



An
Bord
Pleanála

Inspector's Report 306294-20

Development	Retention of extension to rear of dwelling and permission to replace roof on rear extension to match roof on dwelling
Location	37 Yellow Road, Beaumont, Dublin 9
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1148/19
Applicant(s)	John & Lida Hughes
Type of Application	Planning permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	John & Lida Hughes
Observer(s)	None
Date of Site Inspection	17 th March 2020
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1. Yellow Road comprises a 1960s suburban development which is located between Swords Road and Beaumont Rd/Grace Park Road in Whitehall, Dublin 9. It is a long straight residential road which runs parallel to and one block north of Collins Avenue. The port tunnel alignment runs to the west of Yellow Road. The houses are generally 2-storey single-bay terraced dwellings on narrow plots with long back gardens. The estate includes a crescent shaped road which branches off Yellow Road at either end in a northerly direction, Glenshesk Road, and the house plots on this road back onto the plots on the northern side of Yellow Road.
- 1.2. The site is one of a terrace of four properties at the eastern end of Yellow Road. No. 37 is at the western end of the terrace. The front building line of this terrace is set slightly forward of the terrace to the west (Nos. 21-35). The site area is given as 0.0195ha, or 195m². It is c.7m wide and c.27.8m long. The floor area of the house, including the area to be retained (44m²), is given as 114m². There is a front and a rear garden. The front garden is paved over and is not delineated by a front boundary wall, although the side boundary walls are in place. There is a pedestrian gate leading to the rear garden, with a 1.6m wide passageway alongside the western elevation of the house. There is a tall masonry wall which constitutes the side boundary of a flat-roofed ground floor extension to the rear of No. 35 Yellow Road, which forms the western side of the passageway. The northern (rear) boundary abuts the rear gardens of Nos. 64 and 65 Glenshesk Road.
- 1.3. There is an existing two-storey pitched-roofed extension to the rear of the house. The roof of this extension has a steep pitch and the ridge line over sails the ridgeline of the main house, and as such, the altered roof profile is visible from the street. There is a single-storey brick-faced porch at the front of the house. There are two existing outbuildings in the rear garden which comprise an existing store (c.6m²) and a “garden room” (c.22m²). The garden room is located c.4.7m from the rear wall of the extension and is sited between 1m and 2m from the rear boundary. The submitted drawings show that the rear extension extends to a depth of c.5m from the main dwelling and that an existing extension at the property to the immediate east (No. 39) extends to a similar depth. However, it should be noted that this depth relates to the ground floor of that property only, with a shallower first floor extension.

2.0 Proposed Development

- 2.1. It is proposed to retain the two-storey rear extension as constructed and to revise the roof profile. The existing steeply pitched roof would be removed and replaced by a shallower pitch with a ridgeline that would be substantially lower than the existing main roof ridgeline. The overall height of the existing extension (to ridgeline) is 7.281m and this would be reduced to 6.435m. The pitch of the new roof would match that of the main roof. The height to the eaves would be 4.958, which aligns with the main eaves line. The roof covering would match the existing roof and the wall cladding would match the main house.
- 2.2. The accommodation within the extension proposed to be retained comprises a new kitchen at ground floor level (c.20m²) and two bedrooms at first floor level. Windows have been installed on the northern (rear elevation) at ground and first floor levels and on the western (side) elevation at both ground and first floor levels. One of the bedrooms (easternmost) has a north facing window overlooking the rear garden, but the second bedroom has a single window facing west. There is also a west-facing bathroom window on the side elevation of the extension.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to **refuse** permission for one reason.

Having regard to the design, excessive scale and layout of the development and its proximity to the party boundary with adjoining dwellings, and its combined scale of development with additional structures to the rear of the dwelling, it is considered that the development proposed to be retained constitutes a substandard form of development which seriously injures the residential amenities of adjoining properties by reason of its overbearing appearance, undue overshadowing and excessive overlooking of neighbouring dwellings. The proposed development to be retained would therefore set an undesirable precedent for similar type developments and would be contrary to the provisions of the Dublin City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planning report (13/05/19) noted various policies and development standards in the CDP including Section 16.2.2.3 regarding Alterations and Extensions and 16.10.12 Extensions and Alterations to Dwellings, and Appendix 17, Guidelines for Residential Extensions. Regard was had to the planning history on the site and of nearby sites. It was noted that permission had been granted in 2010 on the site for a 2-storey extension to rear and side (WEB1019/10), and that following a grant of extension of duration, the permission was implemented but was not constructed in accordance with the permission. Permission was subsequently refused for retention of the extension as constructed (WEB1560/18). It was further noted that permission had been granted for a first-floor rear extension (over existing GF extension) at the adjoining property, No. 39, (WEB1448/18), subject to a condition that the depth of the extension be reduced from 5m to 3.2m. It was also noted that permission had been granted for a 2-storey rear extension at No. 43 (eastern end of terrace) subject to a condition requiring a revised depth of no more than 3m.

The Area Planner considered that there was no precedent in the immediate area that would justify the scale and design of the proposed extension. However, it was acknowledged that the applicant had taken steps to address some of the issues by replacing the as-constructed roof with one with a lower ridgeline (0.5m below the main roof ridgeline) and that it would no longer be visible from the street. However, concerns remained regarding the excessive scale and layout and overlooking due to positioning of windows, as well as the construction of a “garden room” on site since the original permission had been granted in 2010.

Further information was requested which related to the following issues

- Removal of large window on western elevation which overlooks No. 35.
- Clarification of use of “garden room” as P.A. had concerns regarding implications for private open space provision within the site.
- Overdevelopment of site due to scale of extension combined with scale of outbuildings – applicant requested to address these concerns.

- Undesirable precedent – having regard to the planning history of similar type developments in the vicinity, concern raised at retention of first floor extension at depth of 5m. applicant was requested to address this issue.

Response to FI 8th Nov. 2019

The applicant's response provided justification for the design of the proposal as submitted. In response to the issue of overlooking, it was pointed out that Nos. 33 and 35, respectively have large single storey extensions which prevent any overlooking of their rear gardens. (Note - photographs enclosed to demonstrate and noted that neighbours had not objected). However, it was suggested that the bottom half of the window could be fitted with obscure glazing. The P.A. did not consider that the application of opaque material was appropriate and that it would be preferable to remove the window and to replace it on the northern elevation instead.

With regard to the garden room, it was stated that this structure predates the extension and that it is used as a garden office for working from home and is also used as guest accommodation when elderly family members visit from China. It was considered that various precedents exist in the area for extensions which have resulted in small residual gardens. However, the P.A. pointed out that planning permission was required for the habitable use of the structure and remained concerned at the reduced area of private amenity space to the rear of the house and to the quality of same. It was re-iterated that the combination of the scale of the extension with the scale of the outbuildings would result in sub-standard development, which would create an undesirable precedent. It was also pointed out that the precedents quoted in respect of Nos. 39 and 43 had conditions attached restricting the depths of those extensions to 3.2m and 3m, respectively.

Refusal of permission was, therefore, recommended. However, it was considered that the applicant should contact the planning department prior to the submission of any further applications relating to the property.

3.2.2. Other Technical Reports

Drainage Planning - No objections subject to conditions.

3.3. Prescribed Bodies

3.3.1 None.

3.4. Third party observations

None.

4.0 Planning History

4.1. The following permissions on the appeal site are relevant

WEB1019/10 – permission **granted** for a 2-storey extension to rear and side of property comprising 41.3m at GF level and 24.6m at FF level and construction of a small porch to the front of the house and a garden deck at the rear in May 2010. The proposed extension extended c.3.23m at first floor level, but c. 5m at ground floor level and extended to the western side boundary. Permission for Extension of Duration of Permission was **granted** in 2015.

WEB1560/18 – permission **refused** for retention of 2-storey rear extension as constructed for two reasons. The first related to visual obtrusiveness and incongruous nature of the extension, with particular reference to the roof profile and height of the ridgeline, which was considered to be out of character with the dwelling and the area and contrary to the policies and objectives of the CDP. The second reason related to substandard form of development and injury to residential amenity due to the design, excessive scale and layout and the proximity to the party boundary and the precedent that this would create.

4.2. The following planning permissions relating to rear extensions in the vicinity are relevant.

WEB1448/18 – 39 Yellow Road – permission **granted** in November 2018 for a first floor extension over the ground floor extension. The application had sought a 5m deep extension but the permission that was granted was subject to a condition restricting the depth at FF to 3.2m.

WEB1259/10 – 43 Yellow Road – Permission granted for 2-storey extension to rear subject to a condition restricting the depth of the extension to 3m.

2449/18 – 69 Glenshesk Road – 2-storey extension to side of property which extended beyond the rear building line by c.3m (wedged shaped property located to rear/north west of appeal site).

2116/16 – 1 Glenshesk Road – 2-storey side extension granted comprising part single-storey and part 2-storey extensions. Wedge-shaped semi-detached property on corner of Yellow Road and Glenshesk Road to the west of site. Noted in planning report that adequate rear garden retained.

4064/18 – 44 Glenshesk Road – Flat roof extension over existing ground floor extension. Unusual shaped site with rear and side gardens in cul-de-sac to northeast.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

- 5.1.1 The site is zoned Z1 for which the objective is to “To protect, provide and improve residential amenities”.

16.2.2.3 – Alterations and Extensions –

Extensions should be integrated with the surrounding area, ensuring that the quality of the townscape character of the buildings and areas is retained and enhanced, and should be sensitively designed and detailed to respect the character of the existing building, its context and the amenity of adjoining occupiers. The following requirements are of relevance

- Respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings.
- Retain a significant proportion of the garden space, yard or other enclosure.
- Be generally confined to the rear of the building.
- Be clearly subordinate to the existing building in scale and design.

16.10.12 – 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. In addition, 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 terms of scale to the main unit. Permission will not be granted unless the P.A. is satisfied that the proposal will

- Not have an adverse impact on the scale and character of the dwelling
- Not adversely affect the amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

Appendix 17 – Guidelines for Residential Extension –

These Guidelines generally reflect the statements contained in 16.2.2.3 and 16.10.12 as outlined above. The following points are of particular note:

- Extensions should not result in any significant loss of privacy to residents of adjoining properties.
- The extension should be designed so as not to dominate the existing building or appear overbearing when viewed from adjoining properties.
- The extension should not dominate the existing building and should normally be of an overall shape and size to harmonise with the existing house and adjoining buildings.
- The extension should play more of a supporting role to the original dwelling and in general, should be no larger or higher than the main dwelling.
- Considerable care should be given to the materials used, which should harmonise with the existing building.

5.2. Natural Heritage Designations

South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006) and North Dublin Bay SAC (000206) lie approx. 3-4km to the south-east.

6.0 The Appeal

6.1. Grounds of Appeal

The first-party appeal is against the refusal of permission. The main points raised may be summarised as follows:

- **Overall scale of development** – the layout and scale of development is generally consistent with the pattern of development in the area and would not create a precedent. Most properties in the vicinity have very small gardens which is partly due to the original design of the estate and partly due to the poor quality of amenity of the north-facing aspect, which has resulted in extensions being built in the rear gardens. Reference is made to recent planning permissions granted in the vicinity, such as at Nos. 39 (FF extension 1448/18) and No. 43 (1259/10). It is claimed that the plot ratio, site coverage and height of the development is consistent with the established pattern of development in the area.
- **Proximity to party boundary** – this is refuted, as the relationship is exactly the same as that permitted under WEB1019/10. The neighbours have not objected to the extension and a similar extension has been permitted at the neighbouring house to the east.
- **Reasonable extension of dwelling** – it is strongly refuted that this is a substandard form of development. As can be seen from the aerial photograph, every house in the district has been extended. The appellants have a small family with one child, but also rent out one room to a lodger. The appellant's elderly parents visit the property one a year from China and the garden room is utilised as guest accommodation during their visit, but is otherwise used as storage.
- **Size of residual garden** – the remaining yard, while small is entirely suitable for the appellants' needs as it faces north and has never offered much in the form of amenity. The design of the original estate has left a number of properties with very small gardens such as at Nos. 1, 9 and 11 Yellow Road and No. 82 Glenshesk Road.

- **Design consistent with development in vicinity and not overbearing** – There has been no objection from any neighbours to the proposed development. Several similar 2-storey rear extensions have been built in the vicinity. Both neighbours have built over almost all of their gardens.
- **No overlooking or overshadowing of adjoining properties** – The properties to the west and east have extended at the rear and there is no possibility of overlooking or loss of privacy. As the gardens face north and in light of the existing extensions, there is no possibility of overshadowing either. There has been no objection from either neighbour and the appellant is prepared to accept a condition to partially obscure the window in the side elevation facing west. It is reiterated that there is no overlooking from this window as demonstrated in the photos submitted with the application and appeal.

Precedents in area – The P.A. has granted permission for similar extensions at Nos. 39 and 43 Yellow Road (as referenced above). In addition, 2-storey extensions similar to the current proposal were granted at No. 61 Yellow Road (2724/11) and No. 51 Yellow Road (1951/07).

6.2. Planning Authority Response

The P.A. has not responded to the grounds of appeal.

7.0 Assessment

It is considered that the main issues arising from the appeal are as follows:-

- Principle of development
- Impact on visual amenity
- Impact on residential amenity

7.1. Principle of development

- 7.1.1.** The principle of a two-storey rear extension was established when permission was granted in 2010. It is acknowledged that the floor area of the original dwelling is

small, that the rear garden is north-facing and that the properties on either side have extended to the rear, all of which justifies the extension of the appeal site at the rear. However, the extension as constructed, differs from the original permission (WEB1019/10) in a number of key respects.

1. The height and roof profile are such that the extension is higher and more dominant than the main roof of the dwelling and, as such, it appears visually obtrusive from the street. The appellant has sought to remedy this by means of removing the roof of the extension and constructing a new roof with a lower ridge line, (0.5m lower than the main ridge line), which would make it more subservient to the main dwelling, in line with Development Plan policy as summarised at 5.1 above. This is a positive element of the proposed development which would help to reduce the dominance of the extension and it would no longer be visible from the street.
2. The first floor of the extension has been extended to a depth of c.5 metres, whereas the permitted depth at FF level was c.3 metres, and the width of the extension is reduced so that it no longer extends to the western boundary. It is considered that the maintenance of a gap of c.1.6m between Nos. 37 and 35 is a positive element of the current proposal, as it would otherwise have resulted in a continuation (visually) of the terrace. However, the additional depth at FF level is more problematic. In the first instance, this element contributes to the visual dominance of the extension, relative to the main dwelling and to adjoining dwellings. In the second instance, it creates an undesirable precedence, which the Planning Authority has been actively seeking to avoid. It is noted that the relatively recent permissions at Nos. 39 (WEB1448/18) and 43 (WEB1259/10), respectively, have been granted subject to conditions which had specifically restricted the depth of extension at FF level to 3.2m and 3m, respectively.
3. The permission granted in 2010 showed the remaining rear garden with a depth of between 9.005m and 11.525m, with all structures removed. Thus, the rear garden would have had an amenity area of 60-70 sq.m at least, whereas the current proposal seeks a private amenity area of c.17.4sq.m.

4. The permitted extension had two bedroom windows in the rear elevation, whereas the current proposal seeks the retention of one of the bedroom windows in the side elevation overlooking the property to the west.

7.1.2. Thus, whilst the principle of a two storey extension to the rear of the property is not in question, the design, scale and layout of this extension, as constructed raises issues of non-compliance with the design guidance and objectives of the Current City Development Plan and in terms of visual and residential amenity, which will be discussed further below. It is also considered that the projection at first floor level to a depth of 5 metres would create an undesirable precedence in this area, which would undermine the policies and objectives which the planning authority has been consistently seeking to uphold.

7.2. Visual amenity

7.2.1. The Dublin City Development Plan sets out very detailed guidance on the appropriate design approach to extensions in general and to domestic extensions in particular. One of the principal themes is that of subordination and avoidance of dominant structures which could be overbearing. This general concept is a widely held view in terms of the planning and design of extensions to buildings/dwellings, as an extension which is larger or visually challenges the main building tends to be incongruous and visually jarring. As stated previously, the appellants proposed to reduce the height of the extension by lowering the roof line, which would be a welcome development. However, it is considered that this would not be sufficient in itself to reduce the dominance and visual obtrusion of the extension as constructed.

7.2.2. I would agree with the planning authority that the scale and depth of the extension is excessive and that it appears excessively dominant in scale, particularly when viewed in the context of the smaller extension at No. 39. This is particularly notable when viewed from Glenshesk Road, as well as from adjoining properties to the east, west and to the north. It is considered that the size, scale and layout of the extension results in a visually obtrusive feature in the area, which fails to comply with the policies and objectives relating to domestic extensions contained in the current City Development Plan.

7.3. Residential Amenity

- 7.3.1.** The appellants have provided photographs taken from the bedroom window on the western elevation. These show that there is a large ground floor extension at the rear of no. 35 and a further rear extension at the rear of No. 33, which would obstruct any views from this window of the rear gardens of these properties. I did not observe this view personally during my site inspection, as the Government guidance on the containment of the Covid-19 virus was in place and I did not consider it necessary to enter the house to inspect this view. I based this on the fact that there is a very high wall along the western boundary which projects beyond the extension under appeal, and on the evidence contained in the dais photographs. Thus, I would agree with the appellants on this issue, that the retention of the proposed extension, as constructed (and revised) would not be likely to result in a significant degree of overlooking and loss of privacy.
- 7.3.2.** It was noted during my site inspection, however, that the eastern wall of the extension (proposed to be retained) projects well beyond the rear elevation of No. 39, which is likely to result in loss of light in the evenings (from the west). This is likely to result in some degree of overshadowing of the property to the immediate east. However, it is noted that no objections have been received from any of the adjoining neighbours.
- 7.3.3.** The main concern regarding residential amenity is in respect of the impact of the extension proposed to be retained on the private amenity space available to the occupiers of the dwelling. The space available would probably be sufficient if there were no other structures in the rear garden. However, the combination of the retention of the original shed (which had been proposed to be demolished under WEB1910/10), and the “garden room”, means that the area of open amenity space is severely reduced, and is significantly below the 45m², (15m² per bedroom), required by the Development Plan. The fact that the garden is north-facing exacerbates the situation in my view, as the area to the north of the shadow of the main dwelling would be the sunniest part of the garden, yet this is where the garden room has been constructed.
- 7.3.4.** I note that the appellants have justified the retention of the outbuildings on the basis that the garden is adequate for their needs, that the garden room predates the

extension and that the appellants' elderly parents use the garden room when visiting from China. However, it is noted from the grounds of appeal, that the appellants also rent out one of the bedrooms in the house to a lodger, which presumably has implications for availability of space for visiting guests/family. I further note that the permission granted in 2010 did not show the garden room on either the survey or proposed plans. The P.A. has expressed concern that the use of this structure for habitable purposes would require planning permission, which has not been sought. I would agree with the planning authority that the combination of the proposed extension and the retention of the outbuildings in the rear garden result in overdevelopment of the site with an inadequate area of private amenity space, which would contravene the development plan standards and would result in a substandard development in this respect.

7.3.5. In conclusion, it is considered that the principle of development of a two-storey rear extension is well established both on the site itself and in the vicinity of the site, and that there is an acknowledged need to improve the quality and size of accommodation to meet the needs of the family. The proposed development to be retained, as revised in the submitted plans with the smaller scale roof profile and lower ridgeline, is considered to be appropriate, and the retention of the west facing bedroom window would not result in any significant degree of overlooking. However, it is the scale of the rear extension at first floor level, by reason of the depth of the projection to 5m, combined with the retention of the two large outbuildings within the rear garden, that result in adverse impacts on the residential and visual amenities of the area. It is considered that the proposed development would, therefore, be contrary to the provisions of the development plan and would create an undesirable precedent, which would undermine these policies and make it more difficult for the planning authority to resist similar proposals in the future.

7.4. Environmental Impact Assessment

Having regard to the nature, size and location of the proposed development, 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.

7.5. Appropriate Assessment

North Dublin Bay SAC (000206), North Bull Island SPA (004006) and South Dublin Bay and River Tolka Estuary SPA (004024) lie approx. 3-4km to the south-east. Given the scale and nature of the development, the distances involved, that the site is located in an established urban area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

8.0 Recommendation

8.1 It is recommended that permission be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to design, excessive scale and depth of projection of the rear extension at first floor level that is proposed to be retained, combined with the presence of two large outbuildings within the rear garden, it is considered that the proposed development would result in an overly dominant and visually obtrusive feature which would be out of character with the established pattern of development in the area and would provide for an inadequate amount of private amenity space for the occupants of the dwelling, which would be injurious to the residential amenities of that property. The proposed development would, therefore, conflict with the policies and objectives for domestic extensions as set out in the Dublin City Council Development Plan 2016-2022, and would not be in accordance with the proper planning and sustainable development of the area.

Mary Kennelly
Senior Planning Inspector

17th March 2020