated floor area of the new build is eighty-nine square metres which, in combination with the total floor area of the existing buildings at 139 square metres provides for a total floor area of 228 square metres.
- 2.2. The porch extension and extension to the side at ground level projects forward of the front building line of the house.

(It has been noted that the floor plans lodged with the application appear to be at a scale of 1:50 although annotated to be at a scale of 1:100.)

## 3.0 Decision

- 3.1. By order dated, 8<sup>th</sup> August, 2019, the planning authority decided to grant permission for the development subject to conditions which are of a standard nature except for condition No 3 according to which the dormer extension is to be reduced from 5.5 metres to four metres in width.
- 3.2. **Planning Authority Reports**
  - 3.2.1. Planning Officer indicated satisfaction with the proposed development subject to the modification required under Condition 3.

### **3.3. Third Party Observations**

- 3.3.1. Submissions received by the planning authority indicated objections based on scale and mass of the development including the proposed dormer and adverse visual impact on the neighbourhood and adverse impact on residential amenities of surrounding properties.

## **4.0 Planning History**

According to the planning officer report there is no record of planning history.

## **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 subject to the zoning objective: *Z1: To protect, provide and improve residential amenities.*

Development Management Standards for residential development are set out Chapter 16 with guidance and standards for extensions and alterations set out in section 16.2.2.3 and 16.10.12 and Appendix 17.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. An appeal was lodged by the Power Kelly on behalf of the appellant of No 15 Sandymount Castle Park on 2nd September, 2019 in which it is requested that permission be refused and, according to which the proposed development:
- Would adversely affect the amenities of the appellant property due to overshadowing and obstruction of daylight. The existing, original side, 'shared' interconnected passages were designed with a lightwell so light to the side elevation windows would be significantly affected by the proposed side and rear extensions which incorporate the passage way. Therefore, the proposed

development would obstruct sunlight and daylight access at the adjoining appellant property.

- Would adversely affect the amenities of the adjoining properties due to overlooking. In this regard reference is made to the proposed dormer which is also considered an overly dominant and invasive feature.
- Would adversely affect the amenities of the appellant property due to overbearing impact. The development comes up three metres closer to the adjoining property so that it abuts the boundary. At three storeys, it is a blatant disregard for the original natural lighting feature for both properties in the design and is overbearing in massing for the streetscape. The submission includes an image to support the claim that the impact on the appellant property is substantial and detrimental whereas it is contended that it is understated in the application. The combined impact of all the elements of the proposal on adjoining properties and the open characteristics of the 'semi-detached' streetscape is excessively overbearing and dominant overall and it creates unacceptable precedent.
- Would result in encroachment by incorporation of the party wall and roof slab for which there is no legal entitlement and would result in risk of structural damage.
- Survey details of the combined sewer or any existing services are not provided. There are flooding issues in the area. A south north sewer at the rear floods and an existing communal rodding point and proposed double seal manhole to be located in the utility room were not assessed.
- The impacts of the proposed development would devalue properties in the vicinity.

6.1.2. It is also submitted that the planning authority acted *ultra vires* its powers in its determination of the decision with reference to the issues raised in the appeal.

## 6.2. Applicant Response

6.2.1. A submission was received from the applicant's agent, on 2<sup>nd</sup> October 2019 according to which it is stated that there are no planning issues in the appeal that would affect the planning authority decision.

6.2.2. According to the submission:

- The reduction to the dormer size increases separation distance from No 17 to one metre. The requirements of condition no 3 to reduce the dormer to four metres width are acknowledged but are considered appropriate and consistent with Appendix 17 of the CDP.
- There is precedent at No 14 Sandymount Castle Park for the porch extension which is 1380 mm forward of the garage and 1850 mm forward of the front wall of the house.
- There are constraints to plot ratio, site coverage and design detail providing for scaling back from the ridge and setbacks render the extensions visually subordinate to the house. The existing house outlined in the application submission which it is requested be taken into consideration. The revised dormer is also visually subordinate at 14 percent of the roof surface and set back from eaves and down from the ridge. Contiguous elevations and plans have been included in the application to show the context.
- The ground level glazing to the rear exceeds two metres distance from the 1.8 m high south boundary wall and does not overlook the adjoining property. The distance between the dormer and rear façade windows on Durham Road exceeds twenty-two metres. The dormer is 17.8 metres from the east boundary. All new build will be inside the party walls which are to be retained (Drawing 16SCP refers.)
- A CCTV survey of local services was undertaken, and a chartered engineer will be employed for the project. The drainage division has no objection and SUDS drainage measures will be employed.

6.2.3. Included is a report on sky and sunlight impact in which it is sought to demonstrate consistency with the standards in, *Site Layout: Planning for Daylight and Sunlight: Guide to Good Practice* (BRE 2011) from which several extracts are included in the submission.

- Reference is made to Section 2.2 and impact on the vertical sky component (VSC) and, impact of domestic extensions on neighbouring windows. For extensions perpendicular to the rear and front facades it is demonstrated in

the submission that the centre of windows does not lie within the 45 degrees angle, projected from the highest points of the extensions on plan and elevation which indicates low impact on daylight and sunlight.

- With reference to Section 3.2 and impact on neighbour windows (APSH/WSPH) it is demonstrated in the submission that the development is wholly due north and not within 90 degrees of due south of main window wall, it being stated that the living room at the adjoining property is to the front and may continue through to the rear.
- With reference to Section 3.3 and shadow impact on neighbour amenity (2 hr light) it is stated that no shadow is cast over the rear garden at No 15 Sandymount Castle Park by the proposed development which is due north of No 15.

### 6.3. Planning Authority Response

There is no submission on file from the planning authority

### 6.4. Further Responses

6.4.1. A further submission was lodged by the Power Kelly on behalf of the appellant on 29th October, 2019,

- The extension at No 14 is not relevant precedent as it does not straddle the garage which has no first-floor extension overhead and has a sloping porch roof. The porches are recessed with entrances flush with the front walls and projection of the garages forward is 40-42 cms in the street.
- As regards the contentions about the constraints of the house, it would have been simpler for the applicant who seeks a four-bed house and conversion of an existing bedroom to an office to have converted the garage than to build the proposed development. The office proposed is change of use to commercial use and is not permitted in the area.
- The views in the appeal as to excessive scale, shape, size and inappropriate design are reiterated, it being contended that the dwelling is to be almost doubled in size. The bringing forward of the development in front of the

building line negates the argument as to a setback at first floor level. The dominant dormer equates to two first floor bedrooms and at a greater height and at a projection. It remains large even with the reductions and will overlook Durham Road properties.

- The passageway at No 15 will be overlooked, the raised finished floor level allows for overlooking over the south boundary wall.
- The garage demolition works will impact neighbouring foundations and structural stability of the adjoining property and party boundary. A photograph of the existing wall and damages to it is provided. The original application clearly shows the development connecting with the adjoining property which is inconsistent with the response to the appeal. Access to No 15 An appeal was lodged by the Power Kelly on behalf of the appellant who resides at No 15 Sandymount Castle Park to undertake works will not be permitted.
- The submitted light study lacks detailed study within the adjoining property. Reference is made to the CDP on energy efficiency, natural lighting and renewables in contending that the appellant property will become more dependant on artificial lighting with a knock-on effect on BER ratings.
- The development is not fully north of the property at No 15 Sandymount Castle Park as a 'turn and tilt' to one side is shown in the day and sunlight study drawings where shadow blocking is shown on page 4 of that document. Photographs are included showing sunlight at doors and windows of No 15 Sandymount Castle Park.
- At least four windows and a door will lose natural light irrespective of whether the rooms are habitable. This impact will reduce the value of the property.
- The existing streetscape of the last sixty years will be changed, and the building line distorted which also sets undesirable precedent.
- The details provided about existing services are not sufficient and concerns about flooding and easements are not addressed.



## 7.0 Assessment

7.1. The issues central to the determination of a decision comprise mainly of concerns as to adverse impact on visual and residential amenities are that adverse visual impact in the streetscape and overbearing impact on residential amenities and value of adjoining properties due to excessive scale and form and inappropriate design, overlooking, and overshadowing. With regard to these issues, individual elements of the proposed development are considered below followed by consideration of concerns as to encroachment, structural stability and drainage arrangements and flooding risk

### 7.2. The first floor and attic level side extension.

7.2.1. It is agreed with the appellant that the gaps between the semi-detached pairs in the streetscape is a significant feature and characteristic of interest and the suggestion that this initial design provided for lighting at the sides of the dwellings along the covered over passageways and utility spaces. The expectation therefore that the access to daylight and sunlight amenities at the sides of third parties' properties should not be unduly reduced by side extensions developments at adjoining properties is reasonable.

7.2.2. It is agreed with the Appellant that the proposed infill at first floor extending to the party boundary at the front building line and incorporating accommodation at roof level radically alters and adversely diminishes this streetscape feature, the visual amenities of the streetscape character and, sets precedent for similar development. Furthermore, it is also agreed that this side extension would obstruct sunlight and daylight access from the front along the space to the side of the appellant party's property.

### 7.3. Porch extension and conversion of garage to habitable accommodation.

7.3.1. It is agreed with the appellant, that there is no precedent within Sandymount Castle Drive for the proposed porch extension. The existing porch extension to which reference is made in the applicant's submissions, while representing a significant projection to the front does not extend as far across the front building line of the house and where it replaces the garage frontage, there is no additional upper floor development. It is considered that the proposed projection forward of the front

building line in conjunction with the other elements of the proposed development is excessive and visually obtrusive and obstructs the continuity and homogeneity of the pairs of semi-detached houses in the streetscape.

- 7.3.2. There is no objection to the proposal for conversion of the garage space to habitable accommodation. Details as to front elevation and the roof can be addressed by compliance with a condition.

**7.4. The rear extension.**

- 7.4.1. The proposed rear extension provides for a large open plan kitchen and living space and garden lounge opening onto an external terrace and rear garden space, set back from the party boundaries on both sides. The glazing at the corner facing south towards the party boundary is acceptable, if openings are excluded and opaque glazing is installed. In this regard, any perceived overlooking and interference with privacy and amenity at the adjoining property would be addressed.

**7.5. The rear dormer window.**

- 7.5.1. The proposed dormer window, which is not directly opposite fenestration in the rear elevations of the houses on Durham Road the separation distances from which exceed thirty-five meters is reasonable. However, this element of the proposed development may give rise to perceptions of overlooking of those properties, particularly given the width and extent of glazing. The reduction in width required under Condition No 3 attached to the planning authority decision is therefore considered reasonable. It is recommended, should such a condition be included if permission is granted, that the omission of the one metre width be at the northern end of the glazing.

**7.6. Encroachment on Adjoining properties.**

Should it be decided that the side extension be omitted, it would appear the concerns of the appellant as to encroachment and structural damage would be addressed.

**7.7. Drainage Arrangements and Flooding Risk.**

While the concerns as to increased potential risk of flooding in the area, and constraints of the local drainage network conditions are noted, it is considered that there are no substantive planning grounds in this regard on which rejection of the

proposals for extensions to a single dwelling unit in the area should be considered. It is noted that the application includes supplementary arrangements for surplus surface water to be disposed to the ground in the rear garden via a soakpit.

#### **7.8. Environmental Impact Assessment Screening.**

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.

#### **7.9. Appropriate Assessment.**

- 7.9.1. Having regard to the planning history for the site, the zoning objective, the location of the site which is on serviced land, to the existing development on the site and in the vicinity and, to the nature and scale of the proposed development, no appropriate assessment issues arise, the 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**

It has been concluded that it can be recommended that the planning authority decision to grant permission be upheld but that the proposed side first floor extension should be omitted, by condition, and, that the other elements are acceptable subject to some modifications which can also be addressed by compliance with conditions. Draft Reasons and Considerations and Conditions follow.

#### **9.0 Reasons and Considerations**

Having regard to the zoning objective Z1: *“To protect, provide and improve residential amenities”* for the site, as set out in the Dublin City Development Plan 2016 to 2022, to the established pattern of development and the architectural characteristics of streetscape, and, to the design, form and layout of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development, would not seriously injure the residential

amenities of the adjoining properties by reason of overbearing impact, overshadowing and overlooking or, the visual amenities and architectural character of the streetscape, would not be prejudicial to public health, by reason of flooding risk and, would be in accordance with the proper planning and sustainable development of the area.

## 10.0 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:
  - The first floor and attic level side extension shall be omitted in entirety.
  - A roof over the ground children's lounge, (indicated to be in the position of the existing garage structure) shall not exceed the height of the porch extension.
  - The rear elevation dormer window shall be reduced in width to a maximum of four metres resulting in a one metre increase in distance from the northern edge of the roof.
  - The glazing in the south facing elevation at the corner of the garden room in the rear extension shall be opaque and non-opening.

Prior to the commencement of the development that applicant shall submit and agree with the planning authority in writing, revised plan, section and elevation drawings

**Reason:** In the interest of the visual amenities of the existing development in the area and the residential amenities of adjoining properties.

3. Details of materials, colours and textures of all external finishes which shall include the provision of samples for roof over the porch and children's lounge and for the dormer window shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of visual amenity.

4. 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.

**Reason:** In the interest of public health.

5. The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting 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 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.

**Jane Dennehy,**  
Senior Planning Inspector  
16th January, 2020.