



An  
Bord  
Pleanála

## Inspector's Report ABP 308516-20

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<b>Development</b>	Demolition of garage & construction of 2-storey extension
<b>Location</b>	31 The Rise, Glasnevin, Dublin 9
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	WEB1518/20
<b>Applicant(s)</b>	Tony and Sharon Nolan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	First Party v. Condition
<b>Appellant(s)</b>	Tony and Sharon Nolan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	11 <sup>th</sup> March 2021
<b>Inspector</b>	Louise Treacy

## 1.0 Site Location and Description

- 1.1. The subject site has a stated area of 543 m<sup>2</sup> and is located at No. 31 The Rise, Glasnevin, Dublin 9. The existing property is a 2-storey, semi-detached dwelling, with an attached single-storey garage to the side and off-street car parking to the front. The property forms part of a mature estate of 1930s dwellings.
- 1.2. The site is bounded by 2-storey residential dwellings to the north and south at Nos. 33 and 29 The Rise respectively, by the internal estate road to the west and by a belt of mature trees to the east and the lands of the DCU Elmhurst Cottage Farm beyond.
- 1.3. The estate road to the front of the site has a keyhole formation, arranged around a centrally placed traffic island and raised bed. The dwellings at Nos. 29 - 41 The Rise are arranged around this traffic island, and as a result, the gable elevations and rear gardens of the subject property and that adjoining to the north at No. 33 The Rise, are off-set from each other.

## 2.0 Proposed Development

- 2.1. The proposed development consists of the demolition of the existing single-storey garage to the side, the construction of a new part single, part two-storey extension to the side and rear of the existing house to include roof windows, and alterations to increase the width of the existing vehicular access to the front boundary, together with associated site works.
- 2.2. The proposed extension wraps around the gable and the rear elevations of the dwelling at ground floor level and will accommodate an open plan kitchen/dining/living room and utility room. The proposed 1<sup>st</sup> floor level extension will accommodate a bathroom and en-suite master bedroom. The 1<sup>st</sup> floor extension extends to 8.65 m along the northern elevation and projects 4.9 m beyond the existing rear building line.
- 2.3. The stated floor area of the proposed development is 110 m<sup>2</sup>.

## 3.0 **Planning Authority Decision**

### 3.1. **Decision**

- 3.1.1. Notification of the Decision to Grant Permission subject to 10 no. conditions issued on 29<sup>th</sup> September 2020.
- 3.1.2. Condition no. 3 (a) requires that the 1<sup>st</sup> floor extension shall extend a maximum of 4 m from the existing 1<sup>st</sup> floor rear elevation of the dwelling.
- 3.1.3. All other conditions are generally standard in nature.

### 3.2. **Planning Authority Reports**

#### 3.2.1. **Planning Reports**

- 3.2.2. Basis of Planning Authority's decision.

#### 3.2.3. **Other Technical Reports**

- 3.2.4. **Transportation Planning Division:** No objection subject to conditions.
- 3.2.5. **Engineering Department Drainage Division:** No objection subject to conditions.

### 3.3. **Prescribed Bodies**

- 3.3.1. **Irish Water:** None received.

### 3.4. **Third Party Observations**

- 3.4.1. One third party submission was made on the application by Nicole McHugh of No. 35 The Rise, Glasnevin, Dublin 9. It is submitted that the proposed extension will overshadow the garden and patio of the observer's property. Concerns are also expressed in relation to the massing effect of the proposed gable wall.

## 4.0 **Planning History**

- 4.1. None.

## **5.0 Policy and Context**

### **5.1. Dublin City Development Plan 2016-2022**

### **5.2. Land Use Zoning**

- 5.2.1. The site is subject to land use zoning “Z1” (Sustainable Residential Neighbourhoods) which has the objective “to protect, provide and improve residential amenities”.

### **5.3. Alterations and Extensions**

- 5.3.1. The policy regarding extensions and alterations to dwellings is set out in Sections 16.2.2.3 and 16.10.12 and Appendix 17 of the development plan. In general, applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied the proposal will: (1) not have an adverse impact on the scale and character of the dwelling, and (2) not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

### **5.4. Natural Heritage Designations**

- 5.4.1. None.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. A first-party appeal has been lodged by MARA Architects on behalf the applicants, which relates to condition no. 3 (a) of the Notification of the Decision to Grant Permission only. The grounds of the appeal can be summarised as follows:

- The proposed development will enable the applicants to expand their home to meet the accommodation requirements of their young family;
- The extension will provide a physical and visual connection to the rear garden, which is currently not available;
- The area of the proposed 1<sup>st</sup> floor extension is modest at 31 m<sup>2</sup> and will only accommodate a new family bathroom and en-suite master bedroom;

- Dublin City Council's Planning Officer incorrectly assessed the area of the 1<sup>st</sup> floor extension, which may have had a bearing on the requirement to reduce same;
- While a reduction to the 1<sup>st</sup> floor extension was deemed necessary to protect the amenities of neighbouring residential properties, in particular No. 33 The Rise, it is noted that no objection to the proposed development was raised by the occupants of this property;
- The proposed development will have little impact on No. 33 The Rise given the orientation of both properties and the separation distances which arise;
- The required reduction in the 1<sup>st</sup> floor extension will create a sub-standard bedroom which will be unable to accommodate a double bed;
- Daylight and Sunlight analysis has been undertaken which demonstrates the minimal reduction in shadows cast by the proposed development on foot of the reduced extension at 1<sup>st</sup> floor level;
- Only a small area of the side garden of No. 33 The Rise will be impacted by shadows on foot of the proposed development;
- Given the expansive rear garden and the absence of material impacts on neighbouring properties, it is considered that condition no. 3 (a) is arbitrary and unfair, and it is requested that An Bord Pleanála omit this condition in its entirety.

## 6.2. Planning Authority Response

- 6.2.1. A response was received from the Planning Authority on 20<sup>th</sup> November 2020. It is submitted that the Planning Officer's report deals fully with the issues raised in the appeal.

## 6.3. Observations

- 6.3.1. None.

## 7.0 Assessment

- 7.1. This is a first party appeal against condition no. 3 (a) as attached to the Planning Authority's Notification of the Decision to Grant Planning Permission. Condition no. 3 (a) requires that the 1<sup>st</sup> floor extension shall extend to a maximum of 4 m from the existing rear elevation of the dwelling.
- 7.2. Following my examination of the planning file and grounds of appeal, I consider it appropriate that the appeal should be confined to condition no. 3 (a) only. Accordingly, I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted, and that the Board should determine the matters raised in the appeal only in accordance with Section 139 of the Planning and Development Act 2000, as amended.
- 7.3. In recommending the modifications which are required under condition no. 3 (a), Dublin City Council's Planning Officer expressed concerns that the height and bulk of the 1<sup>st</sup> floor extension had the potential to have a detrimental impact on No. 33 The Rise. As such, a reduction in the length of the extension was considered reasonable to ensure the proposal would not impact on the amenity of the surrounding properties, while allowing for the provision of a reasonably sized bedroom.
- 7.4. As described in section 1.3 above, the gable elevations and rear gardens of the subject property and No. 33 The Rise to the north, are off-set from each other. The gable elevation of No. 31 The Rise has an east-west orientation, while that of No. 33 The Rise has a south-west/north-east orientation. While the rear garden of the subject site is generally rectangular in shape with a width of c. 10.8 m, that of No. 33 The Rise is wedge-shaped and increases in width from approx. 19 - 29 m.
- 7.5. The proposed 1<sup>st</sup> floor extension has a depth of 8.65 m and projects 4.9 m beyond the existing rear building line. The extension is located directly along the shared boundary with No. 33 The Rise and is set back from the gable elevation of that property by 7 m to the front and 12 m to the rear. No north-facing windows are proposed at 1<sup>st</sup> floor level.
- 7.6. The applicant's agent submits that the required alterations to the 1<sup>st</sup> floor extension as required under condition no. 3 (a), would create a substandard bedroom which could not accommodate a double bed. Images 4 and 5 included within the appeal

submission illustrate the required revisions to the 1<sup>st</sup> floor extension. A series of shadow casting images are also included to illustrate the reduced overshadowing impacts which would arise to the side of No. 33 The Rise on foot of the revised extension. These illustrations demonstrate that a marginal reduction in overshadowing would occur on foot of the amended development.

7.7. In my opinion, the requirement to reduce the depth of the extension to no more than 4 m beyond the existing rear building line is unwarranted and unnecessary, having regard to: (1) the nature and scale of the proposed development, (2) the orientation of the development relative to No. 33 The Rise and the extent of the overshadowing impacts which would arise, and (3) the size and layout of the rear amenity space of No. 33 The Rise.

7.8. Thus, I consider that the development as proposed would be acceptable and would have no significant impact on the residential amenities of No. 33 The Rise, or any other neighbouring property in the vicinity of the application site. As such, I consider that the Planning Authority should be directed to omit condition no. 3 (a) of the Notification of the Decision to Grant Permission.

#### 7.9. **Appropriate Assessment**

7.9.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

#### 8.0 **Recommendation**

8.1. I recommend that the Planning Authority be directed to omit condition no. 3 (a) for the reasons and considerations set out hereunder.

#### 9.0 **Reasons and Considerations**

9.1. Having regard to the residential land use zoning of the site, the nature and scale of the proposed development and its configuration relative to the neighbouring property to the north at No. 33 The Rise, it is considered that the modifications required by the

Planning Authority in its imposition of condition no. 3 (a), are not warranted, and that the proposed development, with the omission of condition no. 3 (a), would not have a significant negative impact on the residential amenities of this neighbouring property, or any other property in the vicinity of the application site. Therefore, the proposed development would be in accordance with the proper planning and sustainable development of the area.

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Louise Treacy  
Planning Inspector

15<sup>th</sup> March 2021