



An
Bord
Pleanála

Inspector's Report

ABP-305743-19

Development	Demolish rear single storey extension and construction of rear two storey extension
Location	107 Corrib Road, Dublin 6w
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3764/19
Applicant(s)	Patrick Curran
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Mark McCormack & Zoe Mollaghan
Observer(s)	None
Date of Site Inspection	7 th December 2019
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site is located on Corrib Road between Terenure and Kimmage approximately 4km south-west of Dublin City Centre. Corrib Road is 'L' shaped extending from Mount Tallant Avenue in the north to Kimmage Road Lower to the west (R817). The road is aligned on both sides with terraced and semi-detached 2-storey dwellings. There are bollards on Corrib Road to the front of the appeal site preventing through access for motor vehicles. Further west, Corrib Road continues around a circular area of open space with area of approximately 0.29 hectares.
- 1.2. The dwelling on the appeal site is located at the eastern end of a terrace on the southern side of Corrib Road. The stated area of the dwelling is 96 sq.m. and the site area is given as 450 sq.m. There is an existing single storey extension and boiler house to the rear of the dwelling. The site is a long narrow plot with garden depth of approximately 60m. A number of shed structures are situated at the very rear of the site. Between the subject dwelling and the neighbouring dwelling to the east is a single storey structure described as a community shop.

2.0 Proposed Development

- 2.1. Planning permission is sought for development described as follows:
 - Dishing of the public footpath, widening an existing pedestrian entrance to provide for vehicular access and off-street parking to front garden;
 - Demolition of an existing rear single storey extension and boiler house (25.6 sq.m);
 - Construction a new rear two storey extension (and internal remodelling to existing house comprising of
 - Hall, WC, lounge area, kitchen/diner and family space.
 - First floor will comprise of three bedrooms and a bathroom.
 - Skylights to be installed in the extension roof and in the rear existing roof over the bathroom.
 - New windows to be installed in the side elevation.

- Development to include all associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dublin City Council issued notification of decision to grant permission subject to seven conditions of a general nature.

3.2. Planning Authority Reports

- 3.2.1. The recommendation to grant permission in the Planner's Report reflects the decision of the Planning Authority. The main points raised under the evaluation of the proposal in the Planner's Report are as follows:

- The overall height of the proposed extension is subordinate to the existing dwelling.
- Design and bulk of proposed extension would have an acceptable impact on the character of the property.
- Proposed widening of front entrance would have an acceptable impact on the character of the dwelling and appearance of the streetscape.
- Shadow study demonstrates that there would be no detrimental overshadowing to the rear ground floor windows of the dwelling to the east.
- Site coverage will be 21% and sufficient open space will be retained that is well in excess of Development Plan standards.
- Satisfied that the extension will be integrated into the existing house and would not give rise to the creation of an additional unit of accommodation.

- 3.2.2. The Transportation Department has no objection to the widening of the driveway subject to conditions.

3.3. Third Party Observations

- 3.3.1. Similar issues to those raised in the third party appeal.

4.0 Planning History

- 4.1. No planning history appeal site.
- 4.2. Reference is made in the appeal to Reg. Ref: 4451/17 at No. 78 Melvin Road where permission was refused for a 2-storey extension to the rear/ side. The Board overturned a subsequent decision under Reg. Ref: 1570/18 (ABP-303593-19) and granted permission for a house extension to the rear/ side.

5.0 Policy Context

5.1. Dublin City Development Plan, 2016-2022

- 5.1.1. The appeal site is zoned “Z1” where the objective is “to protect, provide and improve residential amenities.”
- 5.1.2. It is stated under Section 16.10.12 that applications for planning permission to extend dwellings will only be granted where the Planning Authority is satisfied that the proposal will:
 - Not have an adverse impact on the scale and character of the dwelling;
 - Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.
- 5.1.3. Guidelines for residential extensions are included in Appendix 17. A subordinate approach is encouraged, whereby the extension should play more of a supporting role to the original dwelling.

5.2. EIA Screening

- 5.2.1. Having regard to the limited scale of the proposed development and the location of the site, 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. A third party appeal against the Council's decision was submitted by the residents of No. 109 Corrib Road, which is located to the east of the appeal site. The grounds of appeal and main points raised in this submission are summarised as follows:

- Proposal would be overdevelopment of the site.
- Proposal will negatively impact on appellants' home by way of overshadowing and overbearing.
- Application has neglected to specify exactly the length of the proposed ground floor extension.
- Proposed extension would continue for 10m along the 12m long side boundary of appellants' rear garden – proposal would dominate appellants' garden.
- Appellants' garden is approximately 60 sq.m. – proposal will further diminish residential amenity, hemming appellants' garden and creating an unwelcome sense of enclosure and serious overshadowing.
- Application refused at No. 78 Melvin Road (Reg. Ref: 4451/17) for reasons relating to scale, depth and position that would be visually obtrusive and overbearing from adjoining property.
- Proposed development is over 77 sq.m. and separated by just 1m from the property line – this is not an appropriate setback and no boundary planting is proposed.
- No property in the terrace has a 2-storey extension. First floor element will be highly dominant and overbearing when viewed from appellants' garden.
- Most serious of impact could be avoided if development was restricted to single storey only, reduced in length and set back further from party wall.
- Height of proposed ground floor extension is in excess of existing extension – it should be reduced or parapet should be removed.

- Contrary to subordinate approach, proposed extension almost doubles the size of the existing house.
- Appellants were not informed or consulted in respect of the proposed application.
- Access to daylight and sunlight both in appellant' garden and within their kitchen are a serious concern.
- Given its scale, No. 107 may be subdivided into two dwellings – condition should be attached to any grant of permission stating that dwelling shall be used as a single unit.

6.2. Applicant Response

6.2.1. The applicant's agent responded to the third party appeal with the following comments:

- No's. 107 and 109 Corrib Road are not physically attached to each other – there is a side passage, a community shop and another side passage between the properties.
- Location of No. 109 results in a large front garden and rear garden tapering to a point.
- Proposed extension will be located in the exact same building line as that of the existing extension.
- Although new floor area is 77 sq.m. an extension to the original house already exists.
- 16m length of house will be from the front elevation.
- Proposed extension will be completely within applicant's site and will be over a metre off the boundary with No. 109.
- It is not the fault of the applicant if a diminished residential amenity exists on an adjoining property.
- Development at No. 78 Melvin Road is very much different, and it is unfair to compare them. This decision was overturned by the Board (ABP-303593-19).

- Shadow/ solar analysis for the existing and proposed was prepared at three different times of the year and four different times in the day – proposed development will not overshadow or overbear No. 109.
- Purpose of first floor extension is to make the original small bedrooms bigger so they are more conducive to family life. House as it stands is not fit for purpose.

7.0 Assessment

7.1. I consider that the key issues in determining this appeal are as follows:

- Development principle;
- Impact on the scale and character of the existing dwelling;
- Impact on residential amenity;
- Appropriate Assessment.

7.2. Development Principle

7.2.1. The appeal site is zoned “Z1” where the objective is “*to protect, provide and improve residential amenities.*” The construction of an extension to the dwelling would therefore be acceptable in principle subject to an assessment of the impact of the proposal on residential amenity and compliance with any other relevant Development Plan policies and objectives.

7.3. Impact on the Scale and Character of the Existing Dwelling

7.3.1. Planning permission is sought for the demolition of an existing single storey extension and outbuilding and construction of a new part single part two storey extension. Section 16.10.12 of the Development Plan states that applications for planning permission to extend dwellings will be granted if, *inter alia*, the proposal will not adversely impact the scale and character of the dwelling. Under Appendix 17, Guidelines for Residential Extensions, it is stated that a subordinate approach should be taken whereby the extension should be no larger or higher than the existing.

7.3.2. The existing structures to be demolished have a floor area of 25.6 sq.m. and the original dwelling would have had a floor area of 70.4 sq.m. The total proposed floor area of the dwelling (new and existing) amounts to 149 sq.m. I would be of the view that the proposed extension should be measured against the original dwelling when considering the subordinate approach. The proposal in this case represents a more than doubling of the original floor area of the dwelling and may therefore be considered excessive in terms of scale. It should be noted, however, that the plot size is large, and the proposed extension will remain entirely behind the original rear building line and below the height of the existing dwelling.

7.4. Impact on Residential Amenity

7.4.1. A third party appeal has been lodged against the Council's decision by the residents of the adjoining property to the east. The main grounds for appeal are that the proposed extension will give rise an overbearing impact and create undue overshadowing of their property. It is highlighted that the extension will continue for most of the length of their side boundary.

7.4.2. From the outset, it should be noted that the recommended space provision for a 3-bedroom 2-storey 6-person house in the Quality Housing Guidelines for Sustainable Communities is 100 sq.m. There is significant scope, therefore, to reduce the scale of the proposed extension without impacting on the residential amenities of future residents. It may only be appropriate, however, to reduce the scale of the extension if it adversely impacts on adjoining residential amenity.

7.4.3. The adjoining property to the east has an irregular rear garden shape due to its corner location. This space tapers to the rear and the side boundary with the appeal site runs on a north-east to south-west axis. It is illustrated within the shadow study accompanying the planning application that the proposed extension will give rise to increased overshadowing of the rear garden of the adjoining property to the east during afternoon/ evening times at Spring and Autumn equinox. In my opinion, this should be considered in the context of the extended dwelling being well in excess of the advised space standards for a dwelling of this type. On balance, I do not consider that a superior standard of amenity within one property should be to the cost of another in this case.

- 7.4.4. In terms of the potential for the proposed extension to give rise to overbearing impacts, I note that the single storey element will be approximately 0.45m above the level of the existing rear extension and continuing further back by a distance of approximately 5.7m. The existing single storey element will essentially be replaced by a 2-storey element. I consider the proposed single and 2-storey extension to be a significant increase in terms of scale and bulk when viewed from the appellants' property and the rear of other properties to the east.
- 7.4.5. Having regard to the above, I recommend that the proposed extension be reduced in scale. I consider that this can be achieved at little cost to the applicant and significant benefit to the appellants. The single storey element could be reduced to a height that is similar to the existing rear extension and set back from the rear boundary by 2m. Furthermore, the protruding first floor element could be set back in line with the remainder of the first floor extension. The residual internal living and dining area and bedroom above would still be well in excess of minimum room standards set out in the Quality Housing Guidelines.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise.

8.0 **Recommendation**

- 8.1. It is considered that the proposed development should be granted for the reasons and considerations hereunder and subject to the conditions below.

9.0 **Reasons and Considerations**

Having regard to the zoning objective for the site and pattern of development in the area, together with the design, scale and layout, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity, and would provide for a satisfactory standard of accommodation for future

residents. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <ul style="list-style-type: none">(a) The single storey element of the proposed extension shall be reduced in height to no more than 3m above ground level and set back from the rear boundary/ reduced in length by at least 2m.(b) The protruding element of the first floor extension to the eastern side shall be set back in line with the remainder of the first floor extension. <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of residential amenity.</p>
3.	<p>Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p>

	<p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
4.	<p>The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity.</p>
5.	<p>The driveway entrance, footpath, kerb and other works to the site access shall be accordance with the detailed standards of the planning authority.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
6.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
7.	<p>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.</p> <p>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</p>

	applied to the permission.
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Donal Donnelly
Planning Inspector

9th December 2019