



An
Bord
Pleanála

Inspector's Report

ABP-309901-21

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| Development | A kitchen/ bedroom two-storey extension to the rear and all associated site works. |
| Location | 40, Lein Gardens, Raheny, Dublin 5 |
| Planning Authority | Dublin City Council North |
| Planning Authority Reg. Ref. | 2060/21 |
| Applicant(s) | Eliza and Ronan Wade. |
| Type of Application | Click here to enter text. |
| Planning Authority Decision | Grant with conditions |
| Type of Appeal | First Party |
| Appellant(s) | Eliza and Ronan Wade |
| Observer(s) | / |
| Date of Site Inspection | 8 th May 2021 |
| Inspector | Rachel Kenny |

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1.0 Site Location and Description

- 1.1. The appeal site is located in a residential development, Lein Garden, to the west of Raheny village Dublin 5. The area is characterised by well established, medium density, two storey, terraced suburban type housing. A number of the houses have been extended and refurbished, and extended to the rear.
- 1.2. The subject house is an end of terrace with what appeared to be a shared pedestrian access to the rear of the property. The houses along this terrace including the applicant's house have long south facing back gardens that back on to the Dublin-Belfast rail line, and within walking distance of Raheny Dart Station.

2.0 Proposed Development

- 2.1. It is proposed to construct a two storey flat roof rear extension. The extension runs nearly the width of the house to the rear, adjoining the boundary wall of the neighbouring terraced house to the south-west (no 38 Lein Gardens) and set back c.0.6m from the boundary with no.40A to the north east.
- 2.2. The extension will allow for a larger kitchen dining room and two bedrooms, with one of the existing first floor bedrooms being converted to a bathroom to serve the first floor. In total it is proposed to add an additional c.53.3sq.m to the dwelling over the two floors to increase the overall area from 79sq.m to 132.5sq.m.
- 2.3. The existing house, and proposed extension are relatively modest in size. The extension extends just under 4m beyond the existing rear building line as established by the terraced neighbour to the south-west. This property (no.38) has not been extended. The detached property to the north-east has been extended and is set further back than the applicant's property, therefore the proposed extension extends beyond this building line by less than 2m.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to 8 conditions. Condition 2 relates to development contribution which is a specified amount (€340.77). This may be based on sqm and reflect amendments/reduction in extension size conditioned by the PA (condition 6).

Condition 6 requires the applicant to set the first floor element of the extension back by 2m from the shared boundary wall with the neighbouring terrace house (no.38). In the interest of residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report is the basis for the Planning Authority's decision. In summary it concludes:

- The proposed extension would adversely impact on the sunlight/daylight currently enjoyed by no.38, from both ground and first floor windows, and that the development would have an overbearing appearance from no. 38.
- Subject to the first floor element of the extension being set back 2m from the shared property boundary, the proposed development is not considered to result in an adverse impact on the residential amenity of the area.
- Having regard to the depth of the garden, which is c.23m, there are no overlooking concerns and windows at first floor and rooflights are not considered to adversely impact.
- Potential impact to no.40A was considered not to be significant, and no mitigation/amendment to the proposed development was considered necessary.
- No objections received.
- Recommends permission is granted subject to conditions (including a setback at first floor level – away from no.38).

The decision is in accordance with the Planner's recommendation.

3.2.2. Other Technical Reports

- **Roads & Traffic:** No report
- **Drainage:** No objection subject to conditions

3.3. Prescribed Bodies

- **Irish Water:** No response
- **Irish Rail:** No report received

3.4. Third Party Observations

No observations received.

4.0 Planning History

The DCC planner references Reg. Ref. 0803/00, which is the permission for no.40A to the side of the applicant's house.

5.0 Policy Context

5.1. Dublin City Development Plan 2016 – 2022

- 5.1.1. Chapter 14 of the Plan refers to land use zoning. The subject site is located in an area zoned Z1 – To protect, provide and improve residential amenities.
- 5.1.2. Chapter 16 refers to Development Standards. Section 16.2.2.3 refers specifically to alterations and extensions. It is stated that '*Dublin City Council will seek to ensure that alterations and extensions will be sensitively designed and detailed to respect the character of the existing building, its context and the amenity of adjoining occupiers*'. In addition, it is stated that extensions should be subordinate to the existing building, retain a significant amount of garden space, and not result in the loss of roof forms.

- 5.1.3. Section 16.10.12 and Appendix 17 of the CDP contain advice generally in respect of domestic extensions and additional information on requirements for extensions to comply with, including that :

The design of residential extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy. In addition, the form of the existing building should be followed as closely as possible, and the development should integrate with the existing building through the use of similar finishes and windows. Extensions should be subordinate in terms of scale to the main unit.

5.2. Natural Heritage Designations

- North Dublin Bay SAC (Site Code 000206) is c.1.5km to the south-east
- North Bull Island SPA (Site Code 004006) is c.1.5km to the south-east

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, 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

A first-party appeal against the Planning Authority's decision with respect to condition 6 was submitted by the applicants. In summary it includes:

- The applicants, who are from the area, have 3 sons of varying ages and needs, each requiring their own bedroom, and that the setback sought would result in the house being reduced to a three bedroom house and not the four bedroom house required.

- The current house, while three bedroom, comprises 2 double rooms and 1 single room and no bathroom at first floor.
- The existing house is 79sqm, and even with the extension will only be 132.5sqm.
- Numerous standalone 2 storey properties have been built in side gardens in the immediate area.
- The existing property is measured internally at 4.9m (depth)
- The rear garden is c.200sqm.
- The PA report notes that the floor levels of the extension could be lowered thereby minimising any potential impact, and the applicants are willing to do this.
- The house, if the extension as proposed was not permitted would be too small to meet the needs of the applicants and their family.

6.2. Planning Authority Response

No further submission has been received from the Planning Authority.

7.0 Assessment

- 7.1. I have read the entire contents of the file, visited the site and its surroundings, have had particular regard to the issues raised in the grounds of appeal. As this is a first party appeal against a condition, I have decided to consider this case under Section 139 of the PDA 2000 and confine my assessment to the condition under appeal. I do not consider it necessary to consider the case “de novo”. The main issues in this case are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise.
- 7.2. To this end, I note that only condition 6 is being appealed. The issues relating to this condition (ie whether to retain or omit it) can be dealt with under the following headings:
- Impact on residential amenity, in particular for no.38 Lein Gardens

- Implications of condition 6 on applicants

7.3. Impact on residential amenities

- 7.3.1. The proposed extension extends less than 2m beyond no.40A, which is also detached from no.40, and no alteration was sought by the PA under condition 6, and I am satisfied that this is appropriate, and that no further consideration in respect of the loss of residential amenity to this property is necessary, as the residential amenities associated with this property are not significantly impacted by the proposed development.
- 7.3.2. The proposed extension extends some 4m beyond the existing building line as established by the terrace, which includes no. 40 (applicants/appellants house) and no.38 the adjoining terraced house.
- 7.3.3. Having reviewed the drawings and carried out a site inspection, I would acknowledge that there will be some loss of sunlight/daylight entering the ground and first floor windows of the neighbouring property to the south-west No.38, following completion of the extension. However, I do not consider that this potential loss of sunlight/daylight would be materially improved by the proposed setback at first floor.
- 7.3.4. The loss of light to the single bedroom will be notable at certain times of the day, however, for the most part having regard to the orientation of the property it will continue to achieve adequate levels of daylight in particular in the later part of the day (pm). In light of the fact that it is a bedroom, I am satisfied that the levels of light achieved would be acceptable. Although DCC sought to set back the first floor extension by 2m, I don't believe this would significantly effect /improve light levels entering this room.
- 7.3.5. The ground floor room most effected by the proposed extension is the living room of no.38 (being the closest to the shared boundary). However, this room is also served by a window to the front of the house. Having regard to the shallow depth of the houses (less than 5m) I am satisfied that adequate sunlight/daylight will be achieved in this room following construction of the extension, albeit less than currently enjoyed.
- 7.3.6. The neighbouring property (no.38) is one of the few not yet extended at ground floor, and if/once extended the loss of light to the living room would be similar to that being

achieved within the living room of the proposed and no.36 to their south-west (already extended at ground floor). Light entering these living spaces are considered to be acceptable.

- 7.3.7. The orientation of these houses, including no.38, ensures that the rear of their houses achieve maximum sunlight from noon onwards, and that this will not be unduly impinged upon by the proposed development. It is unclear how the set back sought would materially alter any loss of sunlight/daylight to the property, and whether such an intervention is warranted.
- 7.3.8. No analysis of ADF or VSC was submitted with the application or appeal, therefore a precise assessment of the potential impact or merits of condition 6 can not be provided. Notwithstanding the absence of a quantitative assessment, I am satisfied that based on a qualitative assessment, the resulting impact to no.38 is not significant and not unacceptable.
- 7.3.9. Having regard to the depth of the rear gardens, the orientation of the houses, and the modest scale of the extension the rear gardens of neighbouring property will achieve/exceed sunlight within their rear garden/ private space, in line with BRE standards.
- 7.3.10. I would accept that there will be some level of overbearing in particular over and above that currently experienced, and this is likely to be most noticeable from the single bedroom at first floor. Views from this window northwards would be blocked by the new extension. However, whether the extension is set back or not, as conditioned, I believe these northward views (into the rear gardens of neighbouring properties) would be largely blocked in any event. The principal aspect from these rear windows is south-east, across their own rear garden and to the railway line to the rear of this terrace. I am not satisfied that this impact is significant and such as to warrant the intervention conditioned, or that the amendments conditioned by DCC would materially alter the impact.
- 7.3.11. I am satisfied that the neighbours were consulted and made aware of the proposed development, and that they did not consider the proposed development to result in a significant or objectionable impact and did not consider their residential impact to be unduly affected.

7.3.12. The proposed development was examined from the neighbouring property at the time of site inspection.

Impact of condition 6 on the applicants/proposed development

7.3.13. In support of the proposed development, I would accept that the existing houses are of a very modest size and are typically extended at ground floor. The proposed extension is equally modest and the applicants have endeavoured to minimise the overbearing nature by proposing a flat roof extension and on appeal offering to build at a lower level in order to further lower the building height (which currently is proposed at 6.1m). I do not consider such reductions in finished floor levels to be necessary and I believe that they would unduly compromise the future enjoyment of the house with numerous split levels and additional stairs/steps throughout.

7.3.14. The applicants are proposing a modest extension to allow for the creation of a four bedroom house, with one bathroom at first floor. At ground floor a larger family kitchen and dining area will be created in lieu of the galley kitchen that currently exists.

Conclusion

7.3.15. Having regard to precedent for ground floor extensions (with heights up to 4m), in the immediate vicinity, and the relatively modest scale of the extension proposed in terms of extension beyond the rear building line (c.3.9 m) and height (6.1m), I am of the opinion that the subject proposal will not have an undue adverse impact on the residential amenities of the neighbouring properties such as would warrant the conditioned setback and loss of a bedroom. There is no doubt the view from the neighbour's rear windows will be altered and there will be some reduction in light but having regard to the orientation of both dwellings, the precedence for extensions (including the scale of the extension permitted under 2060/21), I do not consider that there will be a significant impact on the residential amenities of the neighbouring properties by way of overshadowing or overbearing such as would warrant a refusal or alteration of the extension proposed.

7.4. Appropriate Assessment

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, 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.

8.0 Recommendation

- 8.1. Arising from my assessment above I consider the decision of Dublin City Council to set back the first floor extension 2m from the boundary wall with no.38 Lein Gardens by condition should be overturned in this instance as it is considered that the proposed development will not significantly impact the residential amenity of the neighbouring property, and to amend as proposed would adversely impact the amenity and purpose of the proposed extension. Therefore, I am satisfied that the development as proposed would be in accordance with the proper planning and sustainable development of the area.
- 8.2. I recommend that permission should be granted for the proposed development subject to the PA's conditions, with the exception of condition 6.
- 8.3. The planning authority shall be directed to omit Condition 6 from its Order.
- 8.4. I would further recommend that the applicants be advised that they should build within their existing property boundary, and not on the shared wall, potentially encroaching on to the neighbouring site (no.38). This should be done by way of a note to be added to the Order.

9.0 Reasons and Considerations

Having regard to:

- (a) the provisions of the Dublin City Development Plan 2016-2022,
- (b) the modest nature and scale of the development proposed,
- (c) the size of the overall site, and its orientation relative to the neighbouring property,
- (c) the pattern of development in the area,

it is considered that subject to compliance with the conditions set out under 2060/21, with the omission of condition 6, the proposed development would not seriously injure the residential or visual amenities of the area or detract from the character of

the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Rachel Kenny,
Director of Planning .

8th May 2021