



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306807-20

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<b>Development</b>	Construction of single and two storey rear extension including new rooflight and all associated internal and external alterations, site, drainage and landscaping works.
<b>Location</b>	47, Mount Tallant Avenue, Terenure, Dublin 6W
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	4649/19
<b>Applicant(s)</b>	John Skehan & Eimear Cusack.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Damian Howard
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	02/06/2020 and 24/08/2020
<b>Inspector</b>	Gillian Kane

## 1.0 Site Location and Description

- 1.1.1. The subject site refers to a mid-terrace two storey dwelling on the northern side of Mount Tallant Avenue, in the suburb of Terenure.
- 1.1.2. Many of the dwellings along the terrace have been extended at ground level. At the western end, two dwellings have two-storey extensions and a further two dwellings have roof level dormer extensions.
- 1.1.3. Permission to access the rear of the subject property was not granted on the date of the site inspection.

## 2.0 Proposed Development

- 2.1. On the 6<sup>th</sup> December 2019, planning permission was sought for the construction of a part single, part two storey extension of 45.5sq.m. to the rear of a mid-terrace two storey dwelling of 66sq.m. Proposed plot ratio is 0.74 and proposed site coverage is 41.6%.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. On the 7<sup>th</sup> February 2020, the Planning Authority issued a notification of their intention to grant permission subject to 8 no. conditions. Condition no. 3 states:

3 The first floor of the rear extension shall not extend more than 3m (measured externally) from the rear of the dwelling.

Reason: To protect the amenity of adjoining residents.

### 3.2. Planning Authority Reports

- 3.2.1. **Drainage Division:** No objection subject to standard conditions.
- 3.2.2. **Planning Report:** Proposed development would have undue impact on no. 49 to the west, due to the length and angle of the extension. Extension should be reduced to 3m. Existing internal courtyard at no. 49 is currently overshadowed, existing garden is generous and proposed development would not result in impacts.  
Recommendation to grant permission subject to conditions.

### 3.3. **Third Party Observations**

- 3.3.1. Objection from no. 49 Mount Tallant Avenue stating concerns over the loss of daylight and sunlight.

## 4.0 **Planning History**

- 4.1.1. None on file for the subject site.

## 5.0 **Policy Context**

### 5.1. **Dublin City Development Plan 2016 -2022**

- 5.1.1. In the Dublin City Development Plan 2016 -2022 plan, the site is zoned '**Z1**' which has the stated objective "to protect, provide and improve residential amenities". Within Z1 zones 'Residential' is a permissible use.
- 5.1.2. **Chapter 16** includes the Development Management Standards and has regard to Design, Layout, Mix of Uses and Sustainable Design.
- 5.1.3. **Section 16.2.2.3** of the development plan refers to Alterations and Extensions. The section states that DCC will seek to ensure that alterations and extensions will be sensitively designed and detailed to respect the character of the existing building, its context and the amenity of adjoining occupiers. In particular, alterations and 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.
- 5.1.4. **Section 16.2.2.3** also states that extensions should be confined to the rear in most cases, be clearly subordinate to the existing building in scale and design and incorporate a high standard of thermal performance and appropriate sustainable design features.

5.1.5. **Appendix 17** of the development plan provides general principles for residential extensions.

## 5.2. **EIA Screening**

5.2.1. Having regard to nature of the development comprising extension to and alteration of an existing dwelling and the urban 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. The owners of no. 49 Mount Tallant Avenue, the dwelling to the west of the subject site have appealed the decision of the Planning Authority to grant permission. The grounds of the appeal can be summarised as follows:

- The height and location of the proposed two storey extension and its proximity to the boundary would seriously injure the residential amenities of the appellants property by reason of overbearing, loss of light and overshadowing.
- The proposed development does not comply with appendix 17 and section 16.10.12 of the development plan which requires that extensions do not unacceptably affect the amenities of neighbouring properties.
- It is submitted that the extensions should be designed not to dominate or appear overbearing but that the proposed development does not comply.
- The proposed first floor extension, with a height of 6.08m will “hem in” the habitable rooms of the appellants property.
- The angular direction of the proposed extension further increases the overbearing effect on the first and ground floor rear bedrooms.
- The reduction in length required by condition no. 3 does not address this impact.
- The proposed development is contrary to appendix 17 of the development plan which states that large rear extensions that project too far from the main rear elevation can result in a loss of daylight to neighbouring houses.

- The size and proximity of the proposed development unreasonably affects the natural daylight entering the appellants internal courtyard. The proposed 6.08m high extension is 1.42m higher than the existing eaves.
- A 45° approach to extensions that are orthogonal to neighbouring properties is common practice. No part of the development should cross the line drawn at a 45° angle from the centre of the closest ground floor habitable room window of the neighbouring property. Diagram and photos shown in appeal.
- It is submitted that using the above, light to the windows serving the ground and first floor rear bedrooms, ground floor bathroom, utility, kitchen / living and dining rooms will be blocked, a second ground floor bedroom will be completely shaded. The proposed development does not comply with BRE guidance on daylight.
- The impact of the proposed development on the sunlight reaching the appellants property was not assessed by the Planning Authority. The two properties are north facing and sunlight is only received at certain times. The proposed development will reduce morning sunlight to the appellants property.
- The ground floor rear bedroom has no other source of light, other than the internal courtyard. The proposed development will have an unacceptable impact on this room.

## 6.2. Applicant Response

6.2.1. The applicant has responded to the third-party appeal as follows:

- There are numerous examples of larger extensions to standard 'Corporation' dwellings such as those in Mount Tallant being granted.
- The proposed extension has been reduced in size by condition. This reflects the Planning Authority's consideration of the appellants observation.
- Given the extension of the appellants property, there is little scope to extend the subject property. The decision of the appellant to extend their property in a particular manner should not sterilise the subject property.
- It is noted that the internal courtyard within the appellant property is restricted and that opaque glass is used on the bedroom windows.

- Light will still enter the courtyard and adjacent rooms. The kitchen, dining and family room area is dual aspect. The proposed ground floor extension will not extend any further than the rear building line established by the appellants property.
- The reduced first floor extension will not impact the first floor rear bedroom window of the appellants property.
- The proposed development seeks to create a third bedroom, whilst complying with minimum DCC development plan requirements.

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

None on file

## 7.0 **Assessment**

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. I have assessed the proposed development including the various submissions from the applicant, the planning authority and the appellant. I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Impact on Residential Amenity

### 7.2. **Principle of Development**

7.2.1. The subject site is located in an area zoned for residential development. The proposed extension to an existing dwelling, subject to compliance with all other planning considerations, is acceptable in principle.

### 7.3. **Impact on Residential Amenity**

7.3.1. In terms of compliance with the development plan section 16.2.2.3 of the development plan, in referring to alterations and extensions states that they should be sensitively designed and detailed to respect the character of the existing building, its context and the amenity of adjoining occupiers. Alterations and extensions should respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings, not result in the loss of, obscure or otherwise

detract from architectural features which contribute to the quality of the existing building and retain characteristic townscape spaces or gaps between buildings. Section 16.2.2.3 also states that extensions should be confined to the rear in most cases, be clearly subordinate to the existing building in scale and design and incorporate a high standard of thermal performance and appropriate sustainable design features. The proposed development complies with the plan in that it is not visible from the street, is clearly a subordinate new extension to the existing dwelling and does not affect the established character of the area.

- 7.3.2. The subject dwelling is mid-terrace. None of the dwellings in the immediate vicinity of the subject dwelling have extended at first floor level, whilst a number have extended the ground floor. The appellants property has been extended at ground level, using an internal courtyard to illuminate rooms in the original footprint (a bedroom and a bathroom) and a utility and dual aspect living / dining area in the extension. It is the submission of the appellant that constructing a two-storey extension to the east of this courtyard will reduce the light available to those windows facing into the internal courtyard.
- 7.3.3. Thus the crux of this appeal is protecting the residential amenity of one dwelling, whilst allowing the extension of the neighbouring dwelling to develop. A balance must be struck in inner-suburban areas such as the subject site. The need to refurbish and upgrade existing dwellings to accommodate current requirements must be balanced against the need to protect the residential amenity of adjoining properties in this high-density area.
- 7.3.4. The subject and appellant properties are north facing. As such limited light will penetrate the ground floor rooms of the appellants property. Were the applicant to utilise their exempted development rights at ground level, the existing opening on the eastern side of the internal courtyard would effectively be closed, reducing the courtyard to a two-storey light-tunnel.
- 7.3.5. It is generally the case that one party cannot rely on the neighbouring property to provide a light source to an adjoining dwelling. That the appellant has chosen an internal courtyard to facilitate an extension should not unduly or onerously restrict the development opportunity of a neighbouring property. However, in the subject case a two-storey extension, even reduced in width, as envisaged by the decision of the

Planning Authority would have a severely detrimental impact on the appellants property.

- 7.3.6. I note section 17.6 of Appendix 17 of the development plan, which states that large two storey extensions that extend too far from the rear elevation can result in a loss of daylight to neighbouring properties. The proposed first extension extends 3.5m from the rear elevation. I note the Planning Authority's condition no. 2 which seeks to reduce the proposed first floor extension to a maximum length of 3m from the rear elevation wall.

#### **7.4. Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the proposed development in a fully serviced built-up urban area, no appropriate assessment issues arise and it is considered that 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**

- 8.1. I recommend permission be REFUSED for the following reasons and considerations and subject to the following conditions:

### **9.0 Reasons and Considerations**

- 1 Having regard to the scale and proximity of the first-floor rear extension to the rear extension of no. 49 Mount Tallant Avenue, it is considered that the first-floor element would be overbearing when viewed from adjoining properties. The proposed development would seriously injure the residential amenities of these adjoining properties. The proposed development would therefore be contrary to section 16.10.12 of the Dublin City Development Plan 2016-2022 which deals with residential extensions and also contrary to the zoning objective for the area which is to protect and / or improve the amenities of residential conservation areas.



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Gillian Kane  
Senior Planning Inspector

28 August 2020