



An
Bord
Pleanála

Inspector's Report ABP-309382-21.

Development	Construction of first floor extension to south east side of house.
Location	1A, Dromard Terrace, Sandymount, Dublin 4.
Planning Authority	Dublin City Council South.
Planning Authority Reg. Ref.	WEB1788/20.
Applicant(s)	Donna McGrath
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Donna McGrath
Observer(s)	Lorna Kennedy.
Date of Site Inspection	01/04/2021.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The subject site is located to the rear of houses which front onto Dromard Terrace, and to the north of Sandymount village centre. Access to the site is via a small laneway / right of way, between Nos. 7 Seafort Terrace to the south and No. 1 Dromard Terrace to the north. The site is set back from the public road by approximately 17m where the site opens up and is essentially located to the back of existing houses on the west side of Dromard Terrace, as well as the houses which front onto Marine Drive to the north west, and two houses in Seafort Crescent to the south west.
- 1.2. The site has a stated area of 527.5m² and is occupied by a large two storey house, with single storey flat roofed elements. The existing house has a stated floor area of 263.21m² and previous extensions to the building have extended almost to the site boundary to the south east.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for permission to construct a first-floor extension to southeast side, all at 1A, Dromard Terrace, Sandymount, Dublin 4.
- 2.2. The proposed development will result in the creation of an additional bedroom and shower room to serve the existing house with a floor area of 29.42m².

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse planning permission for the proposed development for the following reason:

1. It is considered that the proposed development, by reason of its siting and proximity to surrounding dwellings, would be visually obtrusive, overbearing and would result in a loss of privacy and outlook to the dwellings contrary to Policy CHC4 and Section 16.10.8 Backland Development of the Dublin City Development Plan 2016-2022. The development would constitute overdevelopment on this constrained site and would seriously injure the

amenity of property in the vicinity and as such would be contrary to the stated provisions of Dublin City Development Plan 2016-2022 and proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, third party submissions and the City Development Plan policies and objectives. The report also includes a section Appropriate Assessment.

The planning report concludes that proposed development is not acceptable due to the proposed location of the extension and having regard to the proximity of the rear of properties which face onto Dromard Terrace, particularly nos. 3, 5, 7 and 7A.

Given that the site is located within the Sandymount Village ACA, it was considered that the proposed extension is inappropriate, would constitute a visual obtrusive form and would result in the overdevelopment of this constrained site. The Planning Officer recommends that permission be refused for the proposed development.

This Planning Report formed the basis of the Planning Authority's decision to refuse planning permission.

3.2.2. **Other Technical Reports**

Drainage Division: No objection subject to compliance with conditions.

3.2.3. **Third Party Submissions**

There is 1 no. third party objection/submission noted on the planning authority file.

The issues raised are summarised as follows:

- The development will have a serious impact on adjacent property and will have unacceptable adverse impacts on the existing amenities and will be visually overbearing, dominating on the quiet enjoyment of adjacent home.
- The development due to its size and excessive scale would have an intrusive element and the house and proposed extension is significantly larger than the original house on the site.

- Previous development at the site was not built-in accordance with the initial planning granted and retention was obtained.
- The ground floor could easily accommodate a bedroom without having to extend to the east towards adjacent property.
- The proposed development will overcrowd and dominate the adjacent property and the proposed development does not respect the scale and proportions of surrounding buildings and gardens.
- The developer could extend to the west as there is ample room on that side and gardens of the houses on the west have gardens in excess of 80 to 100m.

4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

PA ref WEB1146/10: Permission granted by the PA for the retention of a two-storey extension to the rear of the existing dwelling, subject to 2 conditions.

PA ref WEB1074/14: Permission granted by the PA for a part two storey extension to front, sides and rear, and replacement of two first floor windows with dormer windows on the side.

PA ref WEB1670/19: Permission granted by the PA for a detached garden shed to side and retention permission granted for single storey extensions to front, sides and rear, chimney to the rear, two storey extension to rear and alterations to windows on front, rear and sides of existing detached dwelling.

Enforcement:

E1009/09: Enforcement case opened in October 2009 relating to the subject site due to an alleged unauthorised large extension was being built without the benefit of planning permission. The case was closed in November 2010 as planning permission was granted.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The Dublin City Development Plan 2016 – 2022, is the relevant policy document relating to the subject site. Under the Plan, the subject site is zoned Z1, where it is the stated objective 'To protect, provide for and improve residential amenities'. The site is also located within the Sandymount Village Architectural Conservation Area.
- 5.1.2. Chapter 11 of the CDP deals with Built Heritage and Culture and Section 11.1.5.4 deals with Architectural Conservation Areas and Conservation Areas where it is stated that DCC will seek 'to ensure that development proposals within all Architectural Conservation Areas and Conservation Areas complement the character of the area, including the setting of protected structures, and comply with development standards'.
- 5.1.3. The following policies are relevant in the context of the proposed development site:

Policy CHC1: To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.

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.

- 5.1.4. Volume 2 of the City Development Plan includes appendices. Appendix 17 of the CDP provides guidelines for residential extensions. Section 17.10 deals with contemporary extensions and 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.
- Have no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.
- Achieve a high quality of design.

5.2. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the South Dublin Bay SAC (& pNHA)(Site Code: 000210) and the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which is located approximately 140m to the east of the site.

5.3. EIA Screening

Having regard to nature and scale of the development, together with the existing residential nature 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. This is a first party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The grounds of appeal are summarised as follows:

- The submitted appeal document sets out the historical context of the site and considers that it is wrong of the planner to describe the site as a backland development as defined in Section 16.10.8 of the City Development Plan.
- It is submitted that the current house is the last remaining dwelling on Wilson Place, one of 3 according to the 1911 Census, and it is likely to predate all the surrounding dwellings.
- Planning permission, and retention permission, has been obtained for all existing development at the site and the house is not visible from any public road.
- While there is adequate family room space, an additional bedroom is essential to serve the family needs.

- The existing and proposed site coverage at 35% remains unchanged and the plot ratio increases slightly from 0.5 to 0.55.
- There is no increase in rainwater run-off and no alterations are required.
- None of the adjoining dwellings are protected structures.
- The proposed bedroom removes 4 existing windows facing the rear of Dromard Terrace and overlooking rear gardens, thereby improving the privacy of those dwellings.
- An assessment of permissions granted to adjacent dwellings and perceived non-compliance with conditions is set out.
- It is submitted that the windows of No. 3 Dromard Terrace are usually covered by curtains, blocking off daylight to circa 50% of the glass. The proposed development will not impact on sunlight or daylight at this house.
- In response to the third-party observation, the following comments are submitted:
 - The original house on the site was not demolished, it was extended.
 - The distance between the single storey portions of No. 3 and 1A is a minimum of 5m at the nearest point but is on average much greater.
 - The minimum distance between the first-floor high level slit window on the rear of No. 3 to the nearest first floor window on No. 1A is 17.6m which will decrease to 13.5m with no windows in the proposed bedroom on this elevation.
 - Overlooking will be minimised and privacy increased in the dwelling and garden of No. 3.
 - The proposed extension and eaves are 1.25m above the existing parapet adjacent to No. 3, set back 8.1m from the nearest No. 3 ground floor window and the proposed ridge is 500mm below the existing ridge minimising the visual impact of the extension.
 - The proposed extension will cause no new or greater loss of sunlight or daylight to the rear of No. 3 which faces 30° north of west.

6.1.2. It is submitted that the proposed finishes will match the existing and it is requested that permission be granted for the proposed development.

6.2. Planning Authority Response

None.

6.3. Observations

An observation was submitted by a third party. The issues raised reflect those submitted to Dublin City Council during their assessment of the proposed development and are summarised as follows:

- Observer agrees with the decision of the City Council that the proposed development would be visually obtrusive, overbearing and would result in a loss of privacy and outlook to the dwellings contrary to the DP.
- It is further agreed that the proposed development would constitute overdevelopment on the constrained site and would seriously injure the amenity of property and in particular the enjoyment of outdoor space.
- The proposed development does not respect the scale and proportions of surrounding buildings and gardens.
- The extension does not have regard to the character or appearance of the original property that was on the site particularly in relation to height, scale, bulk and design.
- The development at the site has not complied with permissions granted and there is room on the ground floor to accommodate a bedroom without the need to extend to the east towards the observers property.
- The observers garden is 3.5m to the boundary wall. The curtains were closed in the photograph submitted as there was an individual taking photographs. The patio doors do not look directly towards the proposed extension, but the extension would be clearly visible and would have a substantial impact to the view from the window.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development
2. Design & Residential Amenity
3. Other Issues
4. Appropriate Assessment

7.1. Principle of the development

- 7.1.1. The proposed development seeks to extend an existing detached house, which will consist of the addition of a bedroom and shower room at first floor level. The addition is proposed to be constructed over an existing single storey element of the house and will have a stated floor area of 29.42m². Having undertaken a site inspection, I would note that the existing house is located to the rear of the houses in the terrace which forms Dromard Terrace in Sandymount. While I note the objection of the applicants agent to the site being referred to as a backland site, it is located to the rear of all of the houses in the vicinity and is accessed via a narrow laneway. The existing house is not visible from the public road and therefore, the development, if permitted will not be visible from the public road.
- 7.1.2. Having regard to the location of the subject site within proximity to the centre of Sandymount and in an area zoned Z1 where it is the state objective of such zoning 'To protect, provide for and improve residential amenities', I would note that the proposed extension is acceptable in principle, subject to the detailed considerations below.

7.2. Design & Residential Amenity

- 7.2.1. The Board will note that the Planning Authority refused planning permission for the proposed extension for the following reason:
1. It is considered that the proposed development, by reason of its siting and proximity to surrounding dwellings, would be visually obtrusive, overbearing and would result in a loss of privacy and outlook to the dwellings contrary to Policy CHC4 and Section 16.10.8 Backland Development of the Dublin City Development Plan 2016-2022. The development would constitute overdevelopment on this constrained site and would seriously injure the amenity of property in the vicinity and as such would be contrary to the stated provisions of Dublin City Development Plan 2016-2022 and proper planning and sustainable development of the area.
- 7.2.2. The assessment criteria for residential extensions are set out in Chapter 16 – Section 16.10.12 Extensions and Alterations to Dwellings, and Appendix 17 – Guidelines for Residential Extensions, of the current Dublin City Development Plan 2016-2022. The City Plan acknowledges the need for people to extend and renovate their dwellings, and the stated provides that extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area. The Plan also encourages sensitively designed extensions which do not negatively impact on the environment, on adjoining properties or on neighbouring areas and in particular, extensions within all Residential Conservation or Architectural Conservation Areas of Dublin City (Policy CHC4) must positively enhance the character of the area.
- 7.2.3. It is the stated policy of Dublin City Councils Development Plan, Policy CHC1 refers, to seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city. The Board will note that while this area of Sandymount Village is identified as an Architectural Conservation Area, there are no protected structures identified in the immediate vicinity. The Board will note that as the subject site lies to the rear of the existing houses in Dromard Terrace, the proposed development will not be visible from the public street. As such, I am

satisfied that the proposed development will not have any significant impact in principle on the Residential Conservation Area in which the site lies.

- 7.2.4. The proposed development seeks to construct a modest extension to provide an additional bedroom and shower room at first floor level. The extension will be located on the eastern side of the existing first floor area of the house. The existing house is setback from the rear boundary walls of the houses fronting onto Dromard Terrace along the eastern boundary of the site by 1m at a minimum. The existing first floor element of the house is currently approximately 9m from the boundary wall. I note that there is existing planting along this boundary of the site which is to be retained.
- 7.2.5. The first-floor extension proposes a pitched roof with an overall height of approximately 4.1m. This will sit on the existing single storey flat roof section of the ground floor and will result in this elevation of the house rising to approximately 7.2m. The wall of the proposed extension will be set back from the eastern boundary wall by just under 3m approximately. The extension is to be finished using the same materials as those on the existing house.
- 7.2.6. While I acknowledge the third-party comments with regard to the proposed development, I am generally satisfied that the principle of the proposed development is acceptable. I would also note the planning history of the site, which includes a number of retention applications and where there are anomalies in the floor areas of the buildings on the site between applications. In considering the proposed development, Section 17.10 of the City Development Plan requires deals with contemporary extensions and notes that 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.
 - Have no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.
 - Achieve a high quality of design.
- 7.2.7. In terms of the above, and having regard to the number of extensions to the original dwelling on the site which is indicated under PA reg Ref WEB1146/10 to have been 119.2m² which includes the 38.8m² extension to be retained, and will, if the current extension is permitted, have an overall floor area of 292.63m², I consider it fair to say

that the scale and character of the original dwelling on the site has been significantly altered in the past decade. I note that the PA refused permission for the proposed development on the grounds that the development would constitute overdevelopment on this constrained site. In this regard, the site coverage is indicated at 35% and the plot ratio is indicated at 0.55. The City Development Plan indicates that for Z1 zoned lands, site coverage of 45%-60% and a plot ratio of 0.5-2.0 are indicative standards for such sites. In this regard, I do not consider that the proposed development contravenes the Plan and that there is adequate private open space retained to serve the occupants of the dwelling.

- 7.2.8. The third-party observer notes the proximity of the development to the shared boundary and agrees with the Planning Authority that the development, by reason of its siting and proximity to surrounding dwellings, would be visually obtrusive, overbearing and would result in a loss of privacy and outlook to the dwellings adjacent to the site. In terms of the visual impact associated with the proposed extension, I would agree that the proposed roof design of the extension will result in a significant visual addition. Should the Board be minded to grant planning permission, I consider it appropriate that the roof of the proposed first floor extension should be amended to provide a flat roof with a reduced overall height to a maximum of 3m.
- 7.2.9. With regard to the impact of the development on privacy of adjacent properties, I note that no windows are proposed on the south eastern elevation while the proposed new windows on the north east elevation will be finished in obscure glazing. The proposed window on the south western elevation will provide no additional significant overlooking potential when the existing windows in the house are considered. I am also satisfied that the development, if permitted, is likely to prevent the casual use of the flat roofed area as an amenity space given that it is accessible from the house at first floor level. Having regard to the orientation of the site, I am satisfied that the development is unlikely to give rise any overshadowing issues of adjacent properties.
- 7.2.10. Overall, I am generally satisfied that the proposed development, subject to the amendments discussed above, is an acceptable form of residential development at this location and if permitted, would not significantly impact on the existing residential amenity of adjacent properties, subject to the above amendments. In addition, I am

generally satisfied that the development would not constitute a significantly visually obtrusive or overbearing structure so as to warrant refusal of planning permission.

7.3. Other Issues

7.3.1. Water Services

Having regard to the nominal scale of the proposed extension, I am satisfied that there are no issues relating to the provision of water services arising.

7.3.2. Development Contribution

Having regard to the Dublin City Council Section 48 Development Contribution Scheme, Section 11 of the Scheme deals with development which will not be required to pay development contributions under the scheme including:

The first 40sq metres of extensions to a residential development (subsequent extensions or extensions over and above 40 square metres will be charged at the residential rate per square metre).

I also note that Section 13 of the Scheme states:

No reductions in whole or in part shall apply to permissions for retention of development.

The Board will note that the subject proposal is not the first application for extensions to the house on this site. I note that previous decisions relating to the retention of various extensions at this site were not charged, and I also note anomalies in submitted floor areas between the 3 cited planning applications. I would note that the current application relates to the full extent of development at the site, including the permitted garden shed permitted under WEB1670/19 and that if permitted, the buildings on the site, house including the currently proposed 29.42m² extension and garden shed, will have a total floor area of 292.63m².

In terms of the current application, should the Board be minded to grant permission in this instance, the development is liable to pay a development contribution in the full amount for the full proposed extension floor area of 29.42m². The contribution payable is therefore, €2,709.58 under the current scheme.

7.4. Appropriate Assessment

The site is not located within any designated site. The closest Natura 2000 site is the South Dublin Bay SAC (& pNHA)(Site Code: 000210) and the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which is located approximately 140m to the east of the site.

Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also 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.

8.0 Recommendation

I recommend that planning permission be granted for the proposed development for the following stated reason and subject to the following stated conditions.

9.0 Reasons and Considerations

Having regard to the pattern of permitted development in the area, to the provisions of the Dublin City Development Plan 2016-2022, and to the layout and design as submitted, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of adjoining properties and would not seriously injure or affect the character of the Architectural Conservation Area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 proposed roof of the extension shall be amended to provide a flat roof which shall not exceed 3m in height.

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

Reason: In the interest of clarity and the protection of residential amenities of adjacent properties.

3. 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.

4. Site development and building works shall be carried out only between the hours of 0700] to 1800 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.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, or shall be erected on the site/within the rear garden area, without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling and in the interest of the amenities of the area.

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.

A. Considine
Planning Inspector
30th April 2021