



An
Bord
Pleanála

Inspector's Report

ABP-307559-20

Development	Erection of a new part single and part two storey flat roofed extension to the rear.
Location	52, Terenure Road North, Dublin 6w
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	2519/20
Applicant(s)	Sorcha Ni Scolai & Eamonn Keane
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Kathryn Connolly & Teresa Brady
Observer(s)	None
Date of Site Inspection	3 rd September 2020
Inspector	Mary Crowley

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports.....	4
3.3. Prescribed Bodies	5
3.4. Third Party Observations	5
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations	6
5.3. EIA Screening	6
6.0 The Appeal	6
6.1. Grounds of Appeal	6
6.2. Applicant Response	7
6.3. Planning Authority Response	7
6.4. Observations	7
6.5. Further Responses.....	7
7.0 Assessment	7
7.2. Principle	8
7.3. Residential Amenity	8
7.5. Depreciation of Property Values.....	8
7.6. Appropriate Assessment	9

7.7. Other Issues..... 9

8.0 Reasons and Considerations..... 9

9.0 Conditions..... 10

1.0 Site Location and Description

1.1. The appeal site with a stated area of 170 sqm is located to the west of Terenure Road North adjacent to the entrance to Eaton Hall Sports Club. The sports grounds wrap around the site to the rear. A three-storey retail and apartment development is located to the south of the site. The existing dwelling is a two storey end of terrace red brick house with pedestrian access to the front. The house has a two storey return to the rear. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. Permission is sought for the erection of a new part single storey and part two storey flat roofed extension (39.5 sqm) to the rear of existing dwelling (66.65 sqm).
- 2.2. The application was accompanied by a cover letter stating that the applicant proposes to extend their dwelling to provide a more usable family area at ground floor and extra bedroom for their growing family.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dublin City Council issued notification of decision to grant permission subject to 6 no generally standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Case Planner** recommended that permission be granted subject to conditions. The notification of decision issued by Dublin City Council reflects this recommendation.

3.2.2. Other Technical Reports

- **Drainage Division** – No objection subject to conditions as outlined in the report.

3.3. **Prescribed Bodies**

3.3.1. None

3.4. **Third Party Observations**

3.4.1. There are 2 no observations recorded on the planning file from (1) Kathryn Connolly and (2) Teresa Brady. The issues raised relate to loss of daylight to adjoining rear gardens, depreciation of property values and sale of extension.

4.0 **Planning History**

4.1. No planning history has been made available with the file and there is no evidence of any previous appeal at this location. It is noted that the Board granted permission for the construction of a new attached part single, part two-storey, flat roof, extension to rear of existing dwelling and all ancillary works at 44 Terenure Road North, Terenure, Dublin to the north of the appeal site subject to 3 no generally standard conditions (ABP-305375-19 refers).

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1. The operative plan for the area is the **Dublin City Development Plan 2016-2022**. The site is within an area zoned **Z1 Sustainable Residential Neighbourhoods** where the land use zoning objective is “*to protect, provide and preserve residential amenities*”. Relevant Policy from Development Plan 2016-2022 are as follows:

5.1.2. **Chapter 16, Section 16.2.2.3 Extensions and Alterations**

Dublin City Council will seek to ensure that alterations and extensions will be sensitively designed and detailed to respect the character of the existing building, its context, the amenity of adjoining occupiers and integrated with the surrounding area.

5.1.3. **Chapter 16, Section 16.10.12 Extensions and Alterations to Dwellings**

The section states that the development should integrate with the existing building in terms of form and finishes. 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.

5.1.4. **Appendix 17 – Guidelines for Residential Extensions**

Appendix 17 provides general advice and design principles for residential extensions. The guidelines should be interpreted in the context of the Development Plan Core Strategy, which promotes a compact city, sustainable neighbourhoods and areas where a wide range of families can live.

5.2. **Natural Heritage Designations**

5.2.1. The site is not located within a designated Natura 2000 site.

5.3. **EIA Screening**

5.3.1. Having regard to the nature and scale of the proposed development comprising a residential extension in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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 third-party appeal has been prepared and submitted by Kathryn Connolly and Teresa Brady, 50/48 Terenure Road North, long term residents of Terenure, and may be summarised as follows:

- Loss of daylight and sunlight resulting in a increased need to use electric light
- Reduced quality of life as both parties are reliant on their homes and gardens for both physical and mental wellbeing which was particularly important while cocooning

- The gardens are not only used for growing plants and foodstuffs but also as an outdoor living area where for family
- There will be a reduction in the value of their properties due to overshadowing

6.2. **Applicant Response**

6.2.1. None

6.3. **Planning Authority Response**

6.3.1. None

6.4. **Observations**

6.4.1. None

6.5. **Further Responses**

6.5.1. None

7.0 **Assessment**

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Residential Amenity
- Depreciation of Property Values
- Appropriate Assessment.
- Other Issues

7.2. Principle

- 7.2.1. The appeal site is wholly contained within an area Zoned Z1 Sustainable Residential Neighbourhoods where residential extensions and alterations to an existing dwelling for residential purposes is considered a permissible use in principle.

7.3. Residential Amenity

- 7.3.1. Concern is raised in the appeal that the proposed scheme will result in a loss of day light and sunlight to adjoining properties to the north at No 48 and 50 Terenure Road.
- 7.3.2. As documented planning permission is sought for a part single and part two storey flat roofed extension with a stated area of 39.5sqm to the rear of this end of terrace dwelling. The extension wraps around the existing two storey rear return and forms a small south facing courtyard between the existing dwelling and the proposed extension. The two-storey element has an overall height of 5.6 metres and projects 2.1 metres forward of the existing rear return. At ground floor level the single storey element is c.3.2 metres in height and projects 6.2 metres from the rear return.
- 7.4. While there is no objection to the scale and location of the proposed ground floor extension, I share the concerns raised in relation to the impact of the first-floor element of the scheme. As documented, there is an existing two-storey rear return and while much of the proposed second floor extension is to the south of the return and will have no impact on adjoining properties to the north I consider the 2.15m extension beyond the rear wall of the return to be of concern in terms of being visually intrusive and having an overbearing impact on adjoining properties with the resulting potential for loss of daylight and overshadowing. Accordingly it is recommended that should the Board be minded to grant permission that a condition be attached requiring that the depth of the first-floor rear extension be reduced in line with the rear wall of the existing rear return with details to be agreed prior to commencement of work on site.

7.5. Depreciation of Property Values

- 7.5.1. Concern is raised in the appeal that there will be a reduction in the value of adjoining properties due to overshadowing. The proposal is for a residential extension on lands zoned for residential use where residential development is considered a permissible

use and where it is reasonable to expect that developments of this nature would normally be located. The extension (subject to condition as outlined above to reduce the depth of the first floor rear extension) is not considered to be a bad neighbour in this context and I do not consider that to permit this development would lead to devaluation of property values in the vicinity. Accordingly, I am satisfied that this matter is not material to the consideration of this appeal in this instance.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the proposed development comprising the construction of a house and its 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 a European site.

7.7. Other Issues

- 7.7.1. **Development Contributions** – I refer to the Dublin City Council Development Contribution Scheme 2020-2023. Section 11 outlines circumstances where no contribution or a reduced contribution apply. It is stated that the first 40sq metres of extensions to a residential development will not be required to pay development contributions under the Scheme. The proposed development has a stated area of 39.5 sqm and is subject to further reduction by reason of condition as recommended above and is therefore exempt.

8.0 Reasons and Considerations

- 8.1. Having regard to the residential zoning of the site in the Dublin City Development Plan 2016 – 2022, the pattern of development in the area and the layout and design of the scheme, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The depth of the first-floor rear extension shall be reduced in line with the rear wall of the existing rear return. Details shall be agreed in writing with the Planning Authority prior to commencement of work on site.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
5.	<p>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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

6.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste including any excess soil arising from the proposed excavation of the site.</p> <p>Reason: In the interests of public safety and residential amenity</p>
----	--

Mary Crowley

Senior Planning Inspector

12th October 2020