



An
Bord
Pleanála

Inspector's Report

ABP-309103-21

Development	Permission for a part single part two storey extension to the rear of the property with the refurbishment and reconfiguration of the existing rear return
Location	2, Hollybank Avenue Lower, Dublin 6
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1726/20
Applicant(s)	Johnny O'Mahony & Eva Nagle
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Gerry and Paula Conheady
Observer(s)	None
Date of Site Inspection	01/04/21
Inspector	Adrian Ormsby

1.0 Site Location and Description

- 1.1. The appeal site is c. 3.25 km to the south of Dublin City centre at 2, Hollybank Avenue Lower, Dublin 6. The site has a stated area of 123 sq.m.
- 1.2. The site is located on the north western side of Hollybank Avenue Lower which is cul de sac road serving primarily residential properties. The site is located c. 60km south west of the junction with the Sandford Road and c. 500m south east of Ranelagh.
- 1.3. The house is a mid-terrace, red brick, two storey house with a bay window style front protrusion over two floors and small front gardens with railing boundary to the public path. There is on street parking on both sides of the road.
- 1.4. The house adjoins No. 1 Hollybank Avenue Lower to the North East which is the end of terrace house. There is a narrow laneway running along the northern boundary of No. 1. The existing two storey rear return to No. 2 Hollybank Avenue Lower is visible in part from this laneway.

2.0 Proposed Development

- 2.1. The proposed development comprises-
 - a part single part two storey, flat roof, 25 sq.m extension to the rear
 - 19 sq. m at ground floor level and
 - 6 sq.m at first floor level
 - The height of single storey extension is shown as 3.575m
 - The height of first storey extension is shown as 5.79m

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to grant permission on the 14/12/20, subject to six conditions, all of a standard nature.

4.0 Planning Authority Reports

4.1. Planning Reports

The report of the Planning Officer (10/12/20) reflects the decision of the Planning Authority. The following is noted from the report:

- Approximately 25 sq.m of rear private open space remains for the occupants and is considered acceptable in this instance.
- Given the scale of the extension it is not considered the proposal would unduly overshadow or result in undue overlooking of adjoining property.
- The proposal is unlikely to have a negative impact on adjoining residential amenity or have a negative visual impact on the area.

4.2. Other Technical Reports

- Drainage Division- No objection subject to condition

4.3. Prescribed Bodies

- None

4.4. Third Party Observations

- One submission was received. The issues raised are generally included in the third party appeals and are set out in the Grounds of Appeal in section 7.1 of this report.

5.0 Planning History

This site-

- None relevant

Adjoining Site-

- 1170/98- Two storey extension to gable and single storey extension to rear of No. 1, Hollybank Avenue Lower, **Grant** 16/06/98

6.0 Policy Context

6.1. Dublin City Development Plan 2016-2022

- 6.1.1. The appeal site has a zoning objective 'Z2 - Residential Neighbourhoods (Conservation Areas)' within the Dublin City Development Plan 2016-2022, with a stated objective *'To protect and/or improve the amenities of residential conservation areas.'*
- 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 11.1.5.4- Architectural Conservation Areas and Conservation Areas.

The policy mechanisms used to conserve and protect areas of special historic and architectural interest include:

- Land-use zonings: Residential Conservation Areas (land-use zoning Z2)....

The policy to ensure the conservation and protection of the areas of special historic and architectural interest is as follows-

It is the Policy of Dublin City Council:

CHC4: To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

It is the Policy of Dublin City Council:

Development will not:

1. Harm buildings, spaces, original street patterns or other features which contribute positively to the special interest of the Conservation Area

- 2. Involve the loss of traditional, historic or important building forms, features, and detailing including roof-scapes, shop-fronts, doors, windows and other decorative detail*
- 3. Introduce design details and materials, such as uPVC, aluminium and inappropriately designed or dimensioned timber windows and doors*
- 4. Harm the setting of a Conservation Area*
- 5. Constitute a visually obtrusive or dominant form.*

Section 16.2.2.3- Extensions and Alterations to Dwellings-

.... 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.*

Furthermore, extensions should:

- Be confined to the rear in most cases*
- Be clearly subordinate to the existing building in scale and design*
- Incorporate a high standard of thermal performance and appropriate sustainable design features.*

Section 16.10.12 Extensions and Alterations to Dwellings:

‘Applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied that the proposal will:

- Not have an adverse impact on the scale and character of the dwelling;*
- Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.’*

Section 16.5 Indicative Plot Ratio Standard-	Z1 and Z2-	0.5 – 2.0
Section 16.6 Indicative Site Coverage Standard-	Z2-	45%

Appendix 17 Guidance for Residential Extensions

- Section 17.3 Residential Amenity Issues
- Section 17.4 Privacy
- Section 17.5 Relationship Between Dwellings and Extensions
- Section 17.6 Daylight and Sunlight
- Section 17.7 Appearance
- Section 17.8 Subordinate Approach
- Section 17.10 Contemporary Extensions

6.2. Natural Heritage Designations

- None relevant

7.0 The Appeal

7.1. Grounds of Appeal

One third party appeal was received from Gerry And Paula Conheady of No. 1 Hollybank Avenue Lower. The grounds of the appeal can be summarised as follows-

- The proposed development will dominate and overshadow 1 Hollybank Avenue Lower. It will lead to a loss of daylight and sunlight. Photographs of the rear of No. 1 are included.
- The proposed window to the rear of the first floor extension will result in the loss of privacy to the patio of No.1. This is contrary to section 16.10.12 of the DCC Development Plan.
- The proposed development would only provide for 27 sq.m of private open space for six bed spaces.
- The proposed site coverage of 64.77 sq.m exceeds the Development Plan standards for Z2 zoning.
- The submitted drawings are inaccurate and do not show the existing attic conversion and rear skylights. Drawings show the extension on half of the boundary wall, however the plans do not. There are also discrepancies between the plans and section drawings.
- The plans do not show the existing two storey extensions to 1 and 2 Hollybank Avenue Lower and as such are misleading. No. 1 was extended under 1170/98. While there may not be a record of permission a two storey extension has been added to No.2 already and should have planning permission.
- Measurements of the side boundary of 7.16m are inaccurate and should be 6.87m. There are inaccuracies in measurement of private open space.
- There is a precedent for refusing Planning Permission for rear two storey extensions along this road in the interests of residential amenity.
- The precedents cited by the applicants have all differing circumstances to the current application.

7.2. Applicant Response

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

- The proposed extension is modest in scale and consistent with the volume and massing of other existing permitted two storey extensions on the street. The amount of overshadowing will be minimal in relation to the scale of No.1.
- The proposed first floor window is similar in proportion to the existing first floor sash window and is smaller than permitted windows in the same position on other two storey extensions on the street. Three examples are provided.
- The appellant quotes standards for new houses and it is not appropriate to apply these to extensions.
- The proposed site coverage ratio is marginally above the indicative site coverage ratio of 45% set out in the Development Plan which also permits higher ratios in circumstances such as proximity to transport. The proposed plot ratio is 1.01 within the 0.5-2.0 permitted in the Development Plan.
- The converted attic space is not habitable and therefore not calculated in calculations. The proposed extension will sit within the boundary wall and the first floor will project by a distance of 1995mm from the existing front face of the wall.
- The appellant refers to a precedent for refusing a two storey extension which is inappropriate as that extension was more than twice the depth from the rear wall than the proposed extension. It was also substantially higher at 7.7m.
- A number of other suitable precedents are detailed.
- The proposal will provide a three bedroom dwelling contributing to the zoning objective with no impact on the streetscape.

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 all other documentation on file, including the appeal. I have inspected the site and have had regard to relevant local/regional/national policies and guidance where relevant.

8.1.2. I consider that the main issues for this appeal are as follows-

- Zoning
- Residential Amenity
- Other Matters
- Appropriate Assessment

8.2. **Zoning**

8.2.1. The subject site is located within an area with a zoning objective 'Z2- Residential Neighbourhoods (Conservation Areas)' within the Dublin City Development Plan 2016-2022, with a stated objective '*To protect and/or improve the amenities of residential conservation areas*'.

8.2.2. The proposed development seeks to provide a residential extension to the existing house. The proposed development is, therefore, acceptable in principle.

8.3. **Residential Amenity**

8.3.1. The appellants have raised a number of concerns in relation to negative impacts on residential amenity from the proposed development that can be summarised as follows-

- Overbearing
- Overshadowing
- Overlooking and Privacy
- Private Open Space Provision

- Site Coverage

8.3.2. *Overbearing-* The proposed extension at ground floor wraps around the existing rear return and will be the full width of the rear elevation. It will provide for a large open plan kitchen and seating area. The drawings show it extending 1.995m from the rear of the existing elevation and will be 5.095m wide. The extension at first floor will provide a third bedroom. It is located to the rear of the existing rear return, will be 5.79m high, extend 1.995m from the rear elevation and will be c. 3.2m wide. The proposed extension is considered modest in scale and in my opinion will not lead to undue overbearing on adjoining properties.

8.3.3. *Overshadowing-* The rear garden of No.'s 1 and 2 Hollybank Avenue Lower are northwest facing. The proposed depth of the first floor extension is considered modest in scale and while I accept there may be some overshadowing as a result, in my opinion, it is unlikely that the proposed development will significantly or unduly overshadow the property at No. 1 Hollybank Avenue Lower.

8.3.4. *Overlooking and Privacy-* The development proposes a window to the rear elevation of the first floor extension. This window will be c. 1.995m from the location of a existing first floor window. I do not consider this window will lead to significant concerns in relation to overlooking or loss of privacy from the proposed development.

8.3.5. *Private Open Space Provision-* The design statement submitted with the application indicates the proposed development will provide 27 sq.m of private garden space. The existing/proposed roof plan shows a garden area of 26 sq.m. The appellant refers to the standards of private open space required for new houses in section 16.10.2 of the Development Plan. The subject application relates to an extension to an existing house. Given the existing nature of the site, the provision of a third bedroom and the increased quality of living space provided by the extension for the occupants of the house I have no concerns in relation to the provision of open space as proposed in this context.

8.3.6. *Site Coverage-* The appellant raises concerns that the proposed development exceeds the Development Plan's site coverage requirements for Z2 zoning which is stated as 45%. In question 10 of the application form the applicants propose 56% site coverage. In the response to the appeal the applicants indicate this is marginally

above the development plan standard and note that the proposed plot ratio of 1.01 is well within the permissible range. The applicants also note the development plan does make provision for higher site coverage in certain circumstances such as proximity to public transport. Notwithstanding such circumstances, I note this standard is clearly 'Indicative' and in the context of a domestic extension is not in my opinion a requirement. Accordingly I have no concerns in this regard.

8.4. Other Matters

- I refer to the appellants concerns in relation to inaccuracies in the submitted drawings. Having considered the submitted drawings and the applicants response to the appeal, I am satisfied the information on file is not misleading and is sufficient for the purpose of this assessment.
- The appellants have raised concerns of an existing two storey extension to the subject house that '*should have had Planning Permission*'. It is noted the Planning Authority have not raised any concerns in this regard and they have deemed the application to be valid. During my site inspection I did not observe any obvious unauthorised development. As such, I have no concerns in this regard and note the matter of enforcement falls under the jurisdiction of the Planning Authority.
- The appeal refers to a precedent for refusing permission for two storey rear extension along Hollybank Avenue Lower under pl. ref. no. 4926/03. I have reviewed this application and note it was granted permission with a first floor element omitted by condition. Notwithstanding this, it is considered that the circumstances arising from that application are not directly comparable in the context of the proposed development.

8.5. Appropriate Assessment

- 8.5.1. 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

10.1. It is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of properties in the area. The proposed development would, therefore, be in accordance with the Z2 Residential Neighbourhoods (Conservation Areas) zoning objective of the Dublin City Council Development Plan 2016-22 and 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.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the 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.

3. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

4. 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

01st April 2021