



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307452-20

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<b>Development</b>	Permission to construct a first floor level rear extension to existing 2-storey dwelling.
<b>Location</b>	4 Cullenswood Park, Ranelagh, Dublin 6 D06 AW90
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	2360/20
<b>Applicant(s)</b>	Hilary O'Donoghue
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Hilary O'Donoghue
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	14 <sup>th</sup> September 2020
<b>Inspector</b>	Irené McCormack

## 1.0 Site Location and Description

- 1.1.1. No. 4 Cullenswood Park is located in the mature residential suburb of Ranelagh south of Dublin city centre. The house forms part of a terrace of dwellings and is located on the southern side of the road and faces northwards. The dwelling has front and rear gardens.
- 1.1.2. The street comprises predominantly early 20th Century dwellings characterised by redbrick with pebbledash render. To the west of a site there is a modern apartment complex adjacent to later 20<sup>th</sup> century residential dwellings and a three-storey apartment development.
- 1.2. A lane runs along the rear of the site serving Cullenswood Park (including the site) to the north and the rear garden plots of the Georgian streetscape to the south fronting Ranelagh Village which consists of a mix of commercial offices and residential uses.
- 1.3. The site is 170sqm in area.

## 2.0 Proposed Development

- 2.1. The development comprises:
  - the construction of a first-floor level rear extension to existing 2- storey dwelling.
- 2.2. The existing house is 137sqm in area. The proposed first floor extension is 13.5sqm in area.

## 3.0 Planning Authority Decision

### 3.1. Decision

Dublin City Council decided to refuse planning permission of the following reason:

The proposed two storey extension to the rear of the property, by reason of its scale, and proximity to adjoining boundaries, would seriously injure the residential amenities of neighbouring properties by reason of overshadowing and loss of light, would be visually overbearing and result in overlooking. The proposed development

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

### 3.2. **Planning Authority Reports**

#### Planning Reports

3.2.1. The Planning Officer's reports notes the zoning provisions and the sets out that while there is no objection in principle to a first floor extension at this location, there are concerns regarding the impact of the works on the adjacent dwellings in terms of overbearing and overshadowing due to the scale and projection of the works. In particular, it is considered that the works will result in overshadowing and loss of light to the rear amenity space of No. 5 Cullenswood Park and shall also appear overbearing from this garden space. The proposal to install a new first floor bedroom window in the western side elevation of the existing first floor rear return was not indicated in the development description nor in the public notices. This new window is necessary to provide light into the existing bedroom no. 3. It is considered that there will be direct overlooking from this window into the rear gardens of the adjoining dwellings to the west. As such it was considered that the extension to the rear of the property was not considered acceptable having regard to the impact of the works on the residential amenity of adjacent properties.

3.2.2. Other Technical Reports

**Drainage Division** - No objection to the proposal, subject to conditions.

### 3.3. **Prescribed Bodies**

None

### 3.4. **Third Party Observations**

None

### 4.0 **Planning History**

None

## 5.0 Policy Context

### 5.1. Development Plan

The site is zoned Z1 in the Dublin City Development Plan 2016-2022 which seeks “To protect, provide and improve residential amenities”.

5.1.1. Relevant policies and standards of the Dublin City Development Plan 2016-2022 include:

#### **Section 16.2.2.3: Alterations and extensions (general)**

- Extensions will be sympathetic to the existing building and adjoining occupiers,
- Alterations and extensions to roof will respect the scale, elevational proportion and architectural form of the building.

#### **Section 16.10.12: Extensions and Alterations to Dwellings**

Relates to alterations and extensions to dwellings and states that development will only be granted where it will not have an adverse impact on the scale and character of the area and will not adversely affect amenities enjoyed by occupants of adjacent buildings.

**Appendix 17** of the Plan sets out design guidance with regard to residential extensions;

- 17.3: Residential amenity: extensions should not unacceptably affect the amenity of the neighbouring properties,
- 17.4 Privacy: Extensions should not result in any significant loss of privacy to the residents of adjoining properties.
- 17.6 Daylight and Sunlight: care should be given to the extensions and the impact on the adjoining properties,
- 17.11 Roof extensions: the design of the roof shall reflect the character of the area and any dormer should be visually subordinate to the roof slope, enabling a large proportion of the original to remain visible

## 5.2. **Natural Heritage Designations**

None

## 5.3. **EIA Screening**

The proposed development is not of a class for the purpose of EIAR. The nature and scale of the development would not result in a real likelihood of significant effects on the environment.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

In response to the reason for refusal issued by Dublin City Council the applicant has submitted revised drawings:

- omitting the north-west facing window of the existing first floor side wall.
- Indicating obscure glazing to the proposed north-east facing new first floor windows. It is set out that if the Board determines by condition that this windows be omitted the applicant will agree to same.

### 6.2. **Planning Authority Response**

None

## 7.0 **Assessment**

7.1.1. The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment also needs to be addressed. I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Design and Impact on Residential Amenity
- Appropriate Assessment

7.1.2. The assessment below has regard to the revised drawings submitted by the first party accompanying the appeal.

7.1.3. The site is located within an area zoned Z1 which seeks "To provide for and improve residential amenities." Residential is a permissible use within this zoning category.

Therefore, the principle of the extension is acceptable on 'Z1' zoned land, subject to safeguards.

## 7.2. Design and Impact on Residential Amenity

- 7.2.1. The proposed development is modest 13.5sqm extension at first floor level to the rear of the site. There is an existing two-storey return at the rear of the dwelling and the ground floor was previously extended by 23sqm which the application form sets out was exempted development. I note the planning authority raised no issues in this regard.
- 7.2.2. The proposed extension extends approx. 3.3m from the building line of the rear return and extends almost the entire width of the site at approx. 5.2m. The ridge height reflects the existing rear return at 6.7m. A flat roofed single storey remains between the existing rear return and the adjoining house to the northwest no. 3 Cullenswood Park.
- 7.2.3. The planning authority recommended refusal stating that the two-storey extension to the rear of the property, by reason of its scale, and proximity to adjoining boundaries, would seriously injure the residential amenities of neighbouring properties by reason of overshadowing and loss of light, would be visually overbearing and result in overlooking.
- 7.2.4. In my opinion the general **design** is acceptable and does not conflict with the general character of the area. The extension is located to the rear and will not be visible from the public road. The extension is subordinate to the main dwelling and in accordance with Section 16.2.2.3: *Alterations and extensions (general)* of the Development Plan. The design approach and palette of materials are appropriate, in my view. In terms of **overbearing impact**, the visibility of structure from adjoining properties does not in itself mean that the amenities of those properties would be injured. Whilst, I note the proposed extension will be constructed adjacent to the adjoining site boundaries, all works will be carried out within the site as outlined in red and no works will be permitted to encroach or overhang third party properties and I do not consider that proposed extension with a depth of 3.2m to be of a significant scale so as to be represent an overbearing impact.
- 7.2.5. A significant amount of private amenity space would remain in the back garden after its construction

7.2.6. In relation to **overlooking** the applicant has submitted revised drawings to the Board for consideration which include the omission of the north-west facing window of the existing first floor side wall and proposed obscure glazing to the proposed north-east facing new first floor window. It is set out that if the Board determines by condition that this windows be omitted the applicant will agree to same. Notwithstanding, the proposed use of obscure glazing, having regard to the perceived sense of overlooking that this window may create on no. 3 Cullenswood Park, I consider it appropriate that this window be omitted should the Board be minded to grant planning permission.

7.2.7. In relation to loss of **daylight and sunlight/overshadowing**, The BRE Guidelines (Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice, 2011) note that consideration of impacts is limited to rooms where daylight is required, including living rooms, kitchens and bedrooms. I note the rear of the site is south/southeast facing. I further note that the adjoining properties are already overshadowed by the existing rear return of their neighbouring properties. The area between each rear return and the adjoining property boundary is narrow at approx. 2m in width which creates an enclosed courtyard type space over two floors, the narrow width and tight urban grain limit the natural light to the site at present. I further consider that owing to site orientation the development that the development will not result in undue adverse impacts on sunlight and daylight access to the neighbouring properties. I am further satisfied that the rear garden spaces of the adjoining properties will not be determinately impacted by the development due to the site orientation. A degree of overshadowing is acceptable in an urban context. However, I am satisfied that there would be no significant **loss of light** or **overshadowing** to the adjoining properties as a result of the development.

7.2.8. Overall, I do not consider the proposal results in any injurious impact on residential amenity and would not have an adverse impact on the character of the area. I consider the principle of the development is in line with Appendix 17 of the Development Plan

### 7.3. **Appropriate Assessment**

7.3.1. Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance 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 the conservation objectives of any European site.

## 8.0 Recommendation

I recommend that planning permission should be granted, subject to conditions, as set out below.

## 9.0 Reasons and Considerations

Having regard to the Z1 zoning objective, the policies and objectives of the Dublin City Development Plan 2016-2022, in particular Section 16.10.12 and Appendix 17, residential extensions, the design and layout of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Recommendation

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by further plans and particulars received by An Bord Pleanála on the 30th June 2020 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 out in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:
  - The first-floor north-west facing window on the existing side wall shall be omitted.



- The first-floor north-east facing window of the proposed extension shall be omitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In protect the amenities of property in the vicinity.

3. Drainage arrangements, including the 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.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 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.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

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Irené McCormack  
Planning Inspector

22<sup>nd</sup> September 2020