



An
Bord
Pleanála

Inspector's Report

ABP-307882-20

Development	Amendments to previously granted Planning Permission Reg. Ref. WEB1460/16 comprising of alterations to dimensions and layout of extension at single storey, addition of 2nd storey to rear and side and addition of external wall insulation.
Location	3A Derrynane Gardens, Dublin 4
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1308/20
Applicant(s)	Fiona & Barry Power
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	F. Johnson & Marie-Therese Saffer
Observer(s)	None
Date of Site Inspection	23/10/2020
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site is located at the junction of Derrynane Gardens and Bath Avenue Gardens in the south Dublin suburb of Sandymount. The existing dwelling is a new build, constructed in the side garden of no. 3 Derrynane Gardens.

2.0 Proposed Development

- 2.1.1. On the 29th May 2020, permission was sought for amendments to a previously granted permission to allow for alterations to the permitted single storey extension to the side and rear of the existing dwelling and the provision of a second storey to the side and rear, alteration to the front boundary and provision of external wall insulation.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 25th August 2020 the Planning Authority issued a notification of their intention to GRANT permission subject to 7 no. standard conditions.

3.2. Planning Authority Reports

- 3.2.1. **Drainage Division:** No objection subject to standard conditions.
- 3.2.2. **Planning Report:** Notes that the proposed extension breaks the building line but considers it acceptable given that there will be no negative visual impact. Proposed development is positioned away from neighbouring properties. Recommendation to grant permission.

3.3. Third Party Observations

- 3.3.1. One objection to the proposed development, submitted by the subject appellant. Issues raised similar to that raised in the appeal and discussed in detail in section 6 below.

4.0 Relevant Planning History

- 4.1.1. Planning Authority Reg. Ref. **WEB1460/14:** Permission granted for the construction of a single storey extension to the side and rear of a two-storey dwelling, new pedestrian entrance to rear garden at 3A Derrynane Gardens.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

- 5.1.1. In the Dublin City Development Plan 2016 -2022 plan, the site is zoned '**Z1 Residential**' which has the stated objective "to provide for and improve residential amenities". Within Z1 zones 'Residential' is a permissible use.
- 5.1.2. **Chapter 16** includes the Development Management Standards and has regard to Design, Layout, Mix of Uses and Sustainable Design.
- 5.1.3. **Section 16.2.2.3** of the development plan refers to Alterations and Extensions. The section states that DCC will seek to ensure that alterations and extensions will be sensitively designed and detailed to respect the character of the existing building, its context and the amenity of adjoining occupiers. In particular, alterations and extensions should:
- Respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings
 - Retain a significant proportion of the garden space, yard or other enclosure Not result in the loss of, obscure or otherwise detract from architectural features which contribute to the quality of the existing building
 - Retain characteristic townscape spaces or gaps between buildings
 - Not involve the infilling, enclosure or harmful alteration of front lightwells.
- 5.1.4. **Section 16.2.2.3** also states that extensions should be confined to the rear in most cases, be clearly subordinate to the existing building in scale and design and incorporate a high standard of thermal performance and appropriate sustainable design features.
- 5.1.5. **Appendix 17** of the development plan provides general principles for residential extensions.

5.2. EIA Screening

- 5.2.1. Having regard to nature of the development comprising extension to and alteration of an existing dwelling and the urban location of the site 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. The owners / residents of no. 28 Bath Avenue Gardens, have appealed the decision of the Planning Authority to grant permission. The grounds of the appeal can be summarised as follows:

- Proposed development is contrary to the guidelines in Appendix 17 of the development plan as it dominates the existing building and is not subordinate.
- The proposed development does not respect the roofline or boundary. The northern 2-storey elevation backs directly onto Bath Avenue Gardens, adversely affecting the way the adjoining street is viewed and detracting from the character of the area.
- The proposed two storey extension at 5.98m high, with a depth of 8.72m on the northern boundary. This will have an overbearing impact on adjoining buildings and will create an awkward junction between the existing and proposed building.
- The corner site location means the proposed extension would be readily visible from the appellants property.
- The height, depth and scale of the proposed extension will result in an overbearing, incongruous addition that will harm the character of the area.
- The proposed extension does not respect the uniformity, pattern or rhythm of the street. The proposed development does not contribute positively to the character, distinctiveness, appearance or setting of the garden estate.
- DCC previously refused permission for a flat roofed extension to no. 1 Derrynane Gardens (2440/19), requiring the applicant reduce the depth and height.
- The proposal to remove the northern boundary hedge ignores development plan guidelines to replicate traditional boundary patterns which are characteristic of the area.

- Retention of the traditional boundary hedge was required under the permission that permitted the construction of the subject dwelling. This condition was ignored when the hedge was removed and replaced by a 2m high wall. This wall, in turn was required to be removed and a hedge replaced,

6.2. Applicant Response

6.2.1. An agent for the applicant has responded to the third-party appeal as follows:

- The proposed development complies with the guidelines of Appendix 17 as it protects the amenities of adjoining residences, follows the form and finishes of the existing building, has no adverse impact on the dwelling, the availability of sunlight / daylight or adjoining properties, achieves a high quality of design, maintains adequate open space and provides a sustainable design.
- The unique corner-site location of the subject site allows the proposed development to successfully marry with the existing dwelling and the garden boundary walls. The rounded corners reflect the curved site boundary walls, creating a unified and coherent architectural appearance.
- The mass, scale and form of the proposed extension has been carefully designed to sensitively integrate with the existing house and the wider context.
- The proposed development will have no negative material impacts on the residential amenities of neighbouring properties. The proposed second storey has a flat roof similar to that permitted for the single storey.
- The proposed extension on the northern boundary is set-back from neighbouring properties resulting in no loss of sunlight or daylight , as demonstrated by the shadow analysis.
- First floor windows are on the northern elevation with the exception of a single bathroom window which will be of obscured glazing.
- There is no architectural uniformity on the street. There is an eclectic and diverse mix of building types, forms, ages and styles, building lines and street frontages.
- The appellants property is at a significant remove from the subject site. The suggestion of adverse impact is rejected.

- The proposed development allows for a larger area of usable private open space than the permitted development.
- The subject site is not located in a Conservation Area.
- The Board will note that DCC granted permission for a first floor extension at no. 1 Derrynane Gardens. It was not refused as suggested by the Appellant.
- There are a number of relevant planning precedents in the immediate and wider area, notably a two-storey extension at no. 3 Derrynane Gardens.
- The enforcement history of the subject site regarding the northern boundary occurred before the current applicants owned the dwelling. The existing hedging is of no benefit and is not contained on the majority of houses.
- The Board is requested to grant permission.

6.3. **Planning Authority Response**

6.3.1. None on file.

6.4. **Observations**

6.4.1. None on file.

7.0 **Assessment**

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. I have assessed the proposed development including the various submissions from the applicant and the planning authority. I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Impact on Visual Amenity

7.2. **Principle of Development**

7.2.1. The subject site is located in an area zoned for residential development. The proposed extension to an existing dwelling, subject to compliance with all other planning considerations, is acceptable in principle.

7.3. Impact on Visual Amenity

- 7.3.1. The appellant submits that the design of the proposed extension is a concern, stating that it does not comply with development plan policy which seeks to harmonise and achieve consistency. In response, the applicant has stated that there is no consistency or uniformity in the immediate area, with a diverse range of styles, forms and finishes.
- 7.3.2. Section 16.2.2.3 of the development plan, in referring to alterations and extensions states that they should be sensitively designed and detailed to respect the character of the existing building, its context and the amenity of adjoining occupiers. Alterations and extensions should respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings, not result in the loss of, obscure or otherwise detract from architectural features which contribute to the quality of the existing building and retain characteristic townscape spaces or gaps between buildings.
- 7.3.3. I concur with the applicant, that there is no unifying architectural style in form or finish that binds the area together. A large number of dwellings in the immediate vicinity have undergone refurbishment, a number with two story extensions in a contemporary form. It is considered the proposed two storey extension, which wraps around the corner is an acceptable design response to the subject site. The existing dwelling, being a new build in the side garden of no. 3 has already breached the building line of the junction. The corner of the two residential roads is an appropriate location for a departure from the more usual pitched roof profile in the area.
- 7.3.4. Section 16.2.2.3 also states that extensions should be confined to the rear in most cases, be clearly subordinate to the existing building in scale and design and incorporate a high standard of thermal performance and appropriate sustainable design features. The proposed first floor addition is not subordinate to the existing dwelling, albeit that it is largely to the side and rear. The corner nature of the subject site restricts the ability of the dwelling to extend over two levels solely to the rear. Locating the proposed two storey element on the northern boundary creates the greatest separation distance from surrounding dwellings and therefore it is acceptable on the subject site

7.3.5. I am satisfied that the proposed two storey extension complies with section 16.2.2.3 of the development plan in that it respects the uniformity of the street, retains a significant proportion of the garden and does not result in the loss of any architectural features.

7.3.6. I am satisfied that the proposed dwelling will not overlook or overshadow the adjoining dwellings, nor unduly affect the residential amenity of neighbouring properties.

7.4. **Appropriate Assessment**

7.4.1. Having regard to the nature and scale of the proposed development in a fully serviced built-up urban area, no appropriate assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

8.0 **Recommendation**

8.1. I recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions:

9.0 **Reasons and Considerations**

9.1.1. Having regard to the Z1 zoning objective for the area which seeks to “to provide for and improve residential amenities” in the Dublin City Development Plan 2016-2022 and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the character or setting of the existing house or adjoining dwelling in the terrace and would not seriously injure the residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 **Conditions**

1.	The development shall be retained 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
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	<p>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>Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling without a prior grant of planning permission.</p> <p>Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwelling and to protect the residential amenities of adjoining properties</p>
3.	<p>Water supply and 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: To ensure adequate servicing of the development, and to prevent pollution.</p>

Gillian Kane
Senior Planning Inspector

02 November 2020