



An
Bord
Pleanála

Inspector's Report

ABP-310102-21

Development

Construction of semi-detached house on a corner site. The development consists of the separation of the property into two attached houses with four and two bedrooms respectively by converting and extending parts of the existing return into a separate attached two-bedroom house through the implementation of a party wall. Access to be maintained to 83 Iona Road from Iona Road.

Location

83, Iona Road, Dublin 9

Planning Authority

Dublin City Council North

Planning Authority Reg. Ref.

2205/21

Applicant(s)

Alison Fitzpatrick.

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Alison Fitzpatrick.

Observer(s)

Padraig Byrne.

Date of Site Inspection

05th of June 2021.

Inspector

Karen Hamilton

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1.0 Site Location and Description

- 1.1. The site is a large two storey semi-detached dwelling located on the corner of Iona Road to the south and Iona Drive to the west, Dublin 9. The site has frontage along both the south and west and the rear garden is enclosed behind a large brick boundary wall. There is both a vehicular and pedestrian access into the rear of the site, along Iona Drive.
- 1.2. No. 85 Iona Road is located to the east of the site and is a similarly designed large red bricked dwelling. The rear garden of No. 85 is located directly east of the subject site and there is a shared parity wall between the two sites at the rear. No. 1 Iona Drive is located to the north of the site and is orientated to west so that the side of the garage is adjacent to the rear of the subject site.

2.0 Proposed Development

- 2.1. The proposed development would comprise of the following:
 - Extension and subdivision of an existing dwelling for a new separate house,
 - Construction of a new parity wall,
 - Two new solar panels on both houses at roof level.

3.0 Planning Authority Decision

3.1. Decision

Decision to refuse permission for the following reason:

1. The scale, height, and extent of the proposed extension required in order to successfully subdivide the dwelling would result in the shared side boundary with No. 85 being built upon for almost its full length. This would result in overshadowing and overbearing of the rear elevation of the existing extension to No. 85 and its main private open space. The proposed development would, therefore, seriously injure the amenities of property in the vicinity and would be contrary to the zoning objective “to protect and/or improve the amenities of residential conservation areas”. The proposed development would therefore

be contrary to the current Dublin City Development Plan and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to refuse permission and refers to the following:

Planning Assessment

- Section 16.10.12 and Appendix 17 of the development plan provides guidance for extensions to dwellings.
- An additional storey extension of the rear of the dwelling is required for the new dwelling.
- A new two storey bay element would tie into the existing dwelling.
- The principle of subdivision is acceptable where the required standards can be met.

Residential Amenity

- The two bedrooms in the new dwelling would be substandard in size.
- The area of private amenity space for both the existing dwelling and the new unit are acceptable.

Impact on existing amenities of neighbouring dwellings.

- The greatest impact will be on No. 85 Iona Road.
- No. 85 currently has a sizable single storey extension along the west boundary with No. 83 and ends c.2.5m before the end of the two-storey extension at No. 83.
- The dwelling has a lengthy return running down the middle of the site.
- The main garden area of No. 85 is to the north and receives afternoon and evening light from the west above the single storey extension of No.83.

- The new first floor structure would have the effect of raising a two-storey structure along almost the entire shared boundary.
- No shadow analysis has been provided.
- There would be an increased overbearing impact and it is likely there would also be overbearing.

Visual Impact.

- The dwelling is located in a residential conservation area.
- The new additional structure would not be out of keeping with the character.
- The two areas of solar panels would be visually incongruous and not consistent with the appearance of the streetscape and be overly intrusive.

3.2.2. Other Technical Reports

Transport Planning: No objection subject to conditions.

Drainage Division: No objection subject to conditions.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

Four no. observations were received from residents and residents' association in the area. A submission from the owner of the property to the north and east are included. The issues raised in the submissions are similar and have been included as common themes, as summarised below:

Sub-division of dwelling

- The division of the two houses diminishes the outdoor open space of the larger property and is not sufficient.
- The proposal would set a precedence for the building of townhouses in corner houses.
- The subdivision is uncharacteristic to the larger plots of the area.

- It is requested that any grant of permission would have a condition restricting the unit to ancillary to the main permeant residence.

Impact on the character of the area

- The two-storey extension along the entire length of the dwelling would detract from the street and the Conservation Area.
- The solar panels would injure the existing streetscape.
- The proposal will seriously damage the architectural beauty of the area.
- The return of No. 83 has already been subdivided and the addition will have a negative impact.

Impact on adjoining residential amenity

- The two-storey extension would result in overshadowing for the residents of No. 1 Iona Drive and reduce light through their gable windows.
- The proposal will impact negatively on the residential amenity of the residents of No 85 by way of removal of sunlight.
- The BRE recommendations are not applicable in conservation areas

Precedence for refusals.

- Reg Ref 3280/19 refusal for two storeys dwelling in the rear garden with the same zoning.

4.0 **Planning History**

Reg Ref 1988/98

Permission granted for a 2-storey extension to the rear of the existing return an extension of utility.

5.0 **Policy Context**

5.1. **Dublin City Development Plan 2016-2022**

The site is located on lands zoned as Z2 *“To protect and/or improve the amenities of residential conservation areas”*.

Extensions to dwellings.

Section 16.2.2.3: Alterations and extensions (general)

- Extensions will be sympathetic to the existing building and adjoining occupiers,
- Alterations and extensions to roof will respect the scale, elevation proportion and architectural form of the building.

Section 16.10.12: Extensions and Alterations to Dwellings

- Development does not have an adverse impact on the scale and character of the area and will not adversely affect amenities enjoyed by occupants of adjacent buildings.

Appendix 17 of the Plan sets out design guidance with regard to residential extensions

- 17.3: Residential amenity: Extensions should not unacceptably affect the amenity of the neighbouring properties.
- 17.4 Privacy: Extensions should not result in any significant loss of privacy to the residents of adjoining properties.
- 17.6 Daylight and Sunlight: Care should be given to the extensions and the impact on the adjoining properties.

Residential Conservation Area

The dwelling is located on lands zoned as Z2, residential conservation, therefore the following policy and guidelines apply.

- **Policy CHC1:** Preservation of the built heritage.
- **Policy CHC4 & CHC5:** Conservation Areas: Development will not harm the features of special interest in the conservation areas or involve harm to loss of traditional fabric.

5.2. Natural Heritage Designations

The nearest European Sites to the proposed development are located in the North Dublin Bay area, some c. 3km to the east, and include North Dublin Bay SAC and SPA, Baldoyle Bay SAC and SPA, North Bull Island SPA, Howth Head SAC, Howth Head Coast SPA and South Dublin Bay and the River Tolka Estuary SPA.

5.3. EIA Screening

Having regard to the nature and scale of the proposed development 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

The grounds of appeal are submitted by the applicant in relation to the refusal by the Planning Authority and the issues raised are detailed below:

- There is no objection in principle to the proposal.
- The refusal relates only to the scale, height and extent of the newly proposed dwelling.
- The boundary along No.85 is already built upon substantially.
- The proposal only represents a small section along this length (Fig 1: *gogglereviews* view).
- The height of the proposed development and its potential to occasion or cause overshadowing is not significant.
- A shadow study can be submitted if required.
- The sub-division of the property is required for a family member and will be inhabited by max 3 persons.
- The proposal does not represent an intensification.

- The planning report noted an incorrect size for the bedrooms.
- The proposal can comply with the plot ratio and site coverage for development on Z2 lands.

6.2. Planning Authority Response

No response received.

6.3. Observations

An observation from the occupier of No. 85 Iona Road, to the east of the site, was received. The issues raised are similar to those raised on the planning application. The observation was accompanied by a photograph of the rear of No. 85, along the side of No.83 and a shadow study. The observation is summarised as follows:

- The planning authority did not give adequate recognition for the impact of the proposal on the ACA.
- The proposal to extend will have a significant impact on the amenity of No.85.
- The use of the extension by a family member can be undertaken without the need for permeant division.
- The applicant's plans are incorrect, and a correct plan has been submitted to show the impact of the proposal on the rear of No.85.
- Although there is already a building along the side of No.83/85 this is only 5.9m in single storey along most (picture attached). The extension of two storeys and a pitched roof will impact the sunlight at critical times.
- The sunlight and daylight analysis submitted illustrates an impact on the available sunlight/ daylight to the rear of No. 85 in the evening.

7.0 Assessment

7.1.1. The main issues of the appeal can be dealt with under the following headings:

- Principle of development
- Design, Layout and Built Heritage

- Impact on the Residential Amenity of adjoining properties
- Appropriate Assessment

Principle of Development

7.2. The proposed development includes the extension of an existing large two storey semi-detached dwelling and the conversion and subdivision of the rear for a separate dwelling. The grounds of appeal reference the use of the dwelling for a family member. No objection to the principle of the dwelling was raised by the Planning Authority. The site is zoned for residential development in the current development plan and therefore subject to complying with other planning requirements as addressed in the following sections, the principle of the proposal is acceptable.

Design, Layout and Built Heritage

7.3. The alterations to the existing dwelling include alterations and a first-floor extension onto the rear of an existing single storey rear return. This proposed extension will increase the height of the rear return from c. 4m to c.7.5m in height along a length of c.10m. The proposed external alterations include additional windows, roof etc for the purpose of a separate dwelling. It is stated that all window design and brick detail will match the existing dwelling. A new boundary wall will provide separation between the existing dwelling and access into the proposed dwelling will be via a new pedestrian gate along Iona Drive. The side garden will be split between the existing and proposed dwelling. The grounds of appeal note the proposed development can meet the required standards for accommodation in terms of internal dimensions and development plan standards.

7.4. A number of observations to the planning application and the observer to the appeal consider the design of these alterations are not in keeping with the established character of the area and the residential conservation zoning on the site. The observation refers to an Architectural Conservation Area. I note the Development Plan indicates the designation of conservation areas of different types including residential conservation areas in lands zoned Z2 and Architectural Conservation Areas (ACA) (statutory restrictions for 21 no areas). The Z2 zone is not an ACA although policy provisions for conservation areas set out in the plan may be applicable to all the conservation area types.

- 7.5. The report of the area planner noted the location of the site within the residential conservation area and considered the design, layout and use of external materials was in keeping with the character and appearance of the Iona Drive.
- 7.6. I note the location of the site on the corner of Iona Road and Iona Drive. The design of the dwellings range is style in the vicinity. A hotel on the opposite side of Iona Drive has a modern rear extension which I note varies in style to the original dwelling. I note the design of the proposed development includes an extension of the existing rear return to encompass the new dwelling. As stated above, the existing roof tiles, timber windows and external red brick are to match the existing. The style and size of the window opes also matche the existing dwelling. Section 16.2.2.3 of the development plan requires extensions to be sympathetic to the existing building and the design is to respect the scale, elevation proportion and architectural form of the building. Having regard to the propsoed design I consider the extension, albeit for a separate dwelling, complies with the guidance in the development plan.
- 7.7. In relation to the impact on the built heritage, further guidance in the development plan for conservation areas is contained in Policy CHC4 & CHC5. In this regard, development should not harm the features of special interest in the conservation areas or involve harm to loss of traditional fabric. I note the features of the existing dwelling are to be retained with no significant alteration. The report of the planner and an observation to the planning application raised the impact of the solar panels on the surrounding area. In this regard, I note the submitted drawings are not particularly detailed and do not fully illustrate the integration of these solar panels in the context of the existing roof profile. Although the proposal is not in an ACA, I consider in the absence of sufficient details prevents a full assessment of the size and design of those proposed panels. Should the Board be of a mind to grant permission, it is recommended that a condition be included requiring a separate planning application for those panels.
- 7.8. Having regard to the design and layout of the proposed works I do not consider the proposal would have a significant negative visual impact on the existing dwelling, the adjoining dwellings or the character of the surrounding area.

Impact on the Residential Amenity of the adjoining properties

- 7.8.1. The existing dwelling is bound to the north by No 1 Iona Drive and to the east by No 85 Iona Road. The occupiers of both dwellings submitted observations to the planning application and the occupants of No 85. Iona Road have submitted an observation to the appeal. I have provided an overview of the impact of the proposed development on each property.

No. 1 Iona Drive

- 7.9. No. 1 Iona Drive is located to the north and is orientated to the west, away from the rear of the subject site. The garage of No. 1 Iona Drive is directly adjacent to the north of the subject site. There are two windows on the first floor of the southern gable of No. 1 Iona Drive. The proposed development does not contain any windows on the north or east elevation and therefore I do not consider there will be any overlooking. In terms of overshadowing, the side of No. 1 Iona Drive is directly north and therefore the additional height onto the two storey element will be mainly along the southern gable wall of No. 1 Iona and therefore I do not consider it would have a significant negative impact on the residential amenity.

No. 85 Iona Road

- 7.10. No. 85 Iona Road is located to the east of the subject site and a parity wall separates the site. As stated above, the proposed extension will increase the height of the rear return from c. 4m to c.7.5m in height along a length of c.10m. These additional works will essentially bound the western boundary of the rear garden of No. 85 Iona Road.
- 7.11. The reason for refusal related to the impact of the proposed development on the residential amenity of No. 85 Iona Road, in particular the overshadowing and overbearing on the rear of No. 85 and the private amenity space. The PA considered the negative impact on the residential amenity would be contrary to the Z2 zoning objective which is *“to protect and/or improve the amenities of residential conservation areas”*.
- 7.12. The grounds of appeal are submitted by the applicant who points out that the proposed development is only a small section of the length of the rear single storey return. They consider the height of the proposal does not have the potential to cause significant overshadowing on this property. It is stated that a shadow study could be

submitted, if required by the Board. A submission on behalf of the occupant of No 85 considers the refusal should be upheld. A photograph of the rear garden and parity wall is submitted, in addition to a shadow study.

- 7.13. In relation to overlooking, as stated above, there are no windows on the eastern elevation and therefore there will be no overlooking on this property.
- 7.13.1. In relation to overshadowing, I note the site is located to the west of No 85, therefore any impact would be in relation to the evening sunlight. With an increase in height of c. 3.5 m along an additional length of c. 10m, it would be reasonable to assume that an extension of this size on the second floor would remove the availability of evening sunlight in the rear garden of No. 85 by c. 30m². I note the shadow study submitted by the occupiers of No 85 illustrates this impact. Whilst I note the grounds of appeal propose to submit a shadow study, should the board require, I do not consider an additional shadow study would be significantly different from my assessment which looked at the height of the proposed extension and orientation of the site. The significance of the overshadowing on the rear garden of property No 85 is that it will most likely occur in the evening at a time when it would be considered a rear garden would be most in use. The shadow study illustrates that the majority of the garden is cast in shadow in the evening of June and therefore I consider this is a significant negative impact on the occupants existing residential amenity.
- 7.13.2. In relation to overbearing, I note the first-floor extension will extend along the length of the parity wall and will be visible from the rear, directly adjoining the extension of No 85. I note the height and context of the existing two storey rear extension at No 83 which I consider significant in scale. I consider the extension of this design along the full length of the boundary would further extend this significant scale and massing and lead to an overbearing impact on the rear of the existing property at No. 85. The guidance in Appendix 17 of the development plan requires that any proposal for extension would not unacceptably affect the amenity of the neighbouring properties. Having regard to scale of the first-floor extension I consider the proposed development would have a negative impact on the amenity of the adjoining property and would therefore not comply with that guidance in the development plan.

Conclusion

- 7.14. Having regard to scale of the first floor extension, namely the height and length, located directly to the west of rear private space and rear extension of No 85, I consider the proposed development would cause significant overshadowing on the rear of No 85 and would therefore have a significant negative impact on the residential amenities of the occupants of this property.

Appropriate Assessment

- 7.15. Having regard to the distance of the site from European Sites, to the small scale of the proposed development and to the absence of any direct pathway from the site to the designated sites I consider that the proposed development individually, or in combination with any other plans or projects, would not be likely to have any significant effect on any European Site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be **refused** for the reasons and considerations set out below.

9.0 Reasons and Considerations

Due to the location of the proposed development in close proximity to and directly west of the rear garden of No 85. Iona Road the development would seriously injure the amenities of residential property in the vicinity by reason of overbearing visual impact and overshadowing. The development would, accordingly, be contrary to the Z2 zoning of the area which has a land use objective to protect and/or improve the amenities of residential conservation areas. The development would be contrary to the proper planning and sustainable development of the area.

Karen Hamilton
Senior Planning Inspector

08th of June 2021