



An
Bord
Pleanála

Inspector's Report

ABP-306405-20

Development	Permission for a) demolition of conservatory to the side, b) construction of new part single-storey, part two-storey extension to the rear and side and c) sundry other alterations to existing single-storey end-terraced house.
Location	20 Saint John's, Sandymount, Dublin 4.
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4228/19
Applicant(s)	Val Lonergan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Nora Wren

Date of Site Inspection

25th March 2020

Inspector

Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.020476 hectares, is located within the housing development of St. Johns located to the south of Sandymount. The appeal site is occupied by a single-storey dwelling (no. 20) which is part of a terrace of 7no. dwellings. The other dwellings making up the terrace are two-storey storey dwellings with the dwelling immediately adjoining the site to the east being no. 21 (appellant's dwelling). St. Johns is characterised by blocks of two-storey terraced dwellings set around a cul-de-sac. To the north of site is a laneway that runs to the rear of the dwellings in St. Johns and provides access to Pembroke Cricket Club. To the west are the cricket grounds themselves.

2.0 Proposed Development

2.1. Permission is sought for demolition of a conservatory to the side, construction of new part single-storey, part two-storey extension to the rear and side and sundry other alterations to existing single-storey end-terraced houses. The existing dwelling has a floor area of 70.63sqm. It is proposed to demolish the conservatory (7.7sqm) and construct an extension of 120.12sqm.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 7 conditions. The conditions are standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (10/12/19): The design and scale of the proposal was considered satisfactory in the context of visual amenities of the area and the amenities of adjoining properties. A grant of permission was recommended based on the conditions outlined above.

3.2.2. Other Technical Reports

Drainage Division (17/10/19): No objection.

3.3. Prescribed Bodies

3.3.1 None.

3.4. Third Party Observations

3.4.1 A submission was received from...

Nora Wren, 21 St. Johns, Sandymount, Dublin 4.

The issues raised can be summarised as follows...

- Design and scale of extension, visual amenity, residential amenity (overlooking/overshadowing), support of existing chimney breast, lack of car parking serving the site, encroachment, construction access.

4.0 Planning History

4.1 No planning history.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Dublin City development Plan 2016-2022. The appeal site is zoned Z2 with a stated objective 'to protect and/or improve the amenities of the residential conservation areas'.

Section 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.

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.

5.2. Natural Heritage Designations

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by BPS Planning Consultants on behalf of Nora Wren, 21 St. Johns, Park Avenue, Sandymount, Dublin 4. The grounds of appeal are as follows...

- The existing dwelling does not have the benefit an off-street car parking space with insufficient space to access the appeal site. The applicant is proposing to provide an off-street car parking space by encroaching onto the appellant's property.
- The proposal is out of character with the existing development at this location and would impact negatively on the amenities of the appellant's property. The extension is too large and would constitute overdevelopment of the site. The

extension is not subordinate to the existing dwelling as per Development Policy regarding alterations and extension of dwellings.

- The proposal excessively breaks the rear building line of the existing terrace and the rear building line at first floor level.
- The height and the scale of the extension would be overbearing and visually obtrusive.
- The proposal would result in overshadowing and loss of light to the appellant's property and would be contrary Development Plan policy regarding daylight and sunlight.
- The provision of windows at first floor level would causing overlooking or the perception of overlooking and diminish residential amenity.
- The design of the roof proposed would out of character at this location and would be contrary Development Plan policy regarding Alterations and Extensions.
- The appellant questions how the existing chimney that is to be retained is to be supported as the appellant has concerns regarding potential damage to her property. The appellant questions the need for a new chimney.
- The proposal would cause an overspill of car parking that would interfere with the appellant's ability access her property. Concern is noted regarding the feasibility of construction access and the impact on the adjoining properties.
- The proposal would set an undesirable precedent, the cumulative impact of such would unacceptable and it would depreciate the value of property in the vicinity.

6.2. Applicant Response

6.2.1 Response by ABA Architects on behalf of the applicant, Val Lonergan

- The applicants note that there is provision for off-street car parking and access for the existing dwelling and such access is achievable without encroachment and boundary issues are not a planning consideration.

- The proposal has been designed to have regard to the visual amenities of the area and the amenities of adjoining properties and is an appropriate design.
- The proposal is not overdevelopment of the site and the extended dwelling still has a lower plot ratio than the appellant's dwelling at no. 21.
- The scale of the extension should be assessed in the context of the scale of the existing two-storey dwelling on the adjoining sites.
- The scale of the extension relative to the adjoining dwelling is acceptable in regards to building line, height and scale and would have no adverse impact on residential amenity.
- The proposal would be satisfactory in the context of daylight and sunlight with a shadow study submitted.
- The windows at the north east corner at first floor level have obscure glazing.
- The design of the roof profile is acceptable in the context of architectural character and visual amenity.
- The chimney will require a support and form part of compliance with Building Regulation and is not a planning consideration.
- No change is proposed to the existing parking arrangements and it is noted that the area is well served by public transport.
- Construction access will be facilitated from the rear of the site if the applicant gets permission from the owners of the adjoining site.
- The applicants refute the appellant's claims regarding precedent, cumulative impact and impact on property value.

6.3. Planning Authority Response

6.3.1 No response.

7.0 Assessment

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Design, scale, visual impact, adjoining amenities

Car parking

Other issues

Appropriate Assessment

7.2. Design, scale, visual impact, adjoining amenities:

7.2.1 The proposal for demolition of a conservatory to the side, construction of new part single-storey, part two-storey extension to the rear and side and sundry other alterations to an existing single-storey end-terraced house. The proposal does entail a significant increase in the floor area of the existing structure with the level of extension larger than the floor area of the existing dwelling on site. The appellant questions whether the extension is subordinate in nature relative to the existing dwelling and in compliance with development plan policy. I would consider that the fact the extension is larger than the existing floor area of the dwelling is not a material consideration in isolation and the design and scale in the context of existing development on adjoining sites and the prevailing pattern of development is the relevant consideration.

7.2.2 The existing dwelling is a single-storey dwelling at the end of a terrace of 6 no. dwellings with the appellant's dwelling (no. 21) adjoining the site to the east. The front portion of the dwelling is retained as single-storey with a two-storey extension on the rear portion of the dwelling and a small single-storey extension to the side. In relation to visual impact the proposed extension is not similar to the adjoining dwellings however the existing dwelling on site is already different from the design and scale of the existing dwelling two-storey dwellings within St. Johns. Notwithstanding the difference in the design, I would consider the overall scale and architectural character of the proposed extension would be acceptable in the context of the visual amenities of the area as it respects the overall scale of existing dwelling at this location and uses external finishes similar to existing structures. I would note that the height of the proposed extension is still lower than the ridge height of the existing dwelling to the east and the remaining dwellings within St. Johns.

7.2.3 In relation to adjoining amenities, the proposed extension to the rear does project beyond the rear building line of the adjoining dwelling to the east and the other dwellings making up the terrace. The existing dwelling already projects beyond the building line to the rear of the adjoining dwellings and new two-storey extension is set back from the boundary with the adjoining site so the transition in scale and projection is gradual and not an abrupt transition. I would be of the view that the level of projection and scale of the extension which has a pitched roof with four planes instead of two is of an acceptable scale and proximity relative to the appellant's dwelling so as to have no overbearing impact or result in an unacceptable loss of daylight or sunlight. The applicant did submit a shadow study in their response.

7.2.4 The appellant indicates that the proposal would cause overlooking/reduced privacy. The extension at first floor level has windows on its southern, western, northern and eastern elevations. The windows on the northern elevation are in keeping with the established orientation/pattern of development at this location. The windows on the western elevation are orientated onto an open space area (cricket pitch). The window on the southern elevation faces towards the public area within the estate. The window on the eastern elevation is a high level window serving a bathroom that is to have obscure glazing. I would consider that this arrangement would be acceptable in the context of adjoining amenities/privacy.

7.2.5 The overall design and scale of the proposal has adequate regard to the established pattern and scale of development at this location, would be acceptable in relation visual amenity and the amenities of adjoining properties.

7.3 Car parking:

7.3.1 The appellant notes that the existing dwelling does not have the benefit of car parking space or vehicular access and that there an issue of encroachment onto their property. The existing arrangement on site at the time of inspection is that there is a paved area that facilitates access and off-street car parking to serve the existing dwelling on site. There is an existing hedgerow along the eastern side of this area

that separates it from the paved area and off-street car parking at no. 21. The proposal entails no change or alterations to the existing arrangement on site. There is clearly a disagreement regarding this matter between the applicant and the appellant. The evidence on site is that there is an established area for off-street car parking for the existing dwelling. Notwithstanding such I do not consider this to be a planning matter and note that there is no proposal to alter the existing arrangement and such is not part of the development sought in this case. I would also note that the proposal is for an extension to an existing dwelling and that the number of dwellings on site does not change as a result of the proposed development. In addition the requirement for a dwelling in Area 2 under the City Development Plan (Table 16.1) is 1 space per dwelling. The proposed development would be acceptable in the context of car parking and traffic.

7.4 Other issues:

7.4.1 There is an existing chimney on the eastern side of the site and it is proposed to retain this element. The appellant has raised concerns regarding the lack information concerning the measures to support this element. I would consider this is not a planning consideration and is structural engineering issue. The onus is on the applicant to ensure the proposal complies with the relevant Building Regulations.

7.4.2 I would note that the construction impact is temporary and can be mitigated by adequate construction management including restriction of hours. I would recommend a condition requiring the submission of a construction management plan prior to the commencement of development and a restriction on construction hours.

7.5 Appropriate Assessment:

7.5.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the design and scale of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the visual amenities of the area and would not seriously injure the amenities of adjoining property. 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, 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.

Reason: In the interest of clarity.

2. The high level window on the eastern elevation at first floor level shall be fitted with obscure glazing such shall be maintained as such permanently.

Reason: In the interests of residential amenity.

3. 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.

Reason: To restrict the use of the extension in the interest of residential amenity.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall 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.

7. 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.

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 applied to the permission.

Colin McBride
Planning Inspector

25th March 2020