



An
Bord
Pleanála

Inspector's Report

ABP-305375-19

Development	Construction of extension to dwelling.
Location	44, Terenure Road North, Terenure, Dublin 6W
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3315/19
Applicant(s)	Thomas Small and Yvonne Sadlier
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First V Condition No. 2 Third Party V Decision
Appellant(s)	Thomas Small and Yvonne Sadlier (First Party) Nora Duggan (Third Party)
Observer(s)	None
Date of Site Inspection	2 nd December 2019

Inspector

Irené McCormack

1.0 Site Location and Description

- 1.1.1. The subject site is located on the western side of Terenure Road North to the north of Terenure Village Centre in a well-established residential area, south east of Dublin City Centre.
- 1.1.2. The site comprises of a modest two-storey semi-detached dwelling with a stated existing floor area of 86.6sqm.

2.0 Proposed Development

- 2.1.1. Permission is sought the construction of a 41.4sqm part single, part two storey, flat roof, extension to rear of existing dwelling and all ancillary works.
- 2.2. The proposed extension is a modern addition finished in a smooth plaster render. The building line follows the line of the shared side boundaries on both sites. The two-storey element extends approx. 5.5m at a height of 5.450m before stepping down to single storey.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant planning permission subject to seven conditions. The following are considered of relevance:

- Condition no.2 stipulated:

The proposed development shall incorporate the following amendment:

- a. The proposed first floor extension shall be set back 1m from the shared boundary with no. 46 Terenure Road North.

Revised drawings indicating the above amendment shall be submitted to the Planning Authority prior to the commencement of development.

Reason: In the interest of residential amenity and the proper planning and sustainable development of the area

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer reflects the decision of the planning authority. The Planning Officer notes the zoning objectives for the area and that the extension is acceptable in principle subject to the stepping back of the first floor from the shared boundary with no. 46 Terenure Road North.

3.2.2. Other Technical Reports

Drainage Department- Report dated 24th July 2019 – No objection

3.3. Prescribed Bodies

None

3.4. Third Party Observations

3.4.1. One submission was made in relation to the development. A brief summary of the issues raised in the submission to the Planning Authority are set out below:

- The proposal would overshadow the neighbouring kitchen, dining room, back bedroom and garden.
- The proposal would be overbearing when viewed from the back of the house.
- No objection to a single storey extension

4.0 Planning History

Site

None

Surrounding

None

5.0 Policy Context

5.1. Development Plan

Zoning objective: The site is located within an area zoned Z1 which seeks “To provide for and improve residential amenities.”

Relevant sections of the Development Plan include:

Section 16.2.2.3: Alterations and extensions (general)

- Extensions will be sympathetic to the existing building and adjoining occupiers,
- Alterations and extensions to roof will respect the scale, elevational proportion and architectural form of the building.

Section 16.10.12: Extensions and Alterations to Dwellings

Relates to alterations and extensions to dwellings and states that development will only be granted where it will not have an adverse impact on the scale and character of the area and will not adversely affect amenities enjoyed by occupants of adjacent buildings.

Appendix 17 of the Plan sets out design guidance with regard to residential extensions;

- 17.3: Residential amenity: extensions should not unacceptably affect the amenity of the neighbouring properties,
- 17.4 Privacy: Extensions should not result in any significant loss of privacy to the residents of adjoining properties.
- 17.6 Daylight and Sunlight: care should be given to the extensions and the impact on the adjoining properties,
- 17.11 Roof extensions: the design of the roof shall reflect the character of the area and any dormer should be visually subordinate to the roof slop, enabling a large proportion of the original to remain visible

5.2. Natural Heritage Designations

None

5.3. EIA Screening

Having regard to the nature and scale of the proposed development, the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant

effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination. An EIA - Preliminary Examination form has been completed and a screening determination is not required

6.0 The Appeal

6.1. First Party Grounds of Appeal

The first party appeal is against condition 2 of the decision of Dublin City Council dated 15/05/2019. The principle grounds of appeal can be summarised as follows:

- It is set out that taking the impact on neighbours into consideration the design is for a part single storey party two storey rear extension whereby the first floor footprint was kept as short as feasible in order to avoid building a structure that would extend more than 6m from the back of the main rear building lines of the existing dwellings in accordance with Section 16.10.12 of the development plan.
- The scale and bulk are minimised by the flat roof design
- The imposition of condition no, 2 will have no material or beneficial impact on the light quality to the rear of no. 44 located to the north of no. 46 and therefore the layout eliminates the risk of overshadowing or interruption of sunlight into no. 46.
- The setback will result in a wedge-shaped 'cave' being created between the shared boundaries which will become cluttered with leaves and will attract insects and vermin and a potential hiding place for intruders.

6.1.1. Third Party Grounds of Appeal

The third-party appeal was made by Nora Duggan, No. 46 Terenure Road North, Terenure, Dublin 6. The principal grounds of appeal can be summarised as follows:

- It is set out that the development will overshadow the appellants kitchen, dining room and back bedroom as well as her garden.
- The scale of the development will diminish the enjoyment of her home as she would be facing a very large wall from almost all rear windows.

- It is set out that the development will devalue her property.
- The extension is out of character in the area.
- The 1m set back conditioned by the planning authority is only for the first floor this means that the building will be constructed right up to the shared boundary and will be massively intrusive and overbearing.

6.2. Planning Authority Response

None

6.3. Further Responses

A further response from the third party was received by An Board Pleanála on 9th October 2019, sets out the following:

- It is set out that it is clear the planning authority did not agree that the development proposed complied with Section 16.10.12 of the development plan. It is also set out that the planning authority did not go far enough to protect the third-parties privacy, daylight and sunlight.
- It is set out that at design stage there was no discussion or negotiation with the third party.
- The extension is of considerable scale and bulk.
- The argument about sunlight and sun path is null and void as that is not the issue, the issue relates to natural day light which will be impacted by an overbearing wall tight up against the shared boundary.
- In relation to the set back area, it is set out that the existing courtyard gathers nothing similar to the concerns expressed by the first party.

7.0 Assessment

7.1. Introduction

- 7.1.1. The development is the subject of a first party appeal in relation to condition no. 2 of the decision of Dublin City Council dated 15/08/2019 and a third-party appeal in relation to the principle of the developemnt, namely the design.

7.1.2. The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment also needs to be addressed. I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Design - Impact on Residential Amenity and Planning Condition No. 2
- Appropriate Assessment

7.1.3. The site is located within an area zoned Z1 which seeks “To provide for and improve residential amenities.” Residential is a permissible use within this zoning category. Therefore, the principle of the extension is acceptable on ‘Z1’ zoned land, subject to safeguards.

7.2. Design and Impact on Residential Amenity

7.2.1. The proposed development is modest 41.4sqm extension to the rear of the site. There is an existing two-storey return at the rear of the dwelling and the proposed extension provides for a part two-storey part single storey extension which includes extending the rear return to align with the site boundary to the south adjacent to no. 46 and extending the rear building line by approx.1m. The flat roof two-storey is relatively low with an overall ridge height of 5.450m. The single-story element will extend a further 3.5m approx.

7.2.2. The third-party grounds of appeal assert that the design approach will result in loss of amenity for her property and adversely affect the established character of the area and devalue her property.

7.2.3. In my opinion the contemporary **design** is acceptable and does not conflict with the general character of the area. The extension is located to the rear and will not be visible from the public road. The extension is subordinate to the main dwelling and in accordance with Section 16.2.2.3: *Alterations and extensions (general)* of the Development Plan. The design approach and palette of materials are appropriate, in my view. Visibility of structure from adjoining properties does not in itself mean that the amenities of those properties would be injured, and the proposed extension reflects a contemporary modern addition contrasting effectively with the traditional character of the existing house. I do not consider that the proposed extension would be out of character with the existing development in the area or represent a visual

intrusion. Furthermore, all works will be carried out within the site as outlined in red and no works will be permitted to encroach or overhang third party properties.

- 7.2.4. A significant amount of private amenity space would remain in the back garden after its construction
- 7.2.5. The third-party appellant has raised the issue of residential amenity including impacts on daylight and sunlight/overshadowing and loss of privacy.
- 7.2.6. In relation to loss of daylight and sunlight/overshadowing, The BRE Guidelines (Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice, 2011) note that consideration of impacts is limited to rooms where daylight is required, including living rooms, kitchens and bedrooms. I note the rear of the site is west facing and the extension works are located to the north of the third party's property. The third party's property is already overshadowed by the existing rear return of no. 44. The area between each rear return and the adjoining property boundary is narrow at approx. 2m in width which creates an enclosed courtyard type space, the narrow width and tight urban grain limit the natural light to the site at present. As a result, I consider the development will not result in undue adverse impacts on sunlight and daylight access to the neighbouring site no. 46, as sunlight and daylight is already restricted at this location as a result of the established pattern of development. Accordingly, I am satisfied that there would be no significant **loss of light** or **overshadowing** to the adjoining no. 46 as a result of the development.
- 7.2.7. In terms of **overbearing** impact, I note the third party's concerns in relation to the increased mass of wall proposed by the two-storey extension abutting her northern side boundary and the assertion that condition no. 2 of the Planning Authority's decision does not go far enough to address this concern. **Condition no. 2** of the Planning Authority's decision states that the proposed first floor extension shall be set back 1m from the shared boundary with no. 46 Terenure Road North, in the interest of residential amenity. Whilst, I acknowledge the proposed extension will be visible from no. 46, I do not consider the recessing of the side gable by 1 metre will significantly alter the appearance of the extension when viewed from the appellants property and I consider a degree of overbearing acceptable in an tight urban context. Furthermore, I note the development will not impact on the primary garden area

located to the rear of the site beyond the extension area. I am satisfied that the design approach is acceptable in a suburban context.

7.2.8. Overall, I do not consider the proposal results in any injurious impact on residential amenity and would not have an adverse impact on the character of the area or property values. I consider the principle of the development is in line with Appendix 17 of the Development Plan.

7.3. **Appropriate Assessment**

Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance to the nearest European site, 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 the conservation objectives of any European site.

8.0 **Recommendation**

I recommend that planning permission should be granted, subject to conditions, as set out below.

9.0 **Reasons and Considerations**

Having regard to the Z1 zoning objective, the policies and objectives of the Dublin City Development Plan 2016-2022, in particular Section 16.10.12 and Appendix 17, residential extensions, the design and layout of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 **Recommendation**

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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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.

3. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: To protect the residential amenities of property in the vicinity of the site.

Irené McCormack
Planning Inspector

2nd December 2019