



An  
Bord  
Pleanála

## Inspector's Report ABP-310122-21

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<b>Development</b>	Widening of the vehicular access, relocation of pedestrian access to rear lane and construction of a single storey extension to the rear of existing house and all associated site works.
<b>Location</b>	14 Gracefield Avenue, Artane, Dublin 5.
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	WEB1105/21
<b>Applicant(s)</b>	Laura Ni Cheallaigh and Enda McDonagh
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	
<b>Type of Appeal</b>	First and Third Party
<b>Appellant(s)</b>	Laura Ni Cheallaigh and Enda McDonagh James and Margaret Delaney
<b>Observer(s)</b>	None

**Date of Site Inspection**

22<sup>nd</sup> June, 2021

**Inspector**

Stephen Kay

## 1.0 Site Location and Description

- 1.1. The appeal site is located on Gracefield Avenue in Artane and comprises an end of terrace two storey house with a stated floor area of 105.2 sq. metres.
- 1.2. The house is located in a mature residential area comprising similar two storey residential development. Harmonstown railway station is located approximately 150 metres to the east, and the site is located a short distance from the Howth Road. The site has pedestrian access to a laneway that runs to the rear and there is an existing vehicular access to the front garden with a stated width of 2.55 metres.
- 1.3. The house immediately to the north at No.16 has been extended to the side with a two storey extension which projects c.1.5 metres beyond the existing rear building line of the house on the appeal site. The house on the appeal site has not previously been extended, though the existing flat roof garage structure top the side has been converted to habitable accommodation.
- 1.4. That stated area of the site is 348 sq. metres.

## 2.0 Proposed Development

- 2.1. The development consists of the widening of the existing vehicular access to the front of existing house to provide a width of 3.6 metres. To the rear, the development proposes that the pedestrian access to the lane to the rear of existing house would be relocated further to the south on the frontage.
- 2.2. The development also proposes the construction of a single storey extension to the side and rear of the existing house. This extension would retain the existing converted garage and comprise a single storey extension to the rear of this area and an extension across the full width of the rear of the house. This extension to the rear is proposed to be stepped and would extend c.4.86 metres beyond the existing rear building line on the northern side of the site and 3.8 metres on the southern side. The roof profile of the extension is proposed to comprise a part flat roofed and part mono pitch roof with the area to the rear of the garage and the southern part of the rear extension having a height of 3.2 metres. The northern side of the extension is proposed to have a mono pitch roof that would rise to a parapet height of 4.58 metres on the northern boundary adjoining No.16. In context, this height is

approximately two thirds of the way up the windows in the rear facing windows in the side extension to No.16.

- 2.3. The proposed development would result in a house that would have a floor area of 144 sq. metres.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

The Planning Authority issued a Notification of Decision to Grant Permission subject to 9 no. conditions which include the following:

Condition No.4 requires that the development be modified to omit the mono pitch part of the roof and replace it with a flat roof.

Condition No.5 restricts the maximum width of the entrance to 3.0 metres.

#### 3.2. **Planning Authority Reports**

##### 3.2.1. Planning Reports

The report of the Planning officer notes the content of the third party observation received and the internal reports. The principle of a single storey rear extension is considered to be acceptable, however the height of the mono pitch roof where it adjoins the neighbouring property is considered to be such that it would excessively overbear and overshadow the neighbouring property to the north. A grant of permission consistent with the notification of decision which issued is recommended.

##### 3.2.2. Other Technical Reports

Transportation Department – Report recommends that the width of the vehicular access be restricted to 3.0 metres.

Drainage Division – No objection subject to compliance with the code of practice.

### 3.3. Prescribed Bodies

None referenced on file or in the report of the Planning Officer.

### 3.4. Third Party Observations

An observation was received from the resident of the house immediately to the north at No.16 Gracefield Avenue. The issues raised in this observation can be summarised as follows:

- That the proposed extension would result in overshadowing and overbearing,
- That the extension would rise to 4.68 metres in height and project 3.5 metres beyond the existing development at No.16.
- That the submitted drawings do not accurately reflect the existing development at No.16.

## 4.0 Planning History

There is no record of any planning history on the appeal site. The following relates to the adjoining house to the north at No.16 Gracefield Avenue.

- Dublin City Council Ref. 2751/12 – Permission granted for the demolition of an existing garage and the construction of a two storey extension to the side and rear.

## 5.0 Policy Context

### 5.1. Development Plan

The appeal site is located on lands that are zoned Objective Z1 under the provisions of the Dublin City Development Plan, 2016-2022. The stated objective is 'to provide for and / or improve residential amenities'.

Sections 16.2.2.3 and 16.10.12 of the Plan relates to the principles to be applied in the Alterations and Extensions to dwellings.

Appendix 17 relates to extensions (Guidelines for Residential Extensions).

Appendix 5 relates to road standards and parking standards. The issue of parking and vehicular accesses is also addressed in the Council Guide Parking cars in Front Gardens. Copies of the relevant sections of the plan are attached with this report.

## 5.2. **Natural Heritage Designations**

Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

## 5.3. **EIA Screening**

Having regard to the scale and nature 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**

#### ***First Party Appeal***

The following is a summary of the main issues raised in the first party grounds of appeal:

- That the appeal relates to the design changes required by Condition No.4 (rear extension roof) and Condition No.5 (vehicular access).
- That the conditions are considered to have unnecessarily compromised their plans.
- Submitted that there will be minimal impact on the residential amenity of the surrounding properties.

- Noted that there are a significant number of permitted rear extensions in the vicinity of the appeal site (Brookwood and Gracefield) – reference numbers, depth and height of extensions provided.
- Noted that the floor area of the extension is such that it would be exempt was it not for the fact that part of it was to the side of the house rather than the rear.
- That the mono pitch roof was designed to provide maximum light to the proposed living accommodation.
- In the event that the Board are still concerned with regard to the height of the proposed extension, a revised design is submitted with the appeal. This revised design incorporates a reversed mono pitch roof to the extension with the highest part of the roof away from the boundary.
- That the proposed development is consistent with NPF policy Objective 35 which seeks to increase residential density in settlements. The proposed development would also be compatible with Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009).
- That the proposed development is consistent with the requirements of Section 16.2.1 of the plan relating to design principles, section 16.10.10 relating to infill development and 16.10.12 relating to extensions and alterations to dwellings.
- That the proposal is consistent with the requirements of Appendix 17 including achieving a high standard of design, not impacting residential amenity, not resulting in a loss of privacy and (in the revised plan) not impacting on daylight and sunlight to neighbouring properties. The extension would not dominate existing structures, would follow the subordinate approach, and would match the existing houses in terms of materials.
- Regarding Condition No.5, the development plan states that vehicular accesses can be a minimum of 2.5 metres or maximum of 3.6 metres. Submitted that the proposed 3.6 metre width would improve the safety of access and egress to the site and that there are a significant number of precedents for 3.6 metre wide accesses in the vicinity.

### ***Third Party Appeal***

The following is a summary of the main issues raised in the third party appeal submitted by the occupants of the adjoining house to the north of the appeal site at No.16 Gracefield Avenue.

- That the proposed extension is of a scale that it would significantly reduce the natural light to the kitchen and garden of the property and have an unacceptable impact on residential amenity.
- The appeal is accompanied by a copy of the submission made to the Planning Authority. The following is a summary of the most significant points raised in this submission:
  - That they are not against the principle of an extension on the appeal site.
  - That the height of the extension adjoining the shared boundary wall at 4.68 metres and extending for a distance of 3.5 metres beyond the existing extension at No.16 would be such as to have a dramatic impact on the availability of daylight and sunlight at No.16, in particular the kitchen area and the rear garden.
  - That the rear extension drawings do not accurately show the existing layout at No.16. The images submitted indicate the building one of No.16 as being further forward than the extension proposed. It therefore gives a false impression of the potential impact on the amenity of No.16.

## **6.2. Response Submissions**

### ***First Party Response to Third Party Appeal***

The following is a summary of the main issues raised in the first party response to the third party appeal:



- That the statement of the third party appellants regarding the impact that the proposed development would have on the availability of light to the kitchen and garden has not been supported by detailed analysis.
- That the first party have engaged Digital Dimensions to prepare a full Daylight and Sunlight Analysis (copy attached with submission).
- Submitted that the results of this assessment show that the proposed development would have little impact on the daylight or sunlight available to the appellants property. Submitted that this is the case for both of the two options examined.
- Requested that the Board would grant permission, ideally with the omission of Condition No.4 or alternatively that the revised design submitted by the first party at appeal stage would be permitted.
- The following points are particularly noted from the submitted daylight and sunlight assessment:
  - Notes that the BRE Guidance document on Site Layout Planning for Daylight and Sunlight is referenced in the Dublin City Development Plan and that the Sustainable Residential Development Guidelines for Planning Authorities (2009) directs planning authorities to have regard to the BRE Guidance or the BS8206 Lighting for Buildings.
  - That neither the BS guidance or the BRE guidance on daylight and sunlight provide ridged standards or limits.
  - That for assessment of loss of light, the BRE guidance recommends the use of the vertical sky component calculation which is a good measure of the amount of daylight entering it. Where the VSC with new development in place is less than 27 percent and the value is less than 80 percent of the former value then the area lit by a window is likely to appear more gloomy.
  - The assessment undertaken presents VSC calculations for the 9 no. test points equating to the 9 no. windows in the rear elevation of the third party appellants house. This presents values for Option A (the design as originally proposed to the Planning Authority with the mono pitch roof) and for an alternative Design Option B submitted with the appeal (which

incorporates a mono pitch roof to the extension that is sloped the opposite way).

- The calculations presented for the VSC all windows examined retain a VSC in excess of 27 percent or are not reduced to less than 80 percent of their former value. The revised Option B presented with the appeal is observed to have a slightly higher VSC values for all windows tested, particularly those in closest proximity to the boundary (Nos. 1, 2, 3 and 9).
- With regard to sunlight, the accepted standard from the BRE Guidance is that at least half of the garden or amenity area impacted should receive at least two hours sunlight on 21<sup>st</sup> March.
- Shadow diagrams for 21 March are presented with Table 2 showing that the proposed options would reduce the amount of the appellants garden that would receive two hours of sunlight on 21<sup>st</sup> March from 80.9 percent currently to 79.5 and 79.6 percent respectively for Options A and B.

### 6.3. Planning Authority Response

None on file.

### 6.4. Further Responses

Details of the first party appeal including the potential revised design were circulated to the third party appellants for comment. The following is a summary of the main issues raised in the response received:

- That the proposed development is of a colossal scale and does not consider design principles or respect its surroundings.
- That the results of the sunlight analysis that the proposal would meet the required parameters is not accepted. The proposed development would create a strong visual impact that would considerably block light and sunlight.

## 7.0 Assessment

7.1. The following are considered to be the main issue relevant to the assessment of this appeal:

- Principle of Development
- Design and Impact on Amenity
- Widening of Access and Other Issues
- Appropriate Assessment

### 7.2. Principle of Development

7.2.1. The appeal site is located on lands that are zoned Objective Z1 (Residential) under the provisions of the development plan and the site is currently occupied by a two storey house which has an existing vehicular access. There is therefore no objection to the principle of a widened access at this location or to the principle of an extension to the existing dwelling.

### 7.3. Design and Impact on Amenity

7.3.1. The development proposed comprises an additional c.39 sq metres of floorspace to the rear and side of the existing house and, as noted by the first party, the development would constitute exempted development were it not for the fact that part of the proposed area wraps around the side of the house and joins with the converted garage.

7.3.2. The extension to the rear and side of the existing house on the site is proposed to extend approximately 4.86 metres beyond the existing rear building line on the northern side of the site and 3.8 metres on the southern side. When account is taken of the existing extension to the rear of the house to the north (No.16) the proposed extension would extend approximately 3.3 metres beyond the line of this adjoining extension. Given the proposed depth, orientation, and the design of the proposed extension on the appeal site, with a height of c.4.68 metres adjoining the northern site boundary, the proposed development would primarily impact on the

occupants of No.16 to the immediate north of the site. To the south, the depth of the extension proposed is 3.8 metres and the height to parapet level 3.21 metres as per the original layout submitted to the Planning Authority. These dimensions are such that I do not consider that the proposed development would have a significant impact on the residential amenity of the adjoining property to the south at No. 12

7.3.3. To the north, the existing boundary between the appeal site and No.16 comprises a block wall that has been raised to a height in excess of two metres (it is indicated as c.2.5 metres in the submitted drawings although this would appear to be higher than the situation on the ground). Three options relating to the design of the rear extension are open to the Board, these being the originally proposed extension with the high parapet on the northern boundary (referred to as Option A by the first party), the development as granted by the Planning Authority with a flat roof across the full width of the extension and the alternative proposal presented by the first party in their appeal submission which incorporates a reversed monopitch roof, (referred to as Option B). These options all have potentially different impacts on the residential amenity of the house to the north at No.16 and the table below summarises the main dimensions relating to the three options.

7.3.4. The reason cited in the report of the Planning Officer for the imposition of Condition No.4 and the reduction in the height of the extension on the northern side of the site relates to the negative impact on amenity due to overshadowing and visual intrusion. As noted above, the boundary wall in the vicinity of the extension is indicated as being 2.5 metres above ground level whereas I estimate the actual height to be slightly lower than this. From my inspection of the site, I estimate that the extension as originally proposed (Option A) would project c.2.4 above the top of the existing boundary wall between Nos. 14 and 16 and in my opinion would be such that it would comprise a visually dominant and overbearing feature when viewed from No.16.

Table 1 – Summary of Height of Original Proposal (Option A), Permitted Development and Revised Option Submitted with First Party Appeal (Option B)

	Original Proposal ( <b>Option A</b> as per the first party appeal)	<b>Proposal as Granted by the Planning Authority,</b> (Amended by Condition No.4)	Alternative Proposal Presented with First Party Appeal. ( <b>Option B</b> )
Flat roof height (metres)	3.21 (3.15 over kitchen area adjoining No.12)	3.5 maximum (3.15 over kitchen area adjoining No.12)	3.45 metres over kitchen area adjoining No.12)
Parapet height at northern boundary (metres)	4.68	3.5 maximum	3.5
Maximum roof height (metres)	4.68	3.5 maximum	Unclear as drawing submitted with appeal not to scale. Estimated at c.4.35

7.3.5. In terms of light, the analysis presented by the first party as part of the first party appeal is noted. This indicates that the difference in terms of Option A (the originally proposed layout) and Option B (the revised monopitch roof design) is very similar in terms of vertical sky component and that both options meet the standard specified in the BRE Guidance document. There is however a small benefit from Option B in terms of internal light to the assessed rooms, albeit that both options appear to meet the BRE standard. With regard to sunlight, Table 2 of the Daylight and Sunlight report submitted by the first party indicates that both options A and B would have a high percentage of the rear garden of No.16 retaining more than 2 hours sunlight on 21<sup>st</sup> March and the difference between the two options is indicated as being minimal,

(79.5 percent for Option A as against 79.6 percent for Option B). A review of the shadow projection diagrams presented in the same report does however indicate that Option A (the originally submitted design) has a more significant shadowing impact on the area immediately to the rear of the third party appellants property.

- 7.3.6. It is noted that the revised design submitted proposes that the height of the flat roofed part of the extension above the kitchen area would be raised from the 3.15 metres above ground level indicated in the originally submitted drawings (Option A) to 3.45 metres in the alternative design submitted with the appeal (Option B). I do not see a clear justification or need for this increase in height in this part of the roof and it is also noted that the occupant / owner of the adjoining property to the south at No.12 has not had an opportunity to comment on this increase in height. For these reasons I consider it appropriate that any grant of permission incorporating Option B would restrict the height of the flat roofed part of the extension above the proposed kitchen area to a maximum of 3.15 metres above ground level as indicated in the submitted drawings. With regard to the residential amenity of No.12 to the south it is not clear from the drawings on file whether the monopitch roof design submitted with the appeal (Option B) includes south facing windows in the roof. It would appear from the architectural impressions submitted that this is the case, however any such windows would not in my opinion lead to any issues of overlooking or loss of amenity to No.12.
- 7.3.7. I also note that the drawings submitted with the first party appeal (extension Option B) are not to scale and do not include floor plans. In the event of a grant of permission it is therefore recommended that a copy of scaled drawings to the requirements of the Planning and Development Regulations, 2001 (as amended) would be submitted for the written agreement of the planning authority prior to the commencement of development.
- 7.3.8. In conclusion therefore, for reasons relating to daylight, shadowing and particularly visual intrusion and overbearing visual impact, I consider that the design of extension as originally proposed (Option A) would have a significant negative impact on the residential amenity of No.16 by virtue of overbearing visual impact and visual intrusion and is not acceptable.

- 7.3.9. In my opinion the revised proposal presented by the first party as part of the appeal represents a reasonable design solution that would protect the residential amenity of the adjoining property at No.16 while also facilitating light to the extension. The height of this alternative design at the boundary would be 3.5 metres above ground level (approximately 1.2 metres less than in the original design) and no higher than the development permitted by the Planning Authority. In fact, the wording of Condition 4(a) attached to the decision of the Planning Authority only specifies that the flat roof element of the extension would be a maximum of 3.5 metres in height and it would appear likely that the height adjoining the boundary with No.16 would need to be higher to provide for a parapet and drainage of the roof. The results of the daylight and sunlight assessment submitted with the first party appeal indicate that the revised design would not result in an unacceptable impact on the level of daylight to the existing habitable accommodation at No.16 and would not result in an unacceptable degree of reduction in sunlight to the rear garden area of the appellants property at No.16.
- 7.3.10. For these reasons, it is my opinion that permission for the alternative design presented with the first party appeal is acceptable in this instance and that this would be included in the grant of permission. In the event that the Board are not minded to accept the revised proposal put forward by the first party, I consider that the design as conditioned by the Planning Authority and incorporating a flat roof across the whole extension is acceptable in terms of design, scale, and impact on residential amenity.

#### **7.4. Widening of Access and Other Issues**

- 7.4.1. The basis for the restriction of the width of the proposed access to 3.0 metres as required under Condition No.6(1) as set out in the report of the Transportation Planning Section relates to the potential for wide accesses to impact on pedestrian safety and also the loss of on street parking. In the case of the appeal site, the proposed widening would not in my opinion have any material impact on the amount of space available on street for the parking of cars and would not clearly result in the loss of an on street parking space. The on street parking at this location is free and there would be no loss of revenue to the council that would arise. Having regard to

the above, I do not consider that the proposed development would be contrary to Policy MT14 of the plan regarding the protection of existing on street parking. Similarly, the nature of the existing front boundary and the location of the access on a straight section of road is such that I do not consider that the widening of the vehicular access as proposed would have any adverse impact in terms of pedestrian safety.

- 7.4.2. With regard to plan policy, I note that Appendix 5 of the Development Plan makes reference to driveways being at most 3.6 metres in width. Appendix 5 also makes reference to the leaflet '*Parking Cars in Front Gardens*' which it is stated shall also be applicable, although it is not directly part of the development plan. This document also cites a range of 2.5 to 3.6 metres for vehicular accesses and states that '*.....maximum widths (3.6 metres) will generally only be acceptable where exceptional site conditions exist*'. I consider that as the proposed access falls within the specified 2.5 to 3.6 metre range and that pedestrian safety would not be impacted by the proposed widening and that the development would enable ready access for two vehicles to be provided to the existing hard surfaced parking area on site, that the proposed development is consistent with the provisions of the development plan.
- 7.4.3. The application includes for the relocation of the existing pedestrian access to the laneway at the rear of the site. There is no objection to this proposed alteration.

## 7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.



## 8.0 Recommendation

- 8.1. Having regard to the above, it is recommended that permission be granted based on the following reasons and considerations and subject to the attached conditions:

## 9.0 Reasons and Considerations

Having regard to the residential zoning objective for the area and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. 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 as amended by the further plans and particulars received by An Bord Pleanála on the 4<sup>th</sup> day of May, 2021, 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 height of the flat roofed part of the extension above the proposed kitchen area shall be a maximum of 3.15 metres above ground level  
Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.  
**Reason:** In the interests of residential amenity.
  
3. Prior to the commencement of development, the developer shall submit a copy of scaled drawings of the permitted extension (Option B as amended) to the requirements of the Planning and Development Regulations, 2001 (as amended) for the written agreement of the planning authority prior to the commencement of development.  
**Reason:** In the interests of clarity.
  
4. Prior to the commencement of development, details of the external finishes of the proposed extension shall be submitted to, and agreed in writing with, the planning authority.  
**Reason:** In the interest of visual amenity.
  
5. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let, or otherwise transferred or conveyed, save as part of the dwelling.  
**Reason:** To restrict the use of the extension in the interest of residential amenity.

6. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 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.

7. The developer shall pay to the planning authority a financial contribution of €1,099.67 (one thousand and ninety nine euro and 67 cent) 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. The application of any indexation required by this condition 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.

**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.

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Stephen Kay  
Planning Inspector

19<sup>th</sup> July, 2021

