



An
Bord
Pleanála

Inspector's Report ABP-308437-20

Development	First-floor side extension and two rooflights to house
Location	13 The Crescent, Griffith Downs, Drumcondra, Dublin 9
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1512/20
Applicant(s)	Michael Flanagan & Sandra Crean
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First
Appellant(s)	Robert Hume
Observer(s)	None
Date of Site Inspection	2 nd February 2021
Inspector	Colm McLoughlin

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
4.0 Planning History.....	5
5.0 Policy & Context	5
6.0 The Appeal	6
7.0 Assessment.....	7
7.1. Introduction	7
7.2. Impact on Local Amenities	8
7.3. Other Matters	9
8.0 Appropriate Assessment.....	10
9.0 Recommendation.....	10
10.0 Reasons and Considerations	10
11.0 Conditions	10

1.0 Site Location and Description

1.1. The appeal site is located within a residential cul de sac off Swords Road (R132 regional road) in the Drumcondra area of Dublin city, approximately 200m from Griffith Avenue and 3km north of the city centre. The site contains a two-storey three-bedroom end-of terrace house with single-storey rear extensions. There is also a single-storey flat-roof shed situated on the east side of the house, abutting the boundary with no.14 The Crescent, which is the appellant's property. The immediate area is characterised by a range of two-storey houses, including terraces and semi-detached housing fronting onto a vehicular turning circle. The appeal site backs onto a hotel complex. Ground levels in the vicinity are relatively level with a gradual drop moving south.

2.0 Proposed Development

2.1. The proposed development comprises:

- the construction of a first-floor side extension with a stated gross floor area of 33sq.m over an existing shed structure;
- alterations to the first-floor layout and the installation of two rooflights.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided to grant permission for the proposed development subject to eight conditions of a standard nature, including condition number 4 requiring the front bathroom window to be fitted with opaque glazing.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer reflects the decision of the planning authority. The Planning Officer noted the following:

- the existing shed to the side is being used for storage purposes and includes windows and doors;
- as the shed structure would meet the exempted development requirements for this type of development, the planning authority would not have concerns with building over this;
- the implications of building along the boundary wall is a civil matter and would not restrict future extensions on the appellant's adjacent site;
- compliance with the building regulations is not a relevant planning matter;
- the extension would only be partially visible from the front street area and would not be out of character with other neighbouring properties, including no.10 The Crescent, which has previously been granted permission for two-storey side extensions (planning register reference 1675/08);
- overlooking would not arise and the front window to the en-suite bathroom can be conditioned to be fitted with opaque glazing.

3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) - no objection subject to conditions.

3.3. Prescribed Bodies

- Irish Water - no response.

3.4. Third-Party Observations

- 3.4.1. During consideration of the application by the planning authority, one observation accompanied by photographs of the site was received from an adjacent resident to the east at no.14 The Crescent. The issues raised in this observation are similar to those raised in the third-party grounds of appeal and they are included under the heading 'Grounds of Appeal' below.

4.0 Planning History

4.1. Appeal Site

4.1.1. I am not aware of any recent planning applications relating to the appeal site.

4.2. Surrounding Sites

4.2.1. Reflective of the residential urban character, there have been numerous planning applications for domestic extensions and alterations on neighbouring sites. In their report, the planning authority has referred to two planning permissions for similar side extension developments within The Crescent.

5.0 Policy & Context

5.1. Development Plan

5.1.1. 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'. Under Section 16.10.12 of Volume 1 to the Development Plan, it is stated that applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied that the proposal would:

- 'not have an adverse impact on the scale and character of the dwelling;
- have no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight'.

5.1.2. Appendix 17 (Volume 2) of the Development Plan provides guidance specifically relating to the design of residential extensions.

5.2. Environmental Impact Assessment - Preliminary Examination

5.2.1. Having regard to the existing development on site, the nature and scale of the proposed development and the 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. In conjunction with the third-party observation to the application, the grounds of appeal lodged by an adjacent resident of no.14 The Crescent, can be summarised as follows:

- the application drawings do not accurately portray the relationship between the appeal property and the appellant's property, as well as the scale and depth of the proposed extension;
- the overall scale of the extension would not be in balance with the host house, it would be overbearing when viewed from the appellant's house and it would be incongruous when viewed alongside the existing housing to the front;
- the proposed en-suite bathroom window would be in front of the bathroom window to the appellant's house and the extension would block sunlight to the appellant's property;
- proposals would restrict the development potential of the appellant's property and it is noted that there are other existing extensions to the house on the appeal site;
- the existing shed does not appear to have planning permission and it is situated directly onto the shared boundary resulting in water running from the shed into the appellant's property;
- proposals would impinge on the boundary wall;
- non-compliance with fire safety guidance and development guidelines.

6.2. Applicants' Response

6.2.1. The applicants' response to the third-party grounds of appeal can be summarised as follows:

- the plans and development description are accurate, with the proposed works all contained within the appeal site boundaries and not having an effect on the appellant's amenities;
- proposals would complement the host house and would have minimal impact both from the adjacent appellant's property and from the front street, due to the screening provided by the existing buildings;
- overshadowing, overbearing impacts or overlooking would not arise and the proposals would not fall short of the minimum planning guidelines;
- works would be overseen by a chartered engineer and would not be reliant on the existing shed or the dividing wall for structural purposes;
- proposals are required to accommodate the applicants' family and prior consultation was undertaken with the appellant;
- the extension has been designed sympathetic to the site context, including the desire to avoid unnecessary impacts to no.14.

6.3. Planning Authority Response

6.3.1. The planning authority did not respond to the grounds of appeal.

6.4. Observations

6.4.1. None received.

7.0 Assessment

7.1. Introduction

7.1.1. I consider the substantive issues arising from the third-party grounds of appeal and in the assessment of the appeal, relate to the following:

- Impacts on Local Amenities;
- Other Matters.

7.2. Impact on Local Amenities

- 7.2.1. Section 17.7 of appendix 17 to the Dublin City Development Plan 2016-2022 outlines the requirements for the 'appearance' of residential extensions, including the need for extensions not to dominate the existing building, to harmonise with the host house and the adjoining buildings, and to ideally incorporate materials, doors and windows similar to those used on the host house. Section 17.8 of this Appendix also provides specific requirements with regard to the 'subordinate approach' when considering proposals to extend houses, including the need for extensions to perform a 'supporting role' in scale and design relative to the host house. The width of the proposed extension would widen to over 6m at the rear and it would be splayed directly onto the side boundary with the appellant's property. Proposed elevation B-B of drawing no.12 of 002 identifies the scale of the building along the boundary with the appellant's property, which I note would be fully within the site boundaries based on the proposed floor and roof plans in drawing nos. 4, 6 and 8 of 001. The proposed extension would not be larger or higher than the existing house and the extensions would be complementary to the scale, materials and proportions of the host house and would be typical for this area. As the extension would be 2.2m in width to the front and set back over 1m from the front building line, while also being screened from view by the host house and the adjacent building, the proposed extension would not be a substantive feature within the streetscape, which I note is not assigned any conservation status in the Development Plan. Views of the extension from the front would be set against the backdrop of the much taller hotel complex to the rear, as well as mature trees. Consequently, the proposed extension would have limited impact on the visual amenities of the area.
- 7.2.2. The Development Plan requires consideration of extensions to houses to have regard to the impact on the residential amenities of neighbouring properties. The orientation, scale, modest height and siting of the extension, positioned to the northwest of the appellant's house, is such that the potential for undue overshadowing, loss of sunlight and overbearing impacts on neighbouring amenities would not reasonably arise. No side windows directly facing onto the appellant's property are proposed in the extension and a condition to provide obscure glazing in the front en-suite bathroom window has been attached by the planning authority and the applicants have stated that they have no issue with this. I also note that this front

elevation window would be at an angle to the appellant's property, which does not feature habitable room windows in the side elevation facing the appeal property. Consequently, I am satisfied that the potential for excessive direct overlooking of neighbouring properties, including the appellant's property, would not arise. The two proposed rooflights would not facilitate overlooking, but would provide natural lighting to the internal areas subject of a revised layout. The proposals would provide for a recessed area under the first-floor extension to the rear, and this would not result in substantive loss of amenity space serving the house. In conclusion, subject to similar conditions to those attached by the planning authority, I am satisfied that the proposed development would be in compliance with guidance contained in the Development Plan and would not injure the visual or residential amenities of the area.

7.3. Other Matters

- 7.3.1. The appellant asserts that there does not appear to be a record of planning permission for the existing shed on site, which would remain in place following the proposed development, with the extension to be situated over this structure. The planning authority has not identified a planning permission for this structure and enforcement with respect to this structure has not been highlighted by parties to either the application or appeal. Consequently, it has not been confirmed that this structure constitutes an unauthorised development and the proposed development would not be constrained by the virtue of these facts. Any matter of enforcement would fall under the jurisdiction of the planning authority.
- 7.3.2. As noted above, the proposed development would be wholly within the site boundaries according to the details submitted, and no windows are proposed directly onto the side boundary with the appellant's property. While the extension would be constructed up to the side boundary, given the matters addressed above, this would not reasonably interfere with the potential for the appellant to undertake extensions on their property should they wish to do so in the future. The implications of developing on the shared boundary is a civil matter to be resolved between the parties, having regard to the provisions of section 34(13) of the Planning and Development Act 2000, as amended. Any issue of compliance with Building or Fire

Safety Regulations would be evaluated under a separate legal code and thus need not concern the Board for the purposes of this planning appeal.

8.0 Appropriate Assessment

- 8.1. Having regard to the minor nature of the proposed development and to the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the 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 permission for the proposed development should be granted, subject to conditions, for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. Having regard to the nature, height, scale and siting of the proposed development, and to the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be out of character with development in the area, would be complementary to the host house and would not seriously injure the residential and visual 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.

11.0 Conditions

1. The proposed development shall be carried out, 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, completed and retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The first-floor bathroom window on the south eastern elevation shall be fitted with obscure glazing only.

Reason: To prevent overlooking of adjoining residential property.

3. The external finishes of the extension, shall harmonise with those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. 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.

Reason: In the interest of public health and to ensure a satisfactory standard of development.

5. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

6. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

Colm McLoughlin
Planning Inspector

2nd February 2021