



An
Bord
Pleanála

Inspector's Report ABP-306815-20

Development	Construction of single-storey extension including bin/bicycle store to side of dwelling.
Location	Number 26 Auburn, Howth Road, Clontarf, Dublin 3.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1721/19
Applicant(s)	Niall Cafferty & Karoline Keane
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First-Party
Appellant(s)	Niall Cafferty & Karoline Keane
Observer(s)	None
Date of Site Inspection	11th May 2020
Inspector	Fergal O'Bric

1.0 Site Location and Description

- 1.1. The appeal site is located approximately four kilometres north of Dublin city centre within an established residential area off the Howth Road, the R105. The site has a stated area of 132 square metres. The appeal site comprises a two-storey end of terrace dwelling which is located on the eastern side of Block B within the Auburn residential development, which comprises of three blocks of a two, three and four storey residential development. The existing house has a yellow bricked external finish. There is a rear and side garden (approximately 67 square metres) which is enclosed by two metre high walls to the sides and rear, a double wooden gate onto the internal street area between Blocks B & C of the Auburn development.
- 1.2. To the north and south of the site are Blocks A and C of the Auburn development, to the east is the remainder of the Block B terrace and to the west is the Castle Court residential development, which comprises of terraces of four by two -storey dwellings.
- 1.3. Ground levels on site are consistent with those within the remainder of the Auburn development and with those within the neighbouring Castle Court development

2.0 Proposed Development

- 2.1. The proposed development would comprise the following:
 - the construction of single -storey side extension, including a bin and bicycle store, with a stated gross floor area of 24 square metres.
 - Alterations to front and rear ground floor elevations.
 - New skylight to front roof slope and
 - associated internal alterations, site landscaping and ancillary works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority refused planning permission for the proposed development, for the following reasons:

Reason 1: The proposed single storey side extension, due to its scale and due to its proximity to the third-party site to the south-west would be visually overbearing upon Number 18 Castle Court and its rear private amenity area. The proposed development, would, therefore, seriously injure amenities of property in the vicinity and be contrary to the proper planning and sustainable development of the area.

Reason 2: The proposed second floor front rooflight would be visually intrusive and out of character with the architectural and visual uniformity of the residential terrace and would create an undesirable precedent for similar development in the area.

There proposed development would, therefore be contrary to the proper planning and sustainable development of the area.

Planning Authority Reports

3.1.2. Planning Reports

The report of the Planning Officer (April 2019) noted the following:

- The proposed extension would be excessive in height and result in development that would be overbearing upon the neighbouring property and cast additional shadowing upon the adjacent residential property in Castle Court.
- The proposed extension would be constructed within an area designated as a landscaped strip, the purpose of which is to screen the Auburn development from the adjacent Ashbrook and Castle Court developments and infringe a building line determined by the Board under PL29 N.127748.
- The purpose of that condition is to protect the residential amenity of adjacent dwellings.
- To permit the development would establish a precedent and would be seriously injurious to residential amenity.
- The provision of rooflights in the front roof plane would be contrary to the visual character of the structure and establish a precedent for such development.

The case planner recommended one reason for refusal based on contravening the planning condition set out by An Bord Pleanála and the precedent which this

would establish and that velux rooflights would be contrary to the established visual character of the area. Subsequently, a refusal of planning permission was issued for two reasons as set out within Section 3.1.1 above.

3.1.3. Other Technical Reports

- Drainage Division - no objection subject to conditions.
- Roads & Traffic Planning Division – no response.

3.2. Prescribed Bodies

- Irish Water – no response.

3.3. Third-Party Submissions

3.3.1. None received.

4.0 Planning History

4.1. Appeal Site

4.1.1. Planning Authority reference number 0497/01, An Bord Pleanála reference number PL29 N.127748. In 2002, the Board granted planning permission for extensions, demolitions and alterations to Auburn House (a protected structure) to the east of the appeal site. The permission also provided for a residential development two, three and four storey apartments and mews houses and courtyard development.

4.1.2. The following condition is relevant to this appeal:

Condition Number 3:

Blocks A, B and C shall be reduced in width so that a minimum three metre strip is maintained along the site boundaries. This strip shall be used for landscaping and screening purposes. Details of these revisions, which shall not include any increase in the width of the buildings and may result in a loss of residential units, shall be submitted to the Planning authority for agreement before development commences.

Reason: In the interest of residential amenity of adjacent dwellings.

5.0 Policy & Context

5.1. Development Plan

- 5.1.1. The appeal site is zoned 'Z1 - Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022, with a land-use objective 'to protect, provide and improve residential amenities.
- 5.1.2. Relevant planning policies and objectives for residential development are set out under Section 5 (Quality Housing) and Section 16 (Development Standards) within Volume 1 of the Development Plan. The following sections of the Development Plan are considered relevant:
- Section 16.2 – Design, Principles & Standards.
 - Section 16.10 - Standards for Residential Accommodation.
 - Section 16.38 – Car Parking Standards.
- 5.1.3. When assessing residential accommodation, the Development Plan refers to the need to consider the standards in the Building Research Establishment (BRE) document: 'Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice' (2nd Edition, 2011).
- 5.1.4. Appendix 5, Volume 2 of the Development Plan, addresses road standards for various classes of development and Appendix 17 provides guidance specifically relating to residential extensions, including residential amenity (Section 17.3), sunlight and daylight (Section 17.6) and contemporary designs (Section 17.10).

5.2. Environmental Impact Assessment - Preliminary Examination

- 5.2.1. Having regard to the existing development on site, the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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. A first-party appeal against the decision of the Planning Authority was received by the Board. The appeal was accompanied by a Design Statement, incorporating photographs, concept sketches, proposed internal and external views and a written statement which raised the following issues:

Principle & Design

- The form and shape of the extension was carefully considered, having regard to the residential amenity afforded to the residents of Number 18, Castle Court. The roof profile comprises that of a lean-to structure and replicates a traditional extension form in Dublin.
- The extension will sit within the shadow cast by Block B of the Auburn development.
- The extension will continue the rhythm of stepping down from four storey down to the proposed single storey within Block B.
- The extension is set back from the front building line of the Auburn Terrace to sit within the shadow cast by the terrace.
- The appellants would accept a condition that the skylights within the proposed extension be fitted with opaque glazing, if necessary.
- The appellants are proposing to install a green sedum roof and planting indigenous fern to the front of the extension to soften the impact of the proposals and increase biodiversity in this part of the property, which is presently hard landscaped.
- It is not possible to view the roof of the appeal site from the majority of the street due to the narrow width of the street. Therefore, the addition of a rooflight could not be deemed to be visually intrusive.
- The Auburn development already has a number of rooflights and are part of the vernacular of the surrounding area. Therefore, the inclusion of a skylight

could not be deemed out of character with the architectural and visual uniformity of the residential terrace

Residential Amenity

- The maximum ridge and eaves height of the extension would exceed the 1.8 metre height of the party boundary wall, however, would be lower in height than the extension constructed to the rear of Number 18 Castle Court. The two extensions would sit side by side. The single-storey extension to the rear of Number 18 Castle Court also exceeds the height of the party boundary wall.
- The lean-to roof has a series of stepped saw tooth skylights which would bring southern light into the proposed extension. The position of the extension and skylights pulled back from the party boundary wall serves to lessen the visual bulk of the extension from the neighbouring property. No overlooking will occur from the proposed skylights.

6.2. Planning Authority Response

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

6.3. Observations

6.3.1. None received.

7.0 Assessment

7.1. Introduction

7.1.1. The Dublin City Development Plan 2016-2022 sets out the general principles for consideration when assessing proposals for extensions to houses, such as residential amenity issues, privacy, relationship between dwellings and extensions, daylight and sunlight, appearance, the subordinate approach and materials. I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal relate to the following:

- Impact on Residential Amenity.

- Design & Impact on Visual Amenities.

7.2. Impact on Residential Amenity

- 7.2.1. It is proposed to construct a ground floor extension to the side of the house on site. The extension is proposed in an area, approximately three metres in width that was conditioned by the Board in 2002 for the purpose of providing landscaping and screening. The reason for this condition was given as: In the interest of the residential amenity of adjacent dwellings.
- 7.2.2. The proposed ridge height would be 3.97 metres, this refers to the maximum ridge height of the proposals. The proposed extension is a lean-to structure and the eaves would reach a height of 2.8 metres, rising to a maximum of 3.97 metres where it joins the gable of the property. The proposed extension would be set back from the party boundary wall with number 18 Castle Court. It is also noted that an extension to the rear of Number 18 Castle Court has been constructed since the Auburn development was permitted.
- 7.2.3. I note the reason for the imposition of condition number 3 by the Board under reference number PL29N 127748 was to protect the amenity of the adjacent dwellings. Notwithstanding, the construction of a rear extension to number 18 Castle Court, each application/appeal must be assessed on its own individual merits. The principle of a domestic extension would be acceptable under the land use zoning objective. However, the specific planning condition was included by the Board and is not only applicable to Block B, but also to Blocks A and C within the Auburn development. It is apparent that no works have been carried out to properties within Blocks A, B or C within this three-metre strip as conditioned by the Board. With the construction of the proposed extension, the three-metre strip would no longer constitute a landscaped strip,
- 7.2.4. In conclusion, to permit this development would contravene this planning condition and establish a precedent for future development within this three-metre strip within the Auburn development.

7.3. Design & Impact on Visual Amenities

- 7.3.1. The surrounding area is not provided with any conservation status. Guidance within Appendix 17 to the Development Plan notes that contemporary extensions, such as that proposed.
- 7.3.2. The proposed side extension, as submitted to the Planning Authority, would include a setback from the front building line by approximately 800 mm and, accordingly, cannot be considered to result in a ‘terracing effect’ along the streetscape, with very limited range of visibility of the extensions from the front street area. I note that the western end houses within Blocks A and C, at numbers 19 and 39 Auburn have not been extended to date, thereby respecting the three-metre landscaped strip as conditioned by the Board in 2002. Therefore, it is considered that the proposed side extension would contravene the said planning condition and would establish a precedent for future similar type extensions and therefore would not accord with the proper planning and sustainable development of the area.
- 7.3.3. However, I am satisfied that the alterations to the front of the house, with the inclusion of a rooflight on the front roof slope, would be acceptable, given that it would not be visible from with the internal street to the south of Block B, due to the narrow width of the street. In conclusion, I consider that the proposed rooflight would not have a detrimental impact on the visual amenities of the area and permission should not be refused for this reason.

8.0 Appropriate Assessment

- 8.1. Having regard to the nature and location of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. I recommend that planning permission be refused.

10.0 Reasons and Considerations

10.1. The proposed extension would be constructed within a permitted and designated landscape strip area, the purpose of which is to screen houses within the neighbouring Castle Court development from the Auburn development. The proposed side extension would infringe a building line determined by An Bord Pleanála and would contravene condition number three of planning reference number PL 29 N 127743 pertaining to the construction of the Auburn development. The proposed development, or by the precedent which it would establish for similar developments in the vicinity, would be injurious to the residential amenities of the neighbouring dwellings. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

11.0 Reason

1. The proposed domestic extension, by virtue of its scale and location would be constructed within the permitted and designated landscaped strip, which runs along the boundaries of the Auburn development and the neighbouring residential development of Castle Court, thereby infringing the side building line determined by An Bord Pleanála and would contravene condition number three of PL 29 N. 127748,. Consequently, the proposed development, in itself, or by the precedent it would establish for similar development in this vicinity, for the construction of extensions within a designated landscaped strip, would contravene a condition of the parent permission, the purpose of which is the protection of the residential amenity of adjacent dwellings and would be injurious to their residential amenity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Fergal O'Bric
Planning Inspector

19th May 2020