



An  
Bord  
Pleanála

## Inspector's Report 305484-19

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<b>Development</b>	Revisions to previously permitted residential development
<b>Location</b>	Nos. 15 & 16 Strand View (formerly 778 - 784), Howth Road, Raheny, D5
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	2634/19
<b>Applicant(s)</b>	Horoprops Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission subject to conditions
<b>Type of Appeal</b>	Third Party v. Decision
<b>Appellant(s)</b>	John Scahill
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	27 <sup>th</sup> November 2019
<b>Inspector</b>	Louise Treacy

## 1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 516 m<sup>2</sup>, is located on the north-western side of Howth Road, Raheny, Dublin 5. This section of Howth Road forms part of the coast road extending between Clontarf and Sutton, with the landward side characterised by a variety of detached dwellings and the seaward side characterised by a continuous cycle-path and pedestrian route.
- 1.2. The application site forms part of a larger site with an extant planning permission for a residential scheme of 16 no. houses and 52 no. apartments. The houses are arranged in 2 no. terraces to the rear of the site, while the apartment units are arranged in 2 no. blocks to the front. Significant site works were underway in implementing this permission at the time of my site inspection.
- 1.3. This application relates to permitted house nos. 15 and 16, located in the north-eastern corner of the overall site.

## 2.0 Proposed Development

- 2.1. The proposed development comprises revisions to a previously permitted residential development of 68 no. dwellings (16 no. terraced houses in 2 no. blocks and 52 no. apartments in 2 no. blocks) granted under PA Reg. Ref. 4648/17; ABP Ref. 301265-18.
- 2.2. The proposed revisions relate to permitted house nos. 15 and 16 and comprise a single-storey ground floor extension to the rear of house no. 15 and a single-storey ground floor extension to the rear and side of house no. 16, with associated elevation changes and all associated engineering and site development works.
- 2.3. A concurrent appeal case relating to the overall site is before An Bord Pleanála (PA Reg. Ref. 2475/19; ABP Ref. 305445-19) which seeks permission for a fourth-floor penthouse level to each of the permitted apartment blocks.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Notification of the Decision to Grant Permission subject to 7 no. conditions issued on 23<sup>rd</sup> August 2019.

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

#### **3.2.1. Planning Reports (22<sup>nd</sup> May 2019 and 23<sup>rd</sup> August 2019)**

- 3.2.2. Dublin City Council's Planning Officer recommended that further information be requested in relation to 2 no. items, including: (i) an updated shadow, sunlight and daylight study to assess the impacts of the proposed development on 3<sup>rd</sup> parties; and, (ii) a section drawing through the development and the rear garden of the neighbouring property at No. 786 Howth Road.
- 3.2.3. Following the submission of a response to the Further Information Request, the Planning Officer considered the proposal to be consistent with the development plan and the proper planning and sustainable development of the area.

### **3.3. Other Technical Reports**

- 3.4. **Engineering Department – Drainage Division:** No objection to the proposed development subject to conditions.

### **3.5. Prescribed Bodies**

- 3.5.1. None received.

### **3.6. Third Party Observations**

- 3.6.1. One third party submission was lodged by Mr. John Scahill of No. 786 Howth Road, Dublin 5. No. 786 Howth Road is a single-storey dwelling located to the north-east of the application site.
- 3.6.2. Mr. Scahill submits that the proposed development would have a disproportionately negative and overbearing impact on his property by reason of the disparity in ground levels between both sites; would increase the sense of enclosure in his rear garden; block north-westerly sunlight during summer evenings; and, introduce another source of overshadowing.

## 4.0 Planning History

### 4.1. Subject Site (formerly 778-784 Howth Road)

- 4.1.1. **PA Reg. Ref. 2699/19:** Planning permission granted on 5<sup>th</sup> July 2019 for revisions to previously permitted house no. 1 (PA Reg. Ref. 4648/17; ABP Ref. 301265-18) comprising a single-storey ground floor extension with associated elevational changes and all associated engineering and site development works.
- 4.1.2. **PA Reg. Ref. 2475/19; ABP Ref. 305445-19:** Planning permission sought for revisions to previously permitted scheme (PA Reg. Ref. 4648/17; ABP Ref. 301265-18) comprising the addition of a new fourth floor penthouse level to previously permitted apartment blocks A and B to now comprise 2 no. 5 storey blocks (3 storey plus 2 setback penthouse floors) with an overall increase of 6 no. apartments.
- 4.1.3. This application is a concurrent appeal case before An Bord Pleanála.
- 4.1.4. **PA Reg. Ref. 4648/17; ABP Ref. 301265-18:** Planning permission granted on 12<sup>th</sup> November 2018 for the demolition of 4 no. existing houses and associated outbuildings and the construction of 16 no. terraced houses in 2 no. blocks and 2 no. 4-storey apartment blocks (68 no. units in total).
- 4.1.5. This is the parent permission for the current appeal case.
- 4.1.6. **PA Reg. Ref. 2917/16; ABP Ref. PL29N.247709:** Planning permission refused on 31<sup>st</sup> October 2017 for the demolition of 4 no. existing houses and the construction of 16 no. houses in 4 no. blocks and 2 no. 4-storey apartment blocks.

### 4.2. No. 784 Howth Road

- 4.2.1. **PA Reg. Ref. 1784/08; ABP Ref. PL29N.232118:** Planning permission refused on 22<sup>nd</sup> June 2009 for the demolition of the existing detached house and the construction of a residential scheme in 2 no. detached blocks comprising 26 no. apartments over basement car parking.

### 4.3. Nos. 778, 780 & 782 Howth Road

- 4.3.1. **PA Reg. Ref. 3747/07:** Planning permission refused on 7<sup>th</sup> August 2007 for the demolition of 3 no. habitable houses and the construction of 55 no. apartments in 2 no. blocks.

## 5.0 Policy and Context

### 5.1. Development Plan

#### 5.2. Dublin City Development Plan 2016-2022

- 5.2.1. **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.
- 5.2.2. **Extensions and Alterations to Dwellings:** The design of residential extensions should have regard to the amenities of adjoining properties, and in particular, the need for light and privacy. 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 scale to the main unit.
- 5.2.3. Applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied that 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.
- 5.2.4. Further detailed guidance in relation to residential extensions is set out in Appendix 17 of the development plan.

### 5.3. Natural Heritage Designations

- 5.3.1. The application site is located approximately 80 m to the north-west of the North Dublin Bay SAC and North Bull Island SPA.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. 1 no. third party appeal has been received from Mr. John Scahill of No. 786 Howth Road, Dublin 5. No. 786 Howth Road is a single-storey dwelling located to the north-

east of the application site. For the avoidance of doubt, I note that the appellant refers to the application properties throughout the appeal submission as Nos. 67 & 68 Strand View (Nos. 15 & 16 Strand View respectively as per the planning application documentation).

6.1.2. The grounds of appeal can be summarised as follows:

- The proposed development represents an intensification of the development site adjacent to No. 786 Howth Road which would introduce an additional and unnecessary source of overbearing on this property;
- The proposed development would appear as two-storeys in height when viewed from the appellant's property due to the difference in ground levels between both sites;
- The section drawings which accompany the planning application do not indicate the ground level of No. 786 Howth Road;
- The rear façade of No. 786 Howth Road will be positioned 8 m behind house no. 68;
- The roof level of house no. 68 is 17 m, while the flat roof single-storey section of No. 786 Howth Road is 8.5 m. The entirety of the side elevation of this dwelling will be visible from the appellant's property, including a continuous horizontal section of 14 m;
- The sun and shadow studies do not assess impacts on No. 786 Howth Road during the late afternoon and evening periods. Additional shadow assessments for these times should have been undertaken;
- Nos. 67 and 68 Strand View are three-storeys in height and are larger than the predominantly 2-storey houses within the development. The dwellings comfortably exceed development plan standards, and as such, the increase in floor area is not justified given the negative impacts which will arise to No. 786 Howth Road;
- The applicant's argument that the proposed development will provide greater continuity of the rear building line of houses within Strand View ignores the deliberate reason for the stepped layout of these dwellings, which was to reduce overbearing impacts on neighbouring dwellings.

## 6.2. Applicant Response

6.2.1. A response to the first party appeal was submitted by Downey Planning on behalf on the applicant on 23<sup>rd</sup> October 2019, the grounds of which can be summarised as follows:

- The proposed amended design for house nos. 15 & 16 will continue to provide a stepped approach towards the boundary with No. 786 Howth Road;
- The extensions are single-storey in height and do not extend to the full height of the previously permitted dwellings;
- The Response to the Request for Further Information submitted to Dublin City Council, clearly illustrated the difference in ground levels and separation distances to No. 786 Howth Road;
- No windows are proposed in the side elevation of the proposed extension to ensure no overlooking of the adjoining property can occur;
- In granting permission for the parent scheme, An Bord Pleanála did not de-exempt the provision of rear extensions to the subject houses;
- The sunlight and shadow assessment demonstrates that no impacts on third party properties will occur on foot of the proposed development;
- The applicant is seeking to deliver housing which exceeds the minimum standards, thus highlighting their integrity and quality in home building.

## 6.3. Planning Authority Response

6.3.1. None received.

## 6.4. Observations

6.4.1. None received.

## 7.0 Assessment

7.1. I am satisfied that the main issues for consideration in this appeal case include the following:

- Impact of the proposed development on No. 786 Howth Road;
- Appropriate Assessment

7.2. Each of these issues is addressed in turn below.

### 7.3. Impact of the development on No. 786 Howth Road

7.3.1. The proposed development comprises a single-storey extension to the rear of No. 15 Strand View and a single-storey extension to the rear/side of No. 16 Strand View. Both proposed extensions have flat roofs.

7.3.2. The single-storey extension to the rear of No. 15 Strand View has a stated area of 6.7 m<sup>2</sup> and will facilitate an enlarged kitchen/dining room. The extension would increase the overall size of the permitted dwelling from 154.8 m<sup>2</sup> to 161.5 m<sup>2</sup>. The stepped rear building line relative to the adjoining houses in the terrace (Nos. 14 and No. 16 Strand View) would be maintained on foot of the proposed extension.

7.3.3. In considering the grounds of appeal in this case, I note that the extended rear building line of No. 15 Strand View would be located approximately 10 m from the shared boundary with No. 786 Howth Road. Thus, in my opinion, given the separation distance which would arise and the single-storey nature of the development, the proposed extension to the rear of No. 15 Strand View would have no negative impact, visual or otherwise, on this neighbouring property. As such, I consider that this element of the proposed development would be in accordance with the proper planning and sustainable development of the site.

7.3.4. The proposed development also includes a single-storey extension of 26 m<sup>2</sup> to the rear and side of No. 16 Strand View. The proposed extension would facilitate an enlarged kitchen/dining room and utility room, increasing the overall size of the permitted dwelling from 154.8 m<sup>2</sup> to 180.8 m<sup>2</sup>. The stepped profile of the rear building line relative to the adjoining dwelling at No. 15 Strand View (as amended under this application) would be maintained on foot of the proposed extension.



- 7.3.5. The proposed side/rear extension to No. 16 Strand View would be located 2.505 m from the shared boundary with No. 786 Howth Road. Drawing No. 2102 (Units 15 & 16: Approved & Proposed Plans and Sections) submitted with the planning application confirms that the depth of the permitted dwelling would increase from 12.36 m to 14.36 m on foot of the proposed development. No alterations are proposed to the front building line, and as such, the side/rear building line would extend a further 2 m beyond that permitted in the context of the adjacent property at No. 786 Howth Road.
- 7.3.6. The contextual rear elevation illustrated on Drawing No. 2103 Rev A as submitted in response to the Request for Further Information, confirms that the rear/side elevation of the extension to No. 16 Strand View would have a height of 1.65 m above the party boundary with No. 786 Howth Road, with an overall height of 3.3 m. No windows are proposed in the side elevation of the proposed extension fronting onto the appellant's property, and as such, no overlooking impacts can occur.
- 7.3.7. A supplemental shadow, sunlight and daylight study prepared by Chris Shackleton Consulting was submitted as part of the applicant's Response to the Request for Further Information, which assessed if any additional impact would arise on foot of the proposed development. The results of this assessment conclude that the single storey extensions to the rear of Nos. 15 and 16 Strand View would have no additional impact on neighbouring properties, including No. 786 Howth Road, and comply fully with the requirements of "Site Layout Planning for Sunlight and Daylight: A Guide to Good Practice", 2<sup>nd</sup> edition (2011) by P.J. Littlefair (BR2089).
- 7.3.8. In considering the impact of the proposed development on No. 786 Howth Road, it is acknowledged that the proposed extension to the rear and side of No. 16 Strand View will introduce an extended building form within 2.505 m of the party boundary. However, as noted above, the proposed single-storey extension will extend 1.65 m above the party wall and will extend a further 2 m in depth beyond the permitted rear building line. Thus, in my opinion, having regard to the scale and form of the proposed development and the scale of development which has already been permitted on the subject site, no significant negative impacts would arise to No. 786 Howth Road which would warrant a refusal of permission in this instance.

#### 7.4. Appropriate Assessment

- 7.4.1. Given the nature and scale of the proposed development for which permission is sought, comprising minor single-storey extensions to 2 no. permitted residential dwellings and the location of the development 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 planning permission be granted subject to conditions.

#### 9.0 Reasons and Considerations

- 9.1. Having regard to the site's location on serviced urban land, the residential land use zoning of the site, and the nature and scale 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 or visual amenities of the area or 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 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 29 <sup>th</sup> July 2019, except as may otherwise be required in order to comply with the following conditions.  <b>Reason:</b> In the interest of clarity.
2.	The flat roofs of the extensions hereby permitted shall not be used as roof terraces.  <b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.
3.	Site development and building works shall be carried out only between the

hours of 0700 to 1800 Mondays to Fridays inclusive, 0800 to 1400 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:** In order to safeguard the residential amenities of property in the vicinity.

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Louise Treacy  
Planning Inspector

6<sup>th</sup> January 2020