



An
Bord
Pleanála

Inspector's Report ABP-307876-20.

Development	Garage and attic conversion with first floor extension over existing garage.
Location	141, Iveragh Rd, Whitehall, Dublin 9.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	1170/20.
Applicant	Mark Carney.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party
Appellants	Christy Reilly. Mark Rutledge & Michelle McShortall
Observer(s)	None.
Date of Site Inspection	10 th February 2021
Inspector	Philip Davis.

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1.0 Introduction

This appeal is by two adjoining residents against the decision of the planning authority to grant permission for house renovations, which include a garage and attic conversion, along with a first-floor extension. The grounds of appeal relate to amenity, privacy and daylight.

2.0 Site Location and Description

2.1. Iveragh Road

Iveragh Road is a mature housing estate dating from around the mid-20th Century located between the N1 and the main Dublin City University campus in Whitehall, north Dublin. It is laid out in an unusual design, with a central circular grassed area, with roads as spokes with Iveragh Road looping around this core. It has several link roads to the N1 and to Collins Avenue Extension to the north. The estate is characterised by a mix of medium to large sized detached, semi-detached, and terraced dwellings.

2.2. Appeal site

The appeal site, no. 141 Iveragh Road, is one of a pair of semi-detached 2-storey, 2 bay dwellings with a front bay window and side garages, typical of the design of most houses in the estate. The front elevation faces the north-east, with the rear garden having a south-westerly axis. The site is somewhat wedge shaped to accommodate the oval curve of the estate road. Total site area is given as 190 sqm, with an existing floor area of 123 sqm of buildings on the site. The front garden is partially paved with space for two cars. The house fronts the distributor road for the estate, which has a footpath with grassed strip and mature trees, and a relatively narrow carriageway.

The twin semi-D of the appeal site (no. 143) is to the south-east of the site, this house shares an approximately equal sized site, layout and orientation. To the north-west of the site is another semi-detached dwelling (no. 139) with an orientation facing north-west, with its rear elevation facing towards the appeal site. This house has a converted garage to the side. This house has a large front and side garden but

a small residual rear garden. The appeal site also shares a boundary with no's 137 and 135 Iveragh Road.

3.0 Proposed Development

The development is described on the site notice as:

1. A garage conversion on the ground floor incorporating a new bay window.
2. A first-floor level extension over the existing garage at the side of the dwelling with a bay window including extending the existing roof and the provision of roof lights on the side of the roof.
3. An attic conversion including provision of a dormer roof and windows to the rear.

The proposed development is stated to bring the floor area of buildings on the site from 123 sqm to 145 sqm, an increase of just under 22sqm.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant planning permission subject to 8 no. conditions, most of which are standard conditions. C2 states that windows in the ensuite in the west facing wall shall be permanently glazed with obscure glass. Condition 3 set a requirement for a 0.7 metres separation between the side extension and the adjoining site.

4.2. Planning Authority Reports

4.2.1. Planning Reports

- Notes that the site is in a Z1 zoned area, with relevant polices in the section on alterations and extensions and residential design (16.2.2.3; 16.10.12 and Appendix 17) of the Dublin City Development Plan.

- Notes a number of previous permissions for extensions on the site. It is stated that most were not built, but there is a permitted first floor extension to the rear.
- Two observations received, both objecting on amenity grounds.
- It is considered that in Z1 areas, the key issue for any such development is amenity and visual impacts.
- The garage conversion is considered acceptable in principle.
- It is highlighted that a key consideration is that no.139 has an orientation with its rear looking directly towards the side of no.141.
- It is noted that in the previous grant of permission it was considered important to maintain a minimum separation of 0.7 metres from the boundary with no.139.
- It is stated that a shadow analysis indicates that the extension would not have a detrimental impact on adjoining dwellings.
- It is therefore considered that the first-floor extension is acceptable.
- It is noted that the proposed attic conversion and dormer window would not be visible from the public realm.
- It is stated that the rear dormer is consistent with the standards set out in Appendix 17 of the Plan. It is considered that it is acceptable in principle.
- It is not considered that any AA issues apply.
- A grant of permission is recommended.

4.2.2. Other Technical Reports

Drainage Division: No objections subject to standard conditions.

4.3. Prescribed Bodies

Irish Water: No response.

4.4. Third Party Observations

Two observations submitted, both objecting on amenity grounds.

5.0 Planning History

Appeal site:

3806/15: Permission granted for a garage conversion and extension at first floor level.

4672/08: Permission granted for the demolition of the garage and a new 2-storey extension (this was later extended by 3 years, but was never implemented).

Other relevant permissions:

1084/18: 186 Iveragh Road – permission granted for 2-storey extension to the side.

4265-17: 145 Iveragh Road - permission granted for 2-storey extension to the side.

1275/15: 143 Iveragh Road – dormer conversion granted. Decision confirmed in appeal **PL29N.245733**.

ABP-301598-20: Decision on appeal refused for 2 storey extension and subdivision of dwelling (October 2017).

6.0 Policy Context

6.1. Development Plan

The site is within an area zoned Z1, for the protection of residential amenities. Design guidelines for extensions are set out in Appendix 17 of the Development Plan.

6.2. Natural Heritage Designations

The closest designated habitats are the SPA's and SAC's of Dublin Bay. The site is within the catchment of watercourses running into these coastal habitats. The closest such designated area is 3 km south-east of the site.

7.0 The Appeal

7.1. Grounds of Appeal

Mark Rutledge & Michelle McShortall of 137 Iveragh Road

- It is argued that it will interfere with their residential amenities by way of overshadowing and loss of privacy. It is questioned whether the shadow analysis used at the basis for the PA report and conclusion was appropriate.
- It is submitted (plan on page 3 of the submission), that the application misrepresents the site boundary.
- It is submitted that the garden in no.137 was misrepresented as a building (drawings on page 3, and photograph on page 4).
- It is argued that the PA assessment does not address the relationship between the buildings as required in Section 17.5 of the Development Plan.
- It is argued that the precedents highlighted by the planning report are of dwellings with quite different layouts and orientations. It is emphasised that they do not consider that the drawings accurately reflect the relationship of the buildings on site.
- It is noted that contrary to the statement in the planning report, the application is for an attic room, not an attic storage room.
- Notes extension to the side of no.94 Iveragh Road, where a contemporary flat roof was permitted (1251/17).

Mark Carney of no. 139 Iveragh Road

- Concern expressed at condition 3 (0.7 metre separation distance). It is argued that this has no basis in guidelines and that the extension would reduce natural daylight to their rear ground floor (kitchen) window.

- It is argued that the plans submitted and approved do not accurately reflect the existing layout and the relationship of the existing garage with the rear kitchen window of no.139.

7.2. Applicant Response

The applicant responded to each appeal in separate letters, I will address them as one for conciseness.

- It is argued that the proposed development is not materially different from previous permissions on the site and is of a modest scale typical of such suburban contexts. A number of Board decisions are quoted in support of this, including PL29N.241748 and PL29N.245733.
- An overview of the design and the site context is set out with accompanying photographs and drawings.
- It is submitted with legal arguments that the Board should dismiss the appeals on the grounds that there is no material difference between the proposed development and that previously granted, and that it is consistent with the Z1 zoning objective and related guidelines.
- It is emphasised that the proposed development, the decision, and the key conditions set by the planning authority, are similar to those previously permitted for the site.
- It is submitted that the 0.7 metre separation distance is appropriate for the location, in line with accepted legal principles and guidelines, and consistent with the overall context.
- With regard to overshadowing, it is denied there would be any significant loss, and notes again that in terms of massing, there is no substantive difference to the previous permission.
- It is noted (with photographs attached), that 2-storey side extensions are a common feature of this estate.
- With regard to the rear dormer, it is noted that these are a common feature in extensions and attic conversions in the area, and the comments of the

planning authority are noted. It is also clarified that the attic room is to be used for storage purposes.

- It is argued that there is no basis for submitting that the proposed development is visually intrusive.
- It is denied that there are any inaccuracies in the submitted drawings.

7.3. Planning Authority Response

The Board is referred to the planners report on file, it is considered that this addresses all the issues raised in the appeal.

7.4. Observations

None.

7.5. Further Responses

None.

8.0 Assessment

Having inspected the site and reviewed the file documents, I consider that the appeal can be addressed under the following general headings:

- Preliminary legal issues
- Principle of development
- Site context
- Overshadowing and overlooking
- Appropriate Assessment
- Other issues

8.1. Preliminary legal issues

The appellants have raised concerns about the accuracy of the red lined boundary of the submitted documentation, arguing that small areas of the lands indicated are

not within the applicant's ownership. The applicant has submitted some information in support of an argument that all details on the plans are accurate. I do not consider that there is sufficient information available to make a definitive judgement on this issue, but ultimately any dispute over the precise boundary line is a civil matter between the parties, and as such Section 34(13) of the Act applies. I am satisfied that the applicant has sufficient standing to make the application, notwithstanding any dispute over boundary issues.

The appellants have also raised issues about the accuracy of the plans regarding the adjoining properties. I would consider that the plans are sufficiently accurate to permit a recommendation and permission.

The applicant requested that the appeals be dismissed as there is no substantive difference in the application from that previously granted permission. I do not consider that the similarity in the plans justifies a dismissal as the development plan context has changed slightly but significantly since the last decision.

8.2. Principle of development

The site is in a residential suburban area zoned Z1 in the Dublin City Development Plan 2016-2022 for the protection of residential amenities. The development plan sets out guidelines for domestic extensions in Appendix 17. There are no relevant national or regional guidelines applicable for such small-scale residential developments, except insofar as it is policy to encourage increasing densities in existing urban areas and on public transport corridors. I would consider that there is a general presumption in favour of permitting small scale extensions to such dwellings, subject to normal planning considerations and with specific regard to the standards and guidelines for such developments as set out in the Dublin City Development Plan.

I note that permission had been granted in just over five years ago for a very similar development, and I will have full regard to this in my assessment on the amenity impacts below. Past permissions are relevant in such considerations, but they were granted prior to the adoption of the current development plan so I do not consider that these set a binding precedent for any decision, although I would note that overall guidance and plan policy has not changed significantly.

I also note that a number of similar developments have been granted permission over the years in this estate, but the unusual layout of the estate results in a very wide range of plot sizes and relative orientations of the houses, so while past decisions are relevant, I consider that this application should be assessed according to its specific site context.

8.3. Site context

The appeal site is in a mature developed suburb, one with an unusual and attractive layout that has had the effect of creating some difficult relative orientations of buildings at a number of corners. There are many examples within the estate of houses with side and rear extensions, although there is no obvious consistent pattern in these alterations. In general, the pattern of hipped roofs has been continued, with dormers largely confined to the rears of the houses. Garage and over-garage extensions are common, and most follow the general form of suburban houses typical of the period.

In general terms I would consider that the proposed development, in extending the existing roof shape over the garage area and repeating the window pattern is acceptable and consistent with the type of works that has been carried out in the immediate area in the past and would not have a serious visual impact on the overall amenities of the Iveragh Road area.

8.4. Overshadowing and overlooking

The restricted nature of the site and the overall orientation of the house relative to the houses to the north and west creates very obvious problems for any extension to this dwelling, as the existing structures are uncomfortably close to the rear living areas of the neighbouring houses, especially no. 139 and 137. No. 139, in particular, has a very small rear garden, with most of its amenity space to the side. But this also results in the rear habitable rooms of the houses being very close to the appeal site and many of the benefits of a southerly aspect being lost. In terms of modern house and apartment guidelines, the separation distances and the relative orientations would not be considered acceptable. There is therefore a balance to be met between the reasonable objective of the applicant to update and improve the

house, without making the amenity situation for adjoining neighbours significantly worse.

The first-floor extension over the garage will not in my opinion directly cut out any light to the adjoining dwellings to any significant extent, but it will make the overall house bulkier and more overbearing when seen from the rears of the three neighbouring properties to the north and west. The dormer extension on the roof will possibly have a slight impact on the shadow cast at certain times of the day, but this impact would be quite intermittent and minor.

The additional windows on the first and attic levels of the house will also increase the potential for overlooking, with the separation distance between existing houses here being well under the usual 22 metres separation distance which would be considered appropriate in suburban contexts under more recent guidelines. But I do not consider that the orientation of these windows results in a significant loss of privacy.

To a large degree, there is a subjective judgement as to whether these overshadowing/overbearing impacts go beyond what would be reasonable in the circumstances. The concerns of the appellants are very reasonable. However, on balance, and having particular regard to the planning history of the site and previous permissions, I consider that the proposed development would not impact on adjoining amenities to the extent that would justify a refusal of permission.

8.5. Appropriate Assessment

The house is located in a built-up urban area, served by public water and sewerage supplies. All works would be within the existing curtilage. The closest designated habitats are in Dublin Bay, the various SAC's and SPA's of the Tolka and Liffey estuaries and associated coastal and littoral habitats and there are no pathways for pollution, or habitats associated with the site that could have indirect impacts on the conservation objectives of these habitats. Having regard to this, 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.

8.6. Other issues

There are no protected structures or zones of archaeological interest in or close to the appeal site.

The planning authority did not consider that any financial contributions apply.

The house is served by the existing public sewer and public water supply, and there is no information on file to indicate that there are any implications for the provision of infrastructure. The site is not within an area prone to flooding, and as it is already well built-up I do not consider that there would be a significant increase in run-off from the site.

There are two parking bays within the curtilage so I do not consider that there are traffic or parking considerations, although I note that the loss of the garage would make bike parking more difficult, although there are no specific guidelines to apply. I do not consider that there are any other planning issues raised in this appeal.

9.0 Recommendation

I recommend that the proposed development be granted planning permission for the reasons and considerations set out below, and subject to the conditions set out in section 11.

10.0 Reasons and Considerations

Having regard to the planning history of the site, the zoning designation, and the details of the plans and particulars submitted, it is considered that the proposed development would not seriously injure the amenities of the area and would otherwise be in accordance with the proper planning and sustainable development of the area.

11.0 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 to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The roof colour shall be blue-black, black, dark brown or dark grey in colour only. The brick colour to be used shall be the same as that used in the existing dwelling.

Reason: In the interest of visual amenity.

3. The windows serving the en-suite in the west facing wall at first floor level shall be permanently glazed with obscure glass.

Reason: In the interests of privacy and protection of residential amenity.

4. 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 hours of working, noise management measures, and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

Philip Davis
Planning Inspector

17th February 2021