



An
Bord
Pleanála

Inspector's Report 305393-19

Development	2.6 m wall supporting roof overhang to rear, increased floor area of shower room and change of external finish
Location	3 Kilbarrack Gardens, Dublin 5
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3311/19
Applicant(s)	Barbara & Remi Quetel
Type of Application	Retention Permission
Planning Authority Decision	Grant Retention Permission subject to conditions
Type of Appeal	Third Party v. Decision
Appellant(s)	Elisabeth Kennedy
Observer(s)	None.
Date of Site Inspection	12 th November 2019
Inspector	Louise Treacy

1.0 **Site Location and Description**

- 1.1. The subject site has a stated area of 690 m² and is rectangular in shape. The existing property is a detached dormer bungalow, which is positioned towards the southwestern end of the site fronting onto the local access road to Kilbarrack Gardens. There is generous garden space to the rear of the dwelling which accommodates a detached, single-storey family room.
- 1.2. The neighbouring dwellings along the northern and southern sides of Kilbarrack Gardens are characterised by low density, detached bungalows, some of which have modern dormer extensions.

2.0 **Proposed Development**

- 2.1. The proposed development comprises the retention of alterations to development permitted under PA Ref. 4538/17 and ABP Ref. 301192-18 comprising a 2.6 m high boundary wall to support a roof overhang to the rear, increase in area of the 1st floor shower room and change of external finish of the side extension from brickwork to render.

3.0 **Planning Authority Decision**

3.1. **Decision**

- 3.1.1. Notification of the Decision to Grant Retention Permission subject to 6 no. conditions issued on 15th August 2019.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

- 3.2.2. Basis of Planning Authority decision.

3.2.3. **Other Technical Reports**

- 3.2.4. **Engineering Department Drainage Division:** No objection subject to 2 no. conditions.

3.3. **Prescribed Bodies**

3.4. **Irish Water:** No report received.

3.5. **Third Party Observations**

3.6. 1 no. observation was lodged by the appellant. The grounds of the observation generally reflect the grounds of the appeal submission.

4.0 **Planning History**

4.1. **PA Ref. 4538/17; ABP Ref. 301192-18:** Planning permission granted for: (i) widening of vehicular entrance, new piers, increased hard standing for car parking; (ii) demolition of single-storey side extension; (iii) new single-storey side and rear extensions; (iv) internal alterations; (v) raised roof structure; (vi) rooflights to front and side and dormer window to rear.

4.2. Condition No. 4 of this permission required the rear dormer to be reduced to sit fully within the roof pane, set-back from the eaves level.

4.3. **PA Ref. 4380/16:** Retention permission granted for single-storey ancillary family garden room in the rear garden.

4.4. **Enforcement**

4.5. **E0110/19:** Fascia and soffit extending over the boundary.

5.0 **Policy and Context**

5.1. **Development Plan**

5.1.1. **Zoning:** The site is subject to land use zoning 'Z1' (Sustainable Residential Neighbourhoods), which has the objective "*to protect, provide and improve residential amenities*". Residential land uses are permissible under this zoning objective.

5.1.2. **Policy:** Development plan policy regarding extensions and alterations to dwellings is set out in Sections 16.2.2.3 and 16.10.2 and Appendix 17. In general, applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied the proposal will: (i) not have an adverse impact on the scale

and character of the dwelling, and (ii) not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

5.2. **Natural Heritage Designations**

None.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. 1 no. Third Party appeal has been received, the grounds of which can be summarised as follows:

- The development will have a detrimental impact on the residential amenity of the adjoining dwelling at No. 5 Kilbarrack Gardens;
- The works at roof level have a negative visual impact when viewed from No. 5 Kilbarrack Gardens;
- The proposed smooth render finish does not reflect the appearance of other properties in the vicinity;
- The bathroom window facing No. 5 Kilbarrack Gardens is not comprised of opaque glazing as permitted.

6.2. **Applicant Response**

6.2.1. A response has been lodged by Tumilty Design on behalf of the Applicant, which can be summarised as follows:

- The extended wall is within the application site boundary. The previously overhanging soffit which extended into the neighbouring site at No. 5 Kilbarrack Gardens has been rectified so that it is fully contained within the application site;
- There are established precedents for permitted extensions with similar boundary arrangements;

- The extended wall and roof will have no adverse impact on the residential amenity of No. 5 Kilbarrack Gardens and will have little impact on daylight, sunlight or overshadowing of this property.

6.3. Planning Authority Response

6.3.1. None received.

7.0 Assessment

7.1. I am satisfied that the issues raised in the appeal are the main issues for consideration in this case, including:

- Impact on residential amenity of No. 5 Kilbarrack Gardens;
- Appropriate Assessment

7.2. Impact on residential amenity on No. 5 Kilbarrack Gardens

7.2.1. The development for which retention permission is sought comprises an extension of the rear/side boundary wall (north-western corner) of the permitted residential extension, resulting in a recessed porch area at the ground floor level. This boundary wall extension supports an extended dormer roof profile and dormer window at the first-floor level above and facilitates an extension of the permitted shower room.

7.2.2. The appellant raises concerns regarding the impact of the proposed development on the residential amenity of No. 5 Kilbarrack Gardens which adjoins the application site to the north-west. In my opinion, I do not consider that the development for which retention permission is sought has any significant negative impact on the residential amenity of this neighbouring property. The side/rear boundary wall extends beyond the permitted rear building line by a distance of c. 1.4 metres and matches the existing side elevation in terms of materials and scale. As such, the extended boundary wall at ground floor level is considered acceptable given that it reflects the pattern of development which has already been permitted on the subject site. No windows are proposed in the extended boundary wall at ground floor level and as such, no overlooking of the neighbouring property at No. 5 Kilbarrack Gardens can

occur. I further consider that no undue overshadowing of this property would occur given the height of the development to eaves level (c. 3.1 metres).

7.2.3. While the dormer roof as permitted stepped back at the north-western corner of the property, the roof as extended now results in a uniform roof profile and dormer window treatment. While the appellant has raised concerns about the visual impact of the development when viewed from No. 5 Kilbarrack Gardens, in my opinion, these concerns are unfounded. The appellant has also raised concerns in relation to overhanging gutters/soffits and the provision of access for maintenance purposes. However, I note these are legal matters and draw the Board's attention to Section 34(13) of the Act, whereby a person shall not be entitled solely by reason of a permission under this section to carry out any development.

7.2.4. The development for which retention permission is sought also includes a painted render finish to the front elevation of the permitted side extension in place of the brick previously approved. While the appellant asserts that this finish does not reflect the appearance of other properties in the vicinity, I noted during my site inspection that the front elevations of the neighbouring properties include elements of render and pebble-dash, and on that basis, I consider the render finish to the front elevation to be acceptable.

7.3. **Appropriate Assessment**

7.3.1. Given the nature and scale of the development for which retention permission is sought, comprising minor alterations to a permitted residential extension, and the site's location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 **Recommendation**

8.1. I recommend that retention planning permission be granted subject to conditions.

9.0 Reasons and Considerations

Having regard to the site's location on serviced urban land, its residential land use zoning, and the nature and scale of the development for which retention permission is sought, it is considered that, subject to compliance with the condition set out below, the development to be retained would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The development therefore, is in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be retained in accordance with the plans and particulars lodged with the application. Reason: In the interest of clarity.
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Louise Treacy
Planning Inspector

14th November 2019