



An  
Bord  
Pleanála

## Inspector's Report ABP 306713-20

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<b>Development</b>	First floor extension over existing ground floor side extension and single storey rear extension and all associated site works.
<b>Location</b>	66 Saint Mary's Park, Walkinstown, Dublin 12.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	4536/19
<b>Applicant</b>	Joanne Keane
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	Barry O'Connor and Niamh O'Connell
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	05 <sup>th</sup> June 2020
<b>Inspector</b>	Brendan Coyne



## 1.0 Site Location and Description

1.1. The site (0.02 ha) is located on the southern side of Saint Mary's Park in Walkinstown, Dublin 12. The site contains a two-storey end-of terrace 4-bedroom dwelling with a single storey extension to its side and rear. The roof profile of the dwelling is hip-ended, and its front elevations comprise red brick finish at ground floor level and pebble dash finishing at first floor level. An area of public open space adjoins the site to the side and rear.

## 2.0 Proposed Development

2.1. Permission sought for the construction of the following;

- First-floor side extension with a bay window to its front elevation,
- Provision of a bay window to the front elevation of the existing ground floor side extension,
- Single storey rear extension,
- All associated works.

Stated Floor Area of proposed works: 67.5 sq.m.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Dublin City Council granted permission for the proposed development subject to 7 no. Conditions. Noted Condition includes:

**Condition No. 2** The developer shall pay the sum of €1,673.46 to the Planning Authority as a contribution towards public infrastructure and facilities benefiting development in the area of the Authority, in accordance with Dublin City Council's Section 48 Development Contribution Scheme.

### 3.2. Planning Authority Reports

#### 3.2.1. *Planning Report*

Basis for the Planning Authority's decision. Includes:

- The nature and scale of the proposed development would not impact on the amenity of property in the vicinity.
- The proposal provides a high-quality extension to the house.
- Adequate private amenity space would be maintained to the rear of the dwelling.
- The proposal accords with the Dublin City Council Development Plan and the proper planning and sustainable development of the area.

### 3.2.2. **Engineering Dept. - Drainage Division**

No objection subject to Conditions.

## 4.0 **Planning History**

**P.A. Ref. 3985/03** Permission GRANTED in Oct. 2003 for the demolition of an existing garage and sheds and the construction of a single storey extension to the side and rear of the existing house.

## 5.0 **Policy and Context**

### 5.1. **Development Plan**

Dublin City Council Development Plan 2016-2022 is the statutory plan for the area. The following provisions are considered relevant:

**Zoning:** The site is located in an area zoned objective 'Z1' 'Sustainable Residential Neighbourhood' which seeks 'to protect, provide and improve residential amenities.'

**Guidance for Residential Extensions:** General guidance for residential extensions in all zones throughout the city are set out in Section 16.2.2.3 - Alternations and Extensions, Section 16.10.12 - Extensions and Alterations to Dwellings and Appendix 17 - Guidelines for Residential Extensions set down the requirements for domestic extensions.

**Section 16.2.2.3** requires that extensions should;

- 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
- Not result in the loss of, obscure, or otherwise detract from, architectural features which contribute to the quality of the existing building
- Retain characteristic townscape spaces or gaps between buildings Not involve the infilling, enclosure or harmful alteration of front lightwells.
- Be confined to the rear in most cases
- Be clearly subordinate to the existing building in scale and design Incorporate a high standard of thermal performance and appropriate sustainable design features.

Alterations and extensions at roof level, including roof terraces, are to respect the scale, elevational proportions and architectural form of the building, and will:

- Respect the uniformity of terraces or groups of buildings with a consistent roofline and will not adversely affect the character of terraces with an attractive varied roofline
- Not result in the loss of roof forms, roof coverings or roof features (such as chimney stacks) where these are of historic interest or contribute to local character and distinctiveness.

**Section 16.10.12** requires that 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.

The guidelines set out in **Appendix 17** contain general advice and design principles for residential extensions and states that, in addition to those requirements set out in 16.10.12, extensions should:

- Achieve a high quality of design.
- Protect residential amenities of neighbouring properties including privacy, outlook, daylight and sunlight.
- Not result in any significant loss of privacy to the residents of adjoining properties.
- Not have an overbearing effect on nearby dwellings.
- Not dominate the existing building - use similar materials as those used on the existing house.
- Respect the existing roofline.
- Contemporary extensions should not detract from the character of an area.
- Sustainable design measures incorporated into the building will be encouraged and supported.

**Section 16.10.2** of the Development Plan sets out Residential Quality Standards for Houses and under the heading 'Aspect, Natural Light and Ventilation' requires that development should be guided by the principles of Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2011).

## 5.2. **Natural Heritage Designations:** None

## 5.3. **EIA Screening:**

The proposal is for a domestic extension. This type of development does not constitute an EIA project and so the question as to whether or not it might be sub-threshold does not arise.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. An appeal was received from Barry O'Connor and Niamh O'Connell against the decision made by the Planning Authority to grant permission for the proposed development. The appellants reside at the adjoining dwelling, No. 67 St. Mary's Park. The following is a summary of the grounds of appeal.

- The proposed rear extension would result in loss of daylight and sunlight to the adjoining dwelling No. 67.
- Concerns expressed that the scale of the proposed rear extension will impact the amenity of the appellants dwelling.
- The Appellants states that they both work from home and their children are home educated. The rooms to the rear of their house are used exclusively for work, home education and recreation.
- Details are provided each of the rooms and how they are used by the appellants and their family.
- Photographs are provided of the dining room, kitchen, and patio area.
- The Appellants refer to relevant policy in the Dublin City Council Development Plan and the '45-degree rule', which Irish Courts have used as a guide in determining interference with a right to light.

### 6.2. Applicant Response

6.2.1. The response received from Jason Walsh Architectural and Engineering Services representing the Applicant, is as follows;

- The proposal was designed in accordance with Section 16.10.12 and Appendix 17 of the Dublin City Council Development Plan, with regard residential extensions.
- The proposal would not adversely impact on the scale and character of the dwelling.

- The proposal would not impact on the amenity of adjacent property by way of overlooking, overshadowing or loss of daylight.
- The proposed rear extension will have a ridge height of 3.2m with a flat roof.
- The adjoining property No. 67 has an L shaped extension to its rear, which extends along the boundary shared with No. 68 Saint Mary's Park. This extension causes some overshadowing of the patio area to the rear of No. 67.
- Adequate private amenity space would be maintained to the rear of the subject dwelling.

### 6.3. **Planning Authority Response**

6.3.1. The Planning Authority did not respond to the grounds of appeal.

### 6.4. **Observations**

None received

## 7.0 **Assessment**

I have reviewed the proposed development and the correspondence on the file. I note the Planning Authority were satisfied that the proposed development accords with the policies and objectives of the Development Plan for the area. I am satisfied that the proposed development is permitted in principle, in accordance with zoning objective of the site and its layout and design would integrate fully with the existing dwelling and would not detract from the visual amenity of the surrounding streetscape.

Having regard to the Grounds of Appeal, the main issue for consideration is the impact of the proposed development on the adjoining dwelling with regards daylight, sunlight and overshadowing. This is addressed below.

### 7.1. **Daylight, Sunlight and Overshadowing**

7.1.1. The appellants object to the proposed development on the grounds that the proposed single storey rear extension would significantly reduce levels of daylight and sunlight reaching rooms and the patio area to the rear / south-east of their dwelling No. 67. The



appellants express concern that such development would adversely impact the residential amenity of their dwelling.

- 7.1.2. The proposed development provides for the construction of a first-floor side extension and a single storey extension to the rear / south-east east of the dwelling. The proposed single storey rear extension would have a total depth of 4.8m and a width of 8.6m, extending up to and along the common boundary shared with adjoining dwelling No. 67. The proposed single storey rear extension would have a flat roof with a parapet height of c. 3.4m along the common boundary shared with adjoining dwelling No. 67. The roof of the proposal incorporates 3 no. roof lights.
- 7.1.3. Having regard to the Proposed Site Plan I note that the adjoining dwelling No. 67 has a single storey L shaped extension to its rear, which extends for a length of c. 4.4m along the common boundary shared with adjoining dwelling No. 68. The longer wing of this extension maintains a setback of c. 4.9m from the common boundary of the subject site and side/eastern elevation of the proposed rear extension.
- 7.1.4. In the Grounds of Appeal, the Appellants state that regard should be had to the '45-degree rule', which the appellants state that Irish Courts have used as a guide in determining interference with a right to light. This '45-degree rule' is found in the guidance document 'Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2011)', which is referred to in Section 16.10.2 of the Dublin City Development Plan, as referred to in Section 5.1 above. Having regard to Section 2.2 of these Guidelines, the application of the 45° approach as recommended, it is found that the height of the proposed single storey rear extension would not result in a significant loss of daylight or sunlight to windows on the rear elevation of adjoining dwelling No. 67 at ground floor level.
- 7.1.5. Taking into account the south-east facing orientation of the rear elevation of No. 67, the setback of the single storey extension to the rear of No. 67 from the proposed development (c. 4.9m), the orientation of the extension to the rear of No. 67 and the patio area and garden to the rear of No. 67, it is my view that the scale, height and extent of the proposed single storey rear extension would not be unduly detrimental to the residential amenity of the adjoining dwelling No. 67. On this basis, I recommend that the appeal should not be upheld in relation to this issue.

## 7.2. Screening for Appropriate Assessment

- 7.2.1. Having regard to the nature and modest scale of the proposed development, to the location of the site within a fully serviced urban environment, and to the separation distance and absence of a clear direct pathway to any 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 that permission be granted subject to conditions, for the reasons and considerations below.

## 9.0 Reasons and Considerations

Having regard to the scale, form and design of the proposed development, it is considered that, subject to compliance with the Conditions set out below, the proposed development would not adversely impact on the residential amenity of neighbouring property or detract from the visual amenity of the surrounding area. The proposal 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
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	<p>to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
3.	<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><b>Reason:</b> In the interest of public health.</p>
4.	<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><b>Reason:</b> 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.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800</p>

	<p>and 1400 hours 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.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
6.	<p>All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p><b>Reason:</b> To protect the amenities of the area.</p>

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Brendan Coyne  
 Planning Inspector

10<sup>th</sup> June 2020