



An
Bord
Pleanála

Inspector's Report

ABP-307879-20

Development	Permission for provision of private open space through construction of a terrace on existing roof.
Location	The Coach House, 1A, Larch Grove, Dublin 6.
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1315/20
Applicant(s)	Colin Daly.
Type of Application	Permission.
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Colin Daly
Observer(s)	Lisa Ryan Colin and Sarah Keane
Date of Site Inspection	13 th of October 2020
Inspector	Adrian Ormsby

1.0 Site Location and Description

- 1.1. The appeal site is located c. 3km to the south of Dublin City centre at the Coach House, 1A, Larch Grove, Dublin 6. The site has a narrow wedge shape boundary and a stated area of 56.7 sq.m.
- 1.2. The site adjoins 80 Sandford Road to the south west, 78 Sandford Road to the North West and 1 Larch Grove to the East. The sites southern boundary is Larch Grove, a cul de sac c.60 metres in length serving six two storey semi-detached dwellings, the application site and a single storey commercial structure known as 80 Sandford Road. Larch Grove connects to Sandford Road c.700m south east of Ranelagh Village. No's. 70-76 Sandford Road to the north west of the site are Protected Structures.
- 1.3. The site is located in an established residential area and is occupied by a very small and narrow two-storey with dormer roof extension residential unit with a first floor zinc cladding finish. A small portion of the southern part of the roof is mono-pitched slated roof and is lower than the dormer structure. The dormer has first floor windows facing south west over the building known as 80 Sandford Road.
- 1.4. The unit is accessed by a pedestrian door from Larch Grove and it is located very close to the western boundary of 1 Larch Grove. The only open space serving the unit appears to be from the pedestrian gate into the unit and the narrow space between it and 1 Larch Grove.
- 1.5. Across Larch Grove and directly opposite the site, there is a high boundary wall enclosing a single storey shed like structure and a rear garden that serves as private open space to No's 82 and 84 Sandford Road.

2.0 Proposed Development

- 2.1. The proposed development comprises-
 - Provision of 31 sq.m of timber decking at roof level to provide an area of private open space
 - 1.1m high glazed or steel balustrade along all roof boundaries save a 1.8m timber screen to boundary with 1 Larch Grove.

- Removal of part of existing slated roof to provide an extension to the dormer structure to facilitate stair access to roof space. This space is to be finished with zinc cladding.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission on the 21-07-20, for the following reasons-

- *Having regard to the prominent position of the existing dwelling, the extent of the proposed roof terrace and the height and appearance of the balustrade, it is considered that the proposed development would constitute an incongruent addition to the existing building, would seriously injure the visual amenities of the streetscape and would have an adverse impact on the character of the area. The proposed development would, therefore, by itself and by the precedent it would set for other development, seriously injure the amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.*
- *The proposed development, being located at 2nd floor level in proximity to neighbouring dwellings and incorporating balustrading which cannot be increased in height without impacting negatively on visual amenity, would give rise to unacceptable impact on the amenity of neighbouring occupiers due to overlooking and loss of privacy. The development would therefore be contrary to the proper planning and sustainable development of the area.*

4.0 Planning Authority Reports

4.1. Planning Reports

The report of the Planning Officer (dated 20-Jul-2020) reflects the decision of the Planning Authority. The following is noted from the report:

- Due to the prominence of the site, the large area of the terrace and consequent visibility of the balustrade, the proposed development would appear as an incongruent feature in the existing context.
- The proposed terrace at second floor level would enable views across Larch Grove to rear of properties on Sandford Road leading to an unacceptable impact on residential amenity in terms of overlooking.

4.2. Other Technical Reports

- Drainage Division- No objection subject to condition

4.3. Prescribed Bodies

- None

4.4. Third Party Observations

Two submission were received.

- Ms Susan Behan, 39 Stillorgan Wood, Stillorgan, Co. Dublin. The submission was made on behalf of her parents, Claire and John Behan the owners of 82 and 84 Sandford Road. The following issues were raised-
 - 84 is the principal private residence, 82 is a granny flat and together they comprise one single premises.
 - Proposed development may overlook 82 and 84.
 - The design of the staircase is unclear.
 - Increased screening height has not been provided to address overlooking of 82 and 84.
 - A glass finish balustrade will provide no protection from overlooking.
 - The proposed development will also face into several first floor bedroom and bathroom windows and ground floor kitchen windows leading to a gross violation of privacy.

- The extension of the dormer cladding is bulky and will overhang the footpath. It is intrusive and unattractive design, which is overbearing and out of character.
- Lisa Ryan, 7 The Mall, Main Street, Leixlip. Ms Ryan is the owner of the adjoining building no. 80 Sandford Road. The issues raised are included in Ms Ryan's Observations on the appeal as set out in section 7.3 below.

5.0 Planning History

This property-

- 3325/11, PL29S.239931, 06/07/2012- Grant permission for renovation and extension at ground and first floor level of existing cottage.

Adjoining property- 1 Larch Grove

- Web1585/17, ABP-300992-18, 16/08/2018- Grant permission with revised conditions for a single and two storey extension

6.0 Policy Context

6.1. Dublin City Development Plan 2016-2022

- 6.1.1. The appeal site has a zoning objective 'Z1 - Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022, with a stated objective *'to protect, provide and improve residential amenities'*.
- 6.1.2. 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. Appendix 17 of Volume 2 of the Development Plan provides guidance specifically relating to residential extensions.
- 6.1.3. The following Sections are of particular relevance:
- Section 16.2.2.3 Extensions and Alterations to Dwellings-
....alterations and extensions at roof level, including roof terraces, are to respect the scale, elevational proportions and architectural form of the building, and will:

- *Respect the uniformity of terraces or groups of buildings with a consistent roofline and will not adversely affect the character of terraces with an attractive varied roofline*
 - *Not result in the loss of roof forms, roof coverings or roof features (such as chimney stacks) where these are of historic interest or contribute to local character and distinctiveness.*
- Section 16.10.12 Extensions and Alterations to Dwellings:
- ‘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.’*
- Appendix 17 Guidance for Residential Extensions
- Section 17.3 Residential Amenity Issues
- Section 17.4 Privacy-
- *Balconies will only be allowed where they are well screened and do not adversely overlook adjoining properties. The use of the roofs of flat-roof extensions as balconies can often lead to problems of overlooking.*
- Section 17.11 Roof Extensions:
- *The roofline of a building is one of its most dominant features and it is important that any proposal to change the shape, pitch, cladding or ornament of a roof is carefully considered.*

6.2. Natural Heritage Designations

- 6.2.1. The site is located c. 2.7km west of the South Dublin Bay SAC (000210) and the South Dublin Bay and River Tolka Estuary SPA (004024).
- 6.2.2. The site is located c1.2km south of the Grand Canal pNHA.

6.3. EIA Screening

- 6.3.1. Having regard to the limited nature and scale of the proposed development it is considered that 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.

7.0 The Appeal

7.1. Grounds of Appeal

A first-party appeal has been lodged. The following is a summary of the main issues raised-

- Due to the constraints of the site the proposal seeks to provide private open space at roof level. The development has been carefully considered so there will be no loss of amenity to any neighbouring properties.
- The appeal address each of the refusal reasons. For the first reason it argues-
 - the site itself is an anomaly due to its unique set of conditions and as such it would not set a precedent for other developments. 1A has a significantly lower roof level than any other property in the vicinity. Even with the proposed development 1A will sit below the established ridgeline of neighbouring dwellings.
 - In relation to the extent of the proposed terrace the appellant suggests the area of private open space can be reduced and set back from the building line.
 - The proposed materials glass and metal is synonymous with the existing dormer roofscape. If these materials are not acceptable, they can be changed by the Board. The height and appearance is harmonious with the building and its context.
- In addressing the second refusal reason, the appeal details that the glazed balustrade is not intended as a screen to prevent overlooking but can be obscured or other material if required. It is a commonly held principle that the

concept of overlooking does not apply across roads and laneways or to front gardens. One area of overlooking is identified to rear of 1A Larch Grove and a 1.8m timber screen is provided. This can be obscure glass if required.

7.2. Planning Authority Response

- No response received to the grounds of appeal.

7.3. Observations

Two observations were received from Lisa Ryan of 7 The Mall, Main Street, Leixlip and Colin and Sarah Keane of 78 Sandford Road. The issues raised by the observers can be summarised as follows-

- those outlined by Lisa Ryan in the third party observation to DCC including-
 - The proposed development is large and would lead to overdevelopment.
 - The proposal has a major adverse visual impact on the area and would disrupt the existing streetscape. It is visually incongruous with the area and the location of protected structures on the street is noted. Proposal is seriously injurious to the amenity of properties in the area and would depreciate the value of property in the vicinity.
 - Proposed stairs does not comply with building regulations and there is a risk of fire from the timber deck.
 - Overlooking and adverse impacts on adjoining neighbours.
 - The timber wall 1.8m high will create overshadowing of 1Larch Grove.
 - Proposal will require structural bracing on adjoining properties.
 - No surface water drainage in line with Suds provided.

and

- The development would effectively add a third storey, constitutes overdevelopment and would have an adverse effect on the scale and character of adjoining properties.

- The glazed viewing platform would be extremely incongruous beside the Georgian Terrace at 70-76 Sandford Road, the dormer cottage at 78 and the terrace of semidetached red brick Victorian Houses further along Sandford Road.
- The development will cause overlooking to both the front and rear garden of number 78.
- Roof gardens or balconies are not appropriate in residential areas due to overlooking and noise.

8.0 **Assessment**

8.1. **Main Issues**

8.1.1. I have examined the application details and all other documentation on file, including the submissions and observations received in relation to the appeal. I have inspected the site and have had regard to relevant local/regional/national policies and guidance. I consider that the main issues for this appeal are as follows-

- Zoning
- Visual Impact
- Residential Amenity
- Appropriate Assessment

8.2. **Zoning**

8.2.1. The subject site is located within an area with a zoning objective 'Z1 - Sustainable Residential Neighbourhoods' with a stated objective 'to protect, provide and improve residential amenities'.

8.2.2. The proposed development seeks to provide a rooftop terrace to an existing residential unit. I consider that the provision of private open space to a residential unit lacking in same, is acceptable in principle, provided it does not negatively impact on the visual or residential amenities of the area.

8.3. Visual Impact

- 8.3.1. The Planning Authority contends that the proposed development would constitute an incongruent addition to the existing building and would seriously injure the visual amenities of the streetscape.
- 8.3.2. The existing roof is finished with zinc cladding to a dormer style roof extension. This is considered a contemporary style development departing from more traditional roof patterns in the general area. This roof is also evidently lower in height than other residential properties in the area.
- 8.3.3. The drawings submitted with the application provide for a 1.1m high glass or steel balustrade along the perimeter of the flat roof, save for a 1.8m high timber screen proposed to a small area bounding 1 Larch Grove on the north east boundary.
- 8.3.4. It is considered that a 1.1m glass balustrade would be a simple and modern finish that reflects the contemporary roof design and profile of the existing dwelling. The terrace and people using it would however be visible from the surrounding public roads. Obscuring this glazing would provide appropriate screening and privacy to the roof terrace users. The proposed 1.8m high timber fencing would be inconsistent with the existing dormer structure and the proposed glass balustrade and would visually detract from the overall development. If permission is granted it is recommended that a condition be attached ensuring the balustrade on all boundaries be of obscured glazing and the balustrade to 1 Larch Grove be 1.8m in height.
- 8.3.5. I have also considered the proximity of the site to Protected Structures at No's. 70-76 Sandford Road. Due to the distance between the site and the structures I am satisfied that the proposal would not detract or negatively impact upon their conservation status.
- 8.3.6. Overall, I consider that the height and design of the glass balustrade would integrate well with the existing finishes of the dwelling. Subject to conditions I do not consider the proposal to be visually incongruent to the existing building and as such would not seriously injure the visual amenities of the streetscape or be visually dominant at this location.

8.4. Residential Amenity

- 8.4.1. The Planning Authority contends that the proposed development would give rise to an unacceptable impact on the amenity of neighbouring occupiers due to overlooking and loss of privacy. In this regard it is clear the Planning Authority's concern relates to the roof top/second floor element of the proposal and its impacts on No's 82 and 84 Sandford Road.
- 8.4.2. In making the application and appeal the applicant has attempted to address potential overlooking-
- A 1.8m screen is proposed to the north east boundary over 1 Larch Grove,
 - Views west/north-west are over the front garden of No 78 Sandford Road an area not regarded as private open space.
 - Views west/south-west are over the flat roof of No 80 Sandford Road
 - Views south east are across the road/laneway of Larch Grove
- 8.4.3. Having assessed the drawings and inspected the site, I share the Planning Authority opinion that there will not be material impacts in terms of loss of privacy from overlooking to the front garden of No 78 and over the single storey at No 80 Sandford Road. Concerns to 1 Larch Grove are mitigated by a proposed 1.8m screen as discussed in section 8.3.4. I do not consider there to be any concerns of overlooking to the rear garden of number 78.
- 8.4.4. Having assessed the site from the rear garden of No.'s 82 and 84 Sandford Road, I also agree with the Planning Authority's opinion that the proposed terrace at second floor/roof level would enable significant direct lines of sight into the private open space of these properties thereby, causing unacceptable levels of overlooking and loss of privacy to the residents of those properties.
- 8.4.5. I acknowledge the distance from the proposed terrace to the private open space of No.'s 80 and 82 Sandford Road is c. 12m. I also note there are existing windows at first floor level to the application site and the other dwellings on Larch Grove all facing the private open space of No.'s 80 and 82 Sandford Road. These windows are further setback and the remainder of the boundary from No.'s 80 and 82 Sandford Road is well screened by existing landscaping.

- 8.4.6. I also observed existing first floor gable windows to No 82 Sandford Road c.16m from the proposed roof terrace. A third party submission to the Planning Authority has identified these windows as serving bedrooms and bathrooms. I note these windows are not directly opposing the application site and are off set at an angle. As such I am satisfied there are no concerns in this regard.
- 8.4.7. Overall, the impacts of overlooking and loss of privacy from the proposed second floor, open roof top terrace of 31 sq.m are markedly different when compared to existing impacts from first floor windows on Larch Grove. In this regard I am satisfied that the roof top terrace as proposed would undoubtedly lead to unacceptable overlooking and loss of privacy to the private open space of 82 and 84 Sandford Road.
- 8.4.8. In addressing the visual impact of the development in their appeal, the applicants have suggested reducing the size of the terrace and setting it back from the building line. In my view it may be possible to provide a smaller size roof terrace, suitably set back from the boundary with Larch Grove and with adequate screening to address the concerns of overlooking and loss of privacy. However, to do so would require the relocation of the access staircase and to attempt to do this though a condition may make such a proposal unworkable and as such I recommend the application be refused.

8.5. Appropriate Assessment

- 8.5.1. Having regard to the nature and small scale of the proposed development and the distance from 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.

9.0 Recommendation

- 9.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

10.0 Reasons and Considerations

1. It is considered that the proposed terrace, by reason of its size and location at roof level / second floor and provision of direct line of sight into the private open space of 82 and 84 Sandford Road, would seriously injure the residential amenity of these properties by reason of overlooking. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Adrian Ormsby

Planning Inspector

13th of October 2020