



An
Bord
Pleanála

Inspector's Report ABP-309080-21

Development	Construction of single storey extension at rear.
Location	35 North Road, Finglas, Dublin 11.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3590/20.
Applicants	Declan Whelan & Patsy Cabry.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant	Kevin Gallagher.
Observer(s)	None.
Date of Site Inspection	4 th March 2021.
Inspector	Philip Davis.

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1.0 Introduction

This appeal is by a neighbour against the decision of the planning authority to grant permission for a rear extension to a terraced dwelling in north Dublin - the grounds of appeal relate to overshadowing and amenity.

2.0 Site Location and Description

The appeal site is on the west side of North Road, a long, straight distributor road, formerly the main road running north from Finglas Village, now bypassed by the R135 which runs west and parallel to the road. A small stream runs between North Road and the N135. The old village of Finglas is around 250 metres to the south.

The appeal site is the one half of a pair of mid to late 20th Century 2-storey 2-bay dwellings typical of the area. It partially adjoins a detached dwelling (no. 33) to the south with what appears to be a single storey side extension or converted garage. The appeal site has an existing single storey extension to the rear. The house has front and rear gardens. Total site area is given as 300 m².

3.0 Proposed Development

The proposed development is described as a single storey extension to the rear with associated site works.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission, subject to 9 no. generally standard conditions. Condition 2 stated that the height of the extension be reduced by 300mm.

4.2. Planning Authority Reports

4.2.1. Planning Reports

- Notes that the site is in a Z1 (residential) zoned area. Relevant policy is set out in Section 16 and Appendix 17 of the County Development Plan.
- Notes submitted observation (objection). The comments by the observer on the accuracy of the application form and associated plans are noted – the details submitted are considered acceptable.
- No objections from internal consultees, no response from Irish Water.
- The principle of a single storey extension is considered acceptable.
- It notes that no. 33 North road does not have a rear extension and no. 37 has a 2-storey extension on the north end only.
- Impacts on daylight are considered marginal, but it would be appropriate to reduce the height by 300mm to protect neighbouring amenity.
- A grant of permission is recommended.

4.2.2. Other Technical Reports

Drainage Engineering: Acceptable subject to standard conditions.

4.3. Prescribed Bodies

None on file.

4.4. Third Party Observations

Kevin Gallagher of 33 North Road raised a number of concerns about the accuracy of the plans and the height of the proposed extension.

5.0 Planning History

None on file.

6.0 Policy Context

6.1. Development Plan

The site is in an area zoned Z1 for the protection of residential amenities. Guidelines on extensions are set out in Section 16 of the Development Plan and in Appendix 17.

6.2. Natural Heritage Designations

There are no Natura 2000 sites in or near the vicinity of the site. The stream to the west of the site drains to the River Tolka which drains to Dublin Bay, where there are a number of designated habitats including the South Dublin Bay and River Tolka Estuary SPA, site code 004024.

6.3. EIAR

Having regard to the limited nature and small scale of the proposed development, the planning and development history of the site, and the absence of any significant environmental sensitivity in the vicinity and the absence of any connectivity to any sensitive location, 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

- The appellant does not object to the principle of a rear extension, but they request that adjustments be made to reduce the negative impact on their home (33 North Road).
- It is requested that the utility space alongside no.33 have a ceiling height of 2.4 metres – this would be a reduction of 800mm.
- A number of errors are noted on the application form, most notably the total floor area proposed. It is submitted that the floor area proposed is 35 m², not 18m² as indicated on the forms.

- It is noted that a number of elements are to be demolished that are not listed in the site notice.
- It is noted that final heights for a number of elements are not on the submitted plans.
- It is noted that the foul drain passes under the existing rear return and that access for maintenance would be required. It is submitted that this may mean that both neighbours may have to provide access for any maintenance to this sewer.
- It is argued, with regard to section 16.10.12 of the Development Plan, that the proposed development is excessive in dimensions and is excessive in height, and this will result in a loss of direct sunlight and be overbearing on adjoining properties.
- It is requested that permission be refused to allow for a proper reconsideration of the design of an extension – it is reiterated that there is no objection in principle to a single storey extension, just to details of the design.

7.2. Applicant Response

- With regard to the request to lower the ceiling height, condition no. 2 is noted.
- With regard to details in the planning application, it is confirmed that the existing extension at the rear will retain the rear wall and foundation depth, the proposed new extension will tie into this and will maintain the established rear building line. It is noted that the planning authority validated the application and that the internal floor levels are the same between no's 33 and 35.
- It is noted that the City Council Drainage Department had no objections. It is confirmed that there will be access to the drain within the area of the boundary.
- It is submitted that the proposed development cannot be considered excessive in dimensions with regard to the size of the site and the context of the exempted development regulations. It is denied that it represents a 'crude' design.

- The applicant refers to attached photos to argue that there would be no loss of direct or indirect sunlight, it would not be overbearing and would not impact on the neighbour's amenity.
- It is argued in conclusion that the proposed development is modest in scale, appropriate for the location, is consistent with all guidelines and would not have any significant impact on adjoining amenities.

7.3. **Planning Authority Response**

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

8.0 **Assessment**

Having inspected the site and reviewed the file documents, I will address the appeal under the following general headings.

- Preliminary issues
- Principle of development
- Amenity and design
- Drainage
- Appropriate Assessment
- Other issues

8.1. Preliminary issues

The appellant has highlighted a series of errors and missing figures in the application form and plans submitted, some of which I would consider quite significant, such as incorrect floorspace figures provided in the application form. I note from the Planning Report that the planning authority were aware of these errors when the final recommendation was made but considered that there was sufficient information on file to allow for a full assessment. The appellant has also argued that the site notice was not fully accurate.

While I would be concerned about the number and nature of the errors, there is no evidence that any third party has been misled by these and I consider that the submitted plans and particulars have sufficient detail to permit a full assessment and decision. I therefore do not recommend that the Board refuse permission for this reason or request a re-submission of the details.

8.2. Principle of development

The appeal site is within a Z1 zoned area (for the protection of residential amenities) and as such there is a general presumption in favour of modest scaled extensions having regard to the standards set out in the Development Plan (section 16 and Appendix 17 of the Development Plan and related guidance) and general planning considerations. I therefore consider that the appeal should be addressed on its own merits having regard to general planning considerations and the guidelines set out in the Development Plan.

8.3. Amenity and design

The proposed development involves the demolition of minor elements to the rear of the building with a single storey extension of significantly greater dimensions than the existing extension. The dwelling is a typical suburban house of the period on quite a narrow site. The rear of the houses have a west-south-west orientation.

I do not consider that there are any planning issues with the principle of a single storey rear extension at this scale to the rear of the property – such extensions are consistent with the general pattern of development in the area and in accordance with guidelines. But I accept a number of key points raised by the appellant with regard to what seems to be the unnecessary height of the proposed structure so close to the adjoining properties. The planning authority sought to address this by way of a condition reducing the height, which I consider to be reasonable. I would go a little further, and I would accept the suggestion by the appellant of a further reduction in height of the utility room near the boundary, although this would require a monopitch on the roof or a step down in roof level. I would consider that without this the extension would be somewhat overbearing on the rear of no.33.

I would therefore recommend that permission be granted subject to a condition outlining the following alterations:

- The height of the extension shall be reduced by 300mm (as set by the planning authority).
- In addition, the roof shall be reduced over the 'utility' room to an eaves height 800mm below the current proposed level.

There are no privacy issues with the extension, and in all other respects, I consider that having regard to the general orientation of the rears of the dwellings and the size of the rear garden, the proposed extension is acceptable.

8.4. Drainage

The Finglas River, a tributary of the Tolka, runs to the rear of the site on land between the houses and the R135, but there are no indications from the OPW website that the river is prone to flooding at this point, and having regard to the minor nature of the works I do not consider that there are any flooding implications.

The appellant raised concerns about the covering over of a shared drain along the rear of the dwelling. I note that such drains are the responsibility generally of the landowners. Having regard to the provisions of section 34(13) of the Act, I would not consider this to be a planning consideration.

Irish Water did not comment on the application, but having regard to the small scale of the development there would not seem to be any implications for water or sewerage connection.

8.5. Appropriate Assessment

There are no Natura 2000 sites within 1 km of the proposed development. It is just over 6 km northwest of the Dublin Bay and the North Bull Island SPA (004006) and the South Dublin Bay and River Tolka Estuary SPA (004024) and the North Dublin Bay SAC (000206). The site is within the general watershed of these Natura 2000 sites, designated for a variety of migrating shore and seabirds, although it is fully connected to the Dublin City sewerage and drainage system. Having regard to the small scale of the works on an existing residential site and the separation distance from any Natura 2000 sites, no Appropriate Assessment issues arise, and I do not

consider 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.

8.6. Other issues

The site is not within an archaeological zone or close to protected structures. I do not consider that the proposed development raises any issues with intensification of use or traffic generation.

The extension would be subject to a standard S.48 development contribution, no other development contributions apply.

9.0 Recommendation

I recommend that the proposed development be granted planning permission for the reasons and considerations set out below, subject to the conditions in Section 11 below.

10.0 Reasons and Considerations

Having regard to the Z1 zoning designation of the area and the nature and extent of the proposed works, it is considered that subject to the conditions set out below the proposed development would not seriously injure the amenities of the area and would otherwise 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, 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. The proposed development shall be amended as follows:
 - (a) The height of the extension shall be reduced by 300 mm, to be a maximum height of 3.7 metres.
 - (b) The roof shall be pitched down or reduced in level over the proposed utility room to an eaves height next to the boundary by at least 800mm, to be a maximum height of 3.2 metres.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

3. The external finishes of the proposed extension shall be the same as 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.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 hours Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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 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.

Philip Davis
Planning Inspector

9th March 2021