



An
Bord
Pleanála

Inspector's Report

ABP-309501-21

Development	Two storey extension to rear of dwelling, conversion of attic space to non-habitable room with a dormer window to side & rear.
Location	121, Larkhill Road, Whitehall, Dublin 9 D09 EK71
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1857/20
Applicant(s)	Stephen Eastwood
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party vs. Condition
Appellant(s)	Stephen Eastwood
Observer(s)	None
Date of Site Inspection	26 th April 2021
Inspector	Stephen Ward

1.0 Site Location and Description

- 1.1. The site is located within a large residential area to the north of Collins Avenue, at a distance of c.400m northeast of the DCU Glasnevin campus. The site contains an existing two-storey semi-detached dwelling. It would appear that a shed to the rear of the house has recently been demolished and removed. There is a vehicular access and parking area to the front of the site. The site is of an irregular rectangular shape and extends to a stated area of 167 sq.m.
- 1.2. The existing dwelling has a stated floor area of 66 sq.m. The external wall finish is a wet dash render and the roof is finished in curved roof tiles. The surrounding houses are generally of a similar scale and character, although there are various examples of extensions and alterations having been completed.

2.0 Proposed Development

- 2.1. In summary, the development comprises the following:
 - Construction of a part single-storey, part 2-storey extension to the rear.
 - Conversion of attic space to non-habitable room to include the provision of a dormer window to the side and rear of the roof space.
 - An increase in gross floor area from 66 sq.m. to 136 sq.m.

3.0 Planning Authority Decision

3.1. Decision

By order dated 27th January 2021, Dublin City Council (DCC) issued notification of the decision to grant permission. Condition no. 3 states as follows:

The development hereby approved shall incorporate the following amendments: -

The first floor element of the extension shall be reduced in depth by a minimum of 2 metres to a maximum of 2.9 metres. This may include a reduction in the size or number of bedrooms or bathrooms.

Reason: To avoid overbearing impacts and protect the residential amenity and visual amenity of no 122 Larkhill Road.

3.2. Planning Authority Reports

3.2.1. The planner's report can be summarised as follows:

- There is no objection to an extension in principle and the proposal would add to the amenity of the residents of the house.
- The visual impacts to the public realm are acceptable.
- Given the existing level of overlooking, the impacts of the dormer windows would not be significant, but the impacts of the first-floor windows would be somewhat intrusive on no. 124 and would approach the limit of acceptability.
- The height and proximity of the 2-storey extension would have overbearing impacts on no. 122 due to the angle of the garden. It would affect the outlook from ground and first floor windows, and this could be addressed by a condition amending the depth of the first-floor element of the extension.
- A grant of permission is recommended, subject to the amendments as outlined in condition no. 3 of the DCC notification of decision.

3.2.2. The Engineering Department (Drainage Division) outlines that there are no objections subject to standard conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

There would not appear to be any relevant planning history pertaining to this site.

P.A. Ref. 2905/09: On the directly adjoining site to the northeast (No. 120) permission was granted (29th July, 2009) for an almost identical rear extension, which has since been completed. Condition no. 2 of the permission required the omission of a first-floor balcony, but no alterations to the overall size of the extension were required.

P.A. Ref. 3255/09: On site No. 125 Larkhill Rd, to the rear (northwest) of the appeal site, retention permission was granted (16th September, 2009) for a 1st floor flat roof extension, (20m² internal area) to the rear of the dwelling.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan for the area is the Dublin City Development Plan 2016-2022. The site is zoned as 'Z1', the objective for which is '*To protect, provide and improve residential amenities*'.

5.1.2 Section 16.2.2.3 of the Plan is part of the general design standards and principles. It deals with 'Alterations and Extensions', which should be designed to respect the existing building, its context and the amenity of adjoining occupiers. Of relevance to the current application, it is stated that development should:

- Respect street uniformity, patterns and rhythms
- Retain a significant portion of garden / yard / enclosure
- Not detract from the architectural quality of the existing building
- Be confined to the rear in most cases
- Be clearly subordinate to the existing building in scale and design

5.1.3 Section 16.10.12 deals more specifically with 'Alterations and Extensions to Dwellings'. In summary, it is recommended that proposals should respect the visual amenity / character of the area and should protect the residential amenity of adjoining properties. Appendix 17 'Guidelines for Residential Extensions' sets out more detailed advice and principles in this regard.

5.2. Natural Heritage Designations

There are no Natura 2000 sites of any relevance to the proposed development.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The first party appeal relates only to condition no. 3 and requests that it be removed. The grounds of appeal can be summarised as follows:

- The condition is too onerous and would remove a significant area of liveable space.
- Impacts have already been mitigated by stepping back the extension and there have been no objections from the neighbouring properties.
- There is a trend/demand to refurbish and extend such properties.
- When viewed from the upper windows of no. 122, only a small section of the first-floor extension (800mm) would be visible.
- The requirement for a 2-metre reduction seems to be taken off a line from the side of house no. 122 and is excessive.
- The proposed development is consistent with planning precedents, including no. 120 on the adjoining site.

6.1.2. While the appeal requests that the condition be removed entirely, plans for an alternative option are also included involving a smaller setback (800mm) confined to the northwest corner of the first-floor level.

6.2. Planning Authority Response

None.

6.3. Observations

None.

7.0 Assessment

- 7.1. The submitted appeal relates to condition no. 3 only, which requires a 2-metre reduction to the proposed depth (4.9m) of the first-floor element of the rear extension. I am satisfied that the development is otherwise in accordance with the proper planning and sustainable development of the area, and that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted. My assessment will therefore be limited to the matters raised in relation to the terms of the condition, pursuant to the provisions of section 139 of the Planning and Development Act 2000 (as amended).
- 7.2. The stated reason for the application of condition no. 3 is '*To avoid overbearing impacts and protect the residential amenity and visual amenity of no 122 Larkhill Road*'. Having inspected the site and reviewed the drawings and documentation on file, I would concur that these are the only issues relevant to the condition.
- 7.3. At the outset, I acknowledge the limited scale of the existing house (66m²) and the value of facilitating the renovation and extension of properties in mature estates such as this, both in terms of sustainable development and supporting established communities. Furthermore, I note that the proposed extension is almost identical in scale and design to that previously permitted on the adjoining site (no. 120). The planning authority's concern would not, therefore, seem to relate to the principle of the proposed extension depth, but rather to the impact caused at a result of the angled relationship between the extension and the adjoining property to the west (no. 122).
- 7.4. I note that the proposed side elevation of the first-floor extension does not include any windows. And while the planning authority raised some concerns about the proximity of the first-floor rear windows to property to the northwest (no. 124), I consider that impacts would not be significant given that any overlooking would be at right angles and confined to limited areas of the adjoining property. Accordingly, I am satisfied that the condition does not relate to overlooking concerns.
- 7.5. Having regard to the height and scale of the proposed extension and its orientation and remove to the northeast of no. 122, I do not consider that there will be any significant impacts in relation to sunlight. Furthermore, with regard to daylight, I estimate the angle of sight between the mid-point of the rear ground floor windows of

no. 122 and the top of the extension to be approximately 27 degrees¹. The BRE guidance on *Site Layout Planning for Daylight and Sunlight (2011)* includes generally accepted standards in this regard and states that an obstruction angle of less than 25° is unlikely to have any substantial effects. While the current case marginally exceeds this standard, I consider that the impacts on daylight would be limited and acceptable given that the proposed extension is oblique to the existing property and is not directly opposing.

- 7.6. The planning authority's concern mainly relates to overbearing impacts and the outlook from the rear windows of no. 122. The applicant has attempted to address this concern by indicating that the direct line of sight from the 1st floor rear windows of no. 122 is only marginally obstructed. I have also considered the rear ground floor windows of no. 122 and I note that the kitchen window is effectively the only one of a size and function that would be sensitive to overbearing impacts. It is largely central in the rear ground-floor façade and, accordingly, any obstruction from the proposed extension is at a more acute angle than the eastern first-floor window. The garden and surrounding areas directly to the rear (north) of no. 122 would remain relatively open and would provide an acceptable level of residential amenity.
- 7.7. Having regard to the scale and height of the proposed extension, and the separation distance and angle of obstruction between the extension and no. 122, I consider that any overbearing impacts associated with the proposed development are acceptable. I note the alternative design proposed as part of the appeal, but I do not consider that these revisions are necessary in this case.
- 7.8. In conclusion, I am satisfied that Condition No. 3, requiring a 2-metre reduction in the depth of the extension, would not be warranted as its inclusion would not seriously impact on the residential amenity or visual amenities of no. 122.

8.0 Appropriate Assessment

Having regard to the minor nature of the proposed development, and to the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that

¹ Using a window mid-point height of 2m above ground level and a separation distance of 8 metres.

the 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

I recommend that the Planning Authority be directed to REMOVE Condition 3 for the reasons and considerations set out hereunder.

10.0 Reasons and Considerations

Having regard to the residential land use zoning for the site, and to the pattern and character of development in the area, it is considered that the proposed extension, by reason of its location, scale, height and design, would not seriously detract from the residential or visual amenities of No. 122 Larkhill Road or any other surrounding property. Therefore, the planning authority's Condition No. 3, requiring a 2-metre reduction in the depth of the first-floor element of the extension, is not warranted.

Stephen Ward
Senior Planning Inspector

26th May 2021