



An
Bord
Pleanála

Inspector's Report ABP 305899-19.

Development	First floor extension and internal modifications providing for two additional bedrooms
Location	No 392 Le Fanu Road. Ballyfermot, Dublin 10.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	3878/19
Applicant	Celine McCormack
Type of Application	Permission
Decision	Refuse Permission
Type of Appeal	First Party X Refusal
Appellant(Celine McCormack
Date of Inspection	4 th January, 2020.
Inspector	Jane Dennehy.

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1.0 Site Location and Description

- 1.1. The site of the proposed development has a stated area of 240 square metres is that of a two storey, end of terrace house with a single storey extension to the rear at the southern end of Le Fanu Road close to the canal in Ballyfermot. The stated floor area of the original house is sixty-two square metres and that of the existing extension is forty square metres. The separation distance from the side boundary with the property on the north side is circa 0.2-0.3 metres. There is a front curtilage in use for parking and a rear garden.
- 1.2. The end of terrace two storey house on the adjoining site to the north side has a flat roof single storey extension at the rear and a covered over passage/utility space to the side. A two-metre-high block stone wall is located along the party boundary.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for construction of a first-floor extension over the existing two storey extension at the side and rear of the existing house along with internal modifications.

3.0 Planning Authority Decision

- 3.1. By order dated, 26th September, 2019 the planning authority decided to refuse permission on the basis of excessive depth and scale leading to overbearing impact and overlooking and overshadowing of the adjoining property and failure to satisfy the requirements of section 16.10.12 of the CDP.
- 3.2. **Reports.**
- 3.3. The planning officer indicated a recommendation for refusal of permission based on the reasoning attached to the decision to refuse permission.
- 3.4. The Drainage Division indicated no objection to the proposed development

4.0 Planning History

4.1. There is no record of planning history for the site.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Development Plan 2017-2023 according to which the site comes within an area subject to the zoning objective .Z1: *“To protect, provide and improve residential amenities”*.

Guidance and standards for extensions and alterations to residential development are asset out in section 16.10.12

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An appeal was received from Simon Whelan on behalf of the applicant on 13th November, 2019 attached to which are revised drawings and a copy of a psychologist’s report. The appeal contains an extract from the planning officer report, an account of the planning context and of the applicant’s circumstances and it is stated that the existing accommodation does not meet the needs of the household. It is also pointed out that no third-party objections were lodged with the planning authority. The appeal grounds are outlined in brief below:

- It is incorrectly stated in the planning officer’s report that the proposed development would “extend a stated 10 meters from the rear boundary wall of the house running along the side garden wall” and it is submitted that this measurement relates to the applicant’s dwelling. There is a misunderstanding in the planning officer assessment leading to overstatement of the extent of the proposed development and its impact on the adjoining dwelling.
- The impact on the adjoining dwelling is minimal. The design minimises the impact on the adjoining dwelling: the increase in height is less than 1.4 metres

beyond the existing wall and is to the north. A chamfered eaves reduces the height minimising impact on the adjoining property. The pitched roof and finishes are aesthetically more appropriate than the existing flat roof.

- The proposed first floor is on the existing footprint which is set back from the boundary from 400 mm to over half a meter at the rear of the extension.
- The setback from the boundary and extension to the neighbouring dwelling is setback in excess of a further 2.5 metres. Therefore, the separation distance is over three metres.

6.1.2. It is requested that the planning authority decision to refuse permission be overturned and that permission be granted for the proposed development taking some minor changes shown on the drawings included with the appeal into account.

6.2. Planning Authority Response

6.2.1. There is no submission from the planning authority on file.

7.0 Assessment

7.1. The original dwelling is an end of terrace two storey house with a stated floor area of sixty-two square metres. A flat roofed single extension has been added at the rear and rear, north side directly behind the rear building line and the separation distance to the northern site boundary is estimated to range between 0.2 and 0.4 metres.

Based on review of the lodged plans and the site inspection, the depth of the original house is approximately 6.5 metres and that of the extension is approximately ten metres. The existing single storey extension, at ten metres in depth beyond the rear building line of the existing house, is disproportionate having regard to the depth of the original dwelling and the requirement within the CDP for extension and addition to be subordinate in scale to the original dwelling. Thus, the addition of a first-floor extension over the entire footprint of the existing extension profoundly exacerbates this pre-existing scenario.

7.2. Notwithstanding the setback of the footprint of the dwelling and extension on the site to north side at up to two metres from the party boundary, the upper floor extension over the entirety of the existing single storey extension proposed for the application site, in close proximity to the party boundary would be very overbearing and

obtrusive causing a significant sense of enclosure and obstruction to sunlight and daylight access from the south over the rear garden and rear facing ground floor windows of the adjoining property. It is noted that the eaves height is increased to 4.7 metres from the 3.4 metres parapet height of the existing single storey extension and that there is an additional 1.5 metres to the ridge height of the pitched roof. The resulting impact on the adjoining property would be seriously injurious to the residential amenities of the adjoining property and would depreciate its value.

7.3. The amenities of the rear garden at the property to south side, would, although the footprint of the existing/proposed extension is positioned at circa 2.5 metres from the party boundary, would also be diminished due to overdevelopment by reason of mass and height due to the two storey height and depth beyond the rear building line of the original house but potential for overshadowing would be insignificant.

7.4. Environmental Impact Assessment – Screening.

Having regard to the minor nature of the proposed development and its location in a serviced inner suburban 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.

7.5. Appropriate Assessment.

Having regard to the scale and nature of the proposed development and to the serviced inner suburban location, 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.

In view of the foregoing, it is recommended that the planning authority decision to refuse permission be upheld and that permission be refused based on the reasons and considerations set out below.

9.0 Reasons and Considerations.

It is considered that the proposed development, by reason of the depth, at two storey level, beyond the rear building line of the original house is excessive in proportion to the original dwelling and constitutes overdevelopment, and having regard to the proximity to the party boundary with the adjoining property to the north, the proposed development, and by reason of mass and height, would be overbearing and would overshadow the rear elevation windows at ground floor level and the rear garden of the adjoining property to the north side. As a result, the proposed development would constitute overdevelopment, would seriously injure to the residential amenities of the adjoining property, would depreciate its value and, would be contrary to the proper planning and sustainable development of the area.

Jane Dennehy

Senior Planning Inspector

6th February, 2020.