



An
Bord
Pleanála

Inspector's Report

ABP-308720-20

Development	Permission for construction of a new single storey porch extension, single storey garage conversion to front and side, a single storey extension and dormer extension to rear.
Location	16, Sandymount Castle Park, Sandymount, Dublin 4
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1516/20
Applicant(s)	Bill Sheridan & Una McCullagh.
Type of Application	Permission.
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Lorna Kelly
Observer(s)	None
Date of Site Inspection	10 th of February 2021
Inspector	Adrian Ormsby

1.0 Site Location and Description

- 1.1. The appeal site is c. 3.5km to the south east of Dublin City centre at No. 16 Sandymount Castle Park, Sandymount, Dublin 4 and c.200m south east of Sandymount village. The site is the curtilage of a 139 sq.m house (including 13 sq.m garage). It has a stated site area of 352 sq.m.
- 1.2. The site is on the east side of Sandymount Castle Park c. 20m south of the junction with Sandymount Castle Road. The site is a semi-detached two storey dwelling with standard pitch roof and an attached single storey side garage. This road is an established residential serving a number of similar style houses.
- 1.3. The application house is attached to the house to its immediate north and both are orientated west. The house is accessed via a vehicular entrance and driveway to its southern side. The site is bounded to the public road and path by a front garden, hedgerow, low level wall and a footpath. The northern boundary to the front of the site is a low wall dividing the site and the front garden of the adjoining house.
- 1.4. The site is bounded to the south by a similar style house and low level wall to the front. These houses have attached single storey garages that share a boundary wall. There is also a first floor side protrusion located to the rear of the garage. This does not attach to the neighbouring property.

2.0 Proposed Development

- 2.1. The proposed development comprises of-
 - a single storey porch extension, rear extension and rear dormer roof extension
 - a single storey garage conversion to front and side (13 sq.m)
 - Increase of existing vehicular entrance width to 3.6M
 - Other alterations including lowering of cill to existing front reception window and two rooflights to front elevation
 - Total floor area to be 200 sq.m

2.2. Following a request for Further Information the applicants clarified-

- The extent of demolition works to include a small single storey rear extension and outbuilding.
- There are no proposals to remove existing boundary or party walls

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority decided to grant permission on the 02/11/20, subject to nine conditions, generally of a standard nature but including the following-

C.3- The development shall be revised as follows:

- a) The height of the front extension shall not exceed 3.1m.
- b) The external finish of the front extension shall harmonise with the finish of the existing house in respect of materials and colour.
- c) The width of the window opening in the dormer extension shall be reduced to no more than 2.5m.
- d) The external cladding of the dormer extension shall match the cladding of the existing roof as closely as possible.
- e) The car parking area to the front shall be reduced to the minimum necessary to accommodate one car. The remainder of the front garden shall be retained in soft landscaping.

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings.

Reason: In the interests of orderly development and visual amenity.

C.5- The developer shall comply with the following transportation requirements:

a) Driveway entrance shall be at most 3.2m in width, shall not have outward opening gates, and shall not impact on the existing provision of on-street parking bays.

b) -d) standard conditions

Reason: In the interests of proper planning and sustainable development.

4.0 Planning Authority Reports

4.1. Planning Reports

The report of the Planning Officer (02-11-2020) reflects the decision of the Planning Authority. The following is noted from the report:

- The proposed front extension, with a height of 3.5m, is higher than the front extension previously permitted by the planning authority and An Bord Pleanála (3.05m). There is concern that the additional height, together with the proposed finish, could render it visually obtrusive and out of character with the streetscape. The height should be reduced to 3.1m, while the finish of the extension should be amended to harmonise with that of the existing house.
- There is some precedent for rear dormer extensions in the vicinity, however they would generally tend to be no more than 3.5m wide. In this case there is already permission on the site including a dormer extension which was reduced to 4m by the planning authority and An Bord Pleanála. A 4m dormer could be permitted but to avoid overlooking the window opening should be no more than 2.5m in width.
- It is considered the proposed extension would have no undue adverse impacts on either the scale and character of the existing house, or on residential amenities of adjoining occupiers.

4.2. Other Technical Reports

- Drainage Division- No objection subject to condition
- Transportation Division-

- No objection subject to condition including reducing the width of the entrance to 3.2m

4.3. Prescribed Bodies

- None

4.4. Third Party Observations

One submission was received. The main planning issues raised can be summarised as follows-

- The majority of 22 similar house on the road are in occupation.
- Reference to asbestos is questioned
- Planning decision 305303-19 is the subject of Judicial Review proceedings.
- If a reduced height to a flat roof stepping down to No. 17 it should apply at the very least to both neighbouring properties.
- The application adversely affects amenities, health and welfare of neighbouring occupiers
- Loss of privacy from overlooking, loss of daylight and sunlight from overshadowing. The scale, massing, bulk design and character adversely impact character of the area. Includes works to garage to front.
- Creates an undesirable precedent, fails to harmonise with the streetscape.
- Is not subordinate to existing house and neighbouring houses
- Proposes demolition to walls without a legal right to do so.
- Proposes works over the foul sewers
- Contrary to zoning
- The proposed projection forward of the building line in conjunction with other elements of the development were considered excessive and visually obtrusive in the Bord Pleanála Inspectors Report ABP-305303-19. There are also discrepancies in the drawings.

- The rear dormer is excessive and will create overlooking.
- The proposal will devalue adjacent properties.
- The effect of the proposed development will have real and tangible knock on effect on the BER rating of 'appellants' property.

5.0 Planning History

- Web1347/19/ ABP-305303-19, 2 storey extension to front and side, single storey extension and dormer to rear, front porch, other alterations and widening of vehicular entrance 3.6M. 06/02/2020 Grant permission with conditions including-

C.2- The rear elevation dormer window shall be reduced in width to a maximum of four metres resulting in a one metre increase in distance from the northern edge of the roof.

C.5- Details of the proposed increased vehicular entrance shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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 Alterations and Extensions:

- Section 16.10.12 Extensions and Alterations to Dwellings:
- Appendix 17 Guidance for Residential Extensions
 - Section 17.10 Contemporary Extensions
 - Section 17.11 Roof Extensions: When extending in the roof, the following principles should be observed:
 - *The design of the dormer should reflect the character of the area, the surrounding buildings and the age and appearance of the existing building.*
 - *Dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible.*
 - *Any new window should relate to the shape, size, position and design of the existing doors and windows on the lower floors.*
 - *Roof materials should be covered in materials that match or complement the main building.*
 - *Dormer windows should be set back from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties.*

6.2. Natural Heritage Designations

- The site is located c. 255 m west of the South Dublin Bay SAC (000210) and the South Dublin Bay and River Tolka Estuary SPA (004024).
- The site is located c. 255m west of the South Dublin Bay pNHA.

7.0 The Appeal

7.1. Grounds of Appeal

One third party appeals have been received on behalf of Ms. Lorna Kelly of No. 15 Sandymount Castle, the adjoining property to the south of the application site. The grounds of the appeal can generally be summarised as follows-

- A submission on further information to Dublin City Council (13/10/20) was not taken into account. As the further information sought by DCC directly affected the neighbouring property then that property has the right to make an observation. This infringed on property rights by granting permission without having observations considered. A copy of this submission is included with the appeal.
- There is a lack of consistency and clarity in the application resulting from the applicants use of different baseline for height measurements. The appellant request the Board confirm whether all external heights shown refer to the same existing street level baseline.
- Under the DCC Development Plan there is a requirement to take into account energy efficiency of the developments and there is a corresponding requirement to take into account the effect of any development in terms of energy efficiency and in this case the BER of the Appellant's property. In the absence of any evidence to this effect DCC have not considered same. Energy efficiency is not considered in the planners report other than the note of the third party submission. An Bord Pleanála should consider same as the appellant's property will be negatively affected by the development.
- The proposal is impacting the structural fabric of No. 15, overlooking neighbouring properties and reducing privacy.

7.2. Applicant Response

The applicants response to the grounds of appeal can be summarised as follows-

- The proposed development will have no impact on the neighbouring properties BER rating. This is a totally spurious and unsubstantiated statement.
- These houses are 60 years old and have had little or no work done on them since they were built.
- The plans have been designed to have minimal effect on the neighbour's house
- The applicants plans propose a series of energy efficiency investments that aim to upgrade the house to a BER standard of at least B2.
- A 2019 planning application approved by DCC and ABP are currently subject to judicial review instigated by the appellant.
- The revised 2020 plans eliminated or scaled back all elements that the appellant had previously objected to. These were significant concessions reflecting how desperate the applicants are to upgrade the house.

7.3. Planning Authority Response

- None received.

7.4. Observations

- None

8.0 Assessment

8.1. Introduction

8.1.1. I have examined the application details and other documentation on file, including all of the submissions 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
- Residential Amenity

- Visual Amenity
- Other Matters
- Appropriate Assessment

8.1.2. I note the appellant and applicants reference to Judicial Review proceedings of planning reference number ABP-305303-19 in the response to the appeal and third party submission. Notwithstanding these proceedings, the subject application and appeal is assessed on its own merits and without consideration of those proceedings.

8.2. Zoning

8.2.1. The subject site is located within an area with 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*'. The development generally proposes an extension to the front, rear and at rear attic level all to an existing house. The development is therefore acceptable in principle.

8.3. Residential Amenity

8.3.1. In the grounds of appeal, the appellants has raised concerns relating to overlooking of neighbouring properties and reducing privacy. In this regard the only part of the development that could lead to overlooking and reduced privacy is the proposed rear attic level dormer extension.

8.3.2. The Planning Authority have imposed condition 3 (c) in this regard requiring the width of the window opening in the dormer extension to be reduced to no more than 2.5m. The Planners Report justifies this '*in order to avoid undue overlooking*'.

8.3.3. The matter of the dormer window has already been considered under planning application ABP-305303-19 where condition 3 of the Boards order required-

'the rear elevation dormer window shall be reduced in width to a maximum of four metres resulting in a one metre increase in distance from the northern edge of the roof.'

8.3.4. The external dormer extension as proposed in the current application is proposed at four metres wide and two metres from the northern edge of the roof. Accordingly, the window situated within the structure is in accordance with the requirements of condition 3 of ABP-305303-19. I do not consider the dormer window as proposed will lead to undue overlooking or loss of privacy and is therefore acceptable.

8.4. **Visual Amenity**

8.4.1. The appellant has not raised concerns in relation to the visual impact of the proposed development in her grounds of appeal. However, it is noted such concerns were raised in her original third party submission to the Planning Authority.

8.4.2. The Planning Authority have some visual impact concerns and have requested the height of the front extension to not exceed 3.1m in condition 3 (a).

8.4.3. The application includes a single storey rear extension with three heights. The extension adjoins its northern boundary with an indicated height of 2.65m. This then steps in off the northern boundary to an indicated height of 3.55m. This forms the majority of the rear extension height before dropping to 3.1m for a small section located 0.85m off the southern boundary. The proposed rear extension is not considered obtrusive or overbearing and will not detract from the visual amenity of the area.

8.4.4. The Board have already granted permission in ABP-305303-19 for a rear attic level dormer extension similar to that proposed in this application. The proposed dormer extension is not considered obtrusive or overbearing and will not detract from the visual amenity of the area.

8.4.5. Having visited the site, I have observed the character of the streetscape and the nature of the existing houses and front elevations. This application proposes a contemporary style extension to the front elevation at ground level to incorporate the porch area which will be visible from public areas. The existing garage will be stepped forward 0.9m of the adjoining garage to south. The existing porch will be stepped forward 0.72m from the adjoining front elevation. This proposed extension will be c. 6m wide and provides a canopy style feature area the porch and step into the house.

The existing garage roof is to be cut 150mm from the boundary, demolished and raised from 2.38m to 3.48m at parapet level from below ground floor level as indicated in Drawing No. 16SCP/20/STHELEV. This will be 3.15m from new raised ground floor level. Raising the roof of the garage and its floor level to match the house is indicated as necessary to provide a 'habitable room' under Part F of the building regulations and to facilitate necessary insulation. These works are considered reasonable.

This extension is to be finished in Grey Stained Timber cladding. The garage will then be used as a 'Den' and utility room.

- 8.4.6. When considering the visual impact of the proposed extension to the front elevation regard should be had to the first floor extension permitted above the garage under ABP-305303-19. In my view the proposed design integrates appropriately in this context and I consider the visual impact of the proposed development to be significantly less than that already permitted.
- 8.4.7. Overall, I am satisfied the proposed development will not have a negative visual impact on the area, will make a positive contribution to the streetscape and character of the area and is in accordance with the Dublin City Development Plan for such developments.

8.5. Other Matters

- I refer to the appellants concerns in relation to her ability to comment on the applicant's response to additional information. While I do not consider this to be a matter for the Board to be concerned with, I am satisfied the information requested and received by the Planning Authority is not 'significant' in accordance with Article 35 of the Planning and Development Regulations 2001-20 (as amended) and therefore did not warrant readvertisement where new submissions/observations could be sought.
- I refer to the appellants concerns in relation to baseline measurements. In this regard I note the drawings also do not appear to be to scale. Notwithstanding this the drawings clearly state 'use figured dimensions only'. In this regard I am satisfied the drawings and dimensions given are sufficient for the purpose of this assessment.

- The appellant has raised concerns that the proposed development will impact upon the Building Energy Rating (BER) of her property and the Planning Authority have failed to consider it in accordance with the City Development Plan. I fail to see how the proposed development will impact upon the BER of the appellant's property No. 15. In my opinion the consideration of same, in this context is not a matter for the Planning Authority or An Bord Pleanála.
- The concerns of the appellant in relation to the impact of the proposed development on the structural fabric of her home are understandable given the proximity of her home to the site. However, it is clear from the additional information submitted that there are no proposals to remove existing party or boundary walls and that the works to the attached garage will be set back 150mm from the boundary line. There is no planning reason to refuse the development on these grounds.
- As per ABP-305303-19 the applicant has applied to widen the existing vehicular entrance to 3.6m. The Planning Authority has conditioned this to be 3.2m. I consider the difference of 0.4m to be negligible in this regard and I do not consider there to be any impact upon on-street parking given the use of the existing dished kerb. However, I do note condition 5 of ABP-305303-19 required details of the proposed increased vehicular entrance to be submitted and agreed in writing with the planning authority prior to commencement of development. Given the proposed entrance in the subject application is the same width as that proposed in ABP-305303-19 it is considered appropriate to apply the same condition should this permission be granted.

8.6. Appropriate Assessment

- 8.6.1. Having regard to the nature and 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 a grant of permission subject to the following conditions.

10.0 Reasons and Considerations

Having regard to the zoning objective for the site, Z1: “To protect, provide and improve residential amenities”, as set out in the Dublin City Development Plan 2016 to 2022, and to the design, form and layout of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities or character of the area, and would therefore 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 as amended by the further plans and particulars submitted on the 07th day of October 2020, 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 materials, colours and textures of all external finishes, shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. 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.

4. Details of the proposed increased vehicular entrance shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Adrian Ormsby
Planning Inspector

10th February 2021