



An
Bord
Pleanála

Inspector's Report ABP-310133-21

Development	Part single storey and part two-storey extension to the rear of existing dwelling along with new single storey shed, new windows and other ancillary site development works.
Location	49 Longwood Avenue, Dublin 8
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2210/21
Applicant	Sofina Begum
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	Third Party
Appellant	Caroline Butler
Observers	Paola Mereu
Date of Site Inspection	4 th June 2021
Inspector	Patricia Calleary

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
4.0 Planning History.....	5
5.0 Policy Context.....	5
6.0 The Appeal	7
7.0 Assessment	7
8.0 Appropriate Assessment.....	9
9.0 Recommendation.....	9
10.0 Reasons and Considerations	9
11.0 Conditions	10

1.0 Site Location and Description

- 1.1. The site, with a stated area of 256 sq.m comprises a two-storey terraced house, located on Longwood Avenue, South Circular Road, in the south inner-city area of Dublin, characterised by terraced Georgian and Victorian houses. The area to the front along Longwood Avenue is open with space for two cars.
- 1.2. There is a laneway at the rear of the site that connects with Clanbrassil Street at two points, both entrances of which have gates erected. The boundary of the back gardens behind the houses at Nos. 48 (appellant's property), 49 (applicant's property) and 50 (observer's property) Longwood Avenue are offset somewhat from the boundary between the houses themselves. Ground levels on site are generally flat. The Grand Canal is located c.60m to the south of the site.
- 1.3. Permission was previously granted for a single-storey garage and storage shed (41 sq.m GFA) located to the rear of the site along the laneway. This structure is not yet constructed.

2.0 Proposed Development

- 2.1. It is proposed to construct a part single-storey and part two-storey extension measuring 22.5 sq.m GFA to the rear of the existing house and to also erect a small garage/store, measuring c.3.1 sq.m GFA and 2.7m in height, which would also be located to the rear and along the boundary with the property at no.48. The render finish would match the existing finish to the rear.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority decided to grant permission subject to eight conditions, all of which are standard in nature. Condition eight has the effect of removal of the exempted development status for any works falling within Class 1 or Class 3 of Part 1 of the Schedule 2 to the Planning and Development Regulations 2001, as amended.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The planning officer's recommendation reflects the decision of the Planning Authority to grant permission and noted the following:

- The development is permitted in principle within the Z2 zoning;
- The proposed rear extension would be of limited visibility from the public realm;
- The extension would appear subordinate to the main dwelling;
- The shed would be limited in scale, but when taking in conjunction with the previously approved garage, the garden area would be reduced further;
- An adequate garden size should be maintained;
- Proposed development would be acceptable by reference to the character of the existing building and its location in a conservation area;

3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) - no objection subject to conditions.

3.3. **Prescribed Bodies**

- None.

3.4. **Third-Party Observations**

- 3.4.1. An observation was received from a third-party (the appellant) who resides in the immediately adjacent property, no.48 Longwood Avenue, objecting to the proposed development. Concerns raised are similar to those raised in the appeal in respect of the shed element. The observation also raises concerns regarding the proposed house extension on grounds of overshadowing, increased use of water, drainage and noise issues.

4.0 Planning History

- **ABP-306470-20** – An Bord Pleanála granted permission in March 2020 for the erection of a single-storey garage and a storage shed, measuring c. 41 sq.m GFA to the rear of the dwelling with vehicular access from Clanbrassil Street.

5.0 Policy Context

5.1. Development Plan

5.1.1. The provisions of the **Dublin City Development Plan 2016-2022** apply. The appeal site is located within an area that has a Land Use Zoning Objective Z2: Residential Neighbourhoods (Conservation Areas) with a description ‘to protect and/or improve the amenities of residential conservation areas’.

5.1.2. Relevant policies/provisions contained in the development plan include:

- **Policy 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.
- **Chapter 14, 14.8.2 Residential Neighbourhoods (Conservation Areas – Zone Z2):** Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.
- **Chapter 16, Section 16.2.2.3 Extensions and Alterations:** 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, the amenity of adjoining occupiers and integrated with the surrounding area.

- **Chapter 16, Section 16.10.12 Extensions and Alterations to Dwellings:**

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. Applications for planning 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
- Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight

- **Appendix 17 (Volume 2)** of the Development Plan provides guidance specifically relating to residential extensions. Section 17.8 of this appendix outlines that the subordinate approach to extending should be adhered to, meaning that an extension should play more of a 'supporting role' to the original dwelling. In general, the extension should be no larger or higher than the host house.

5.2. Environmental Impact Assessment - Preliminary Examination

- 5.2.1. Having regard to the nature and scale of the proposed development in an established urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

5.3. Natural Heritage Designations

- None

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The appeal received is from a resident of the adjoining dwelling at 48 Longwood Avenue, Dublin 8. The grounds of appeal are mainly seeking the Board to refuse to grant permission for the shed structure because of concerns of loss of light and overshadowing. Regarding the extension, this is not specifically objected to in the appeal, however, the appellant requests that conditions that were attached by the planning authority are also included in any grant of permission by the Board. Concerns are also raised about alleged unauthorised use in the garden and the intended use of the proposed shed.

6.2. Planning Authority Response

- No response was received from the planning authority.

6.3. Applicant's Response

- No unauthorised works have been carried out on site and the applicant intended to comply with the application conditions attached;
- Existing garage permitted under ABP-306470-20 will be used in compliance with condition no.2 (for domestic purposes incidental to the enjoyment of the dwelling house);
- States agreement with planning officer's assessment.

6.4. Observation

6.4.1. An observation on the appeal was received from Paola Mereu with an address at 50 Longwood Avenue, Dublin 8, requesting that the conditions attached to the decision of the Planning Authority will be attached to any grant of permission by the Board to address drainage issues.

7.0 Assessment

7.1. Introduction

7.1.1. The appeal primarily relates to the shed structure, which it is submitted would result in loss of light and overshadowing. Regarding the rear extension, this is not

specifically objected to **in the appeal**, however, the appellant and observer request that conditions that were attached by the planning authority in its decision are also included in any grant of permission by the Board.

7.1.2. Concerns are also raised about alleged unauthorised use in the garden and the intended use of the proposed shed, however, the matter of any unauthorised development, if that were to occur, does not fall within the Board's remit to consider the appeal against the grant of permission. Having regard to my assessment of the appeal which includes a *de novo* assessment of the application, the main issues that arise can be dealt with under the headings of:

- Character
- Residential Amenity

7.2. Character

7.2.1. The extension proposed to the rear of the property, would not be visible from the front of the dwelling and having regard to the additional floorspace proposed, c.22.5 sq.m GFA. It would be subordinate to the main property and would be acceptable in terms of mass and scale. A small storage shed of c.3.1 sq.m GFA and 2.7m in height is also proposed adjacent to the boundary with the appellant's property, no.48 Longwood Avenue. I note that a previous larger shed, c.41 sq.m GFA, was previously permitted by the Board under Ref: **ABP-306470-20**, but as yet is not constructed.

7.2.2. Having regard to the scale and design of the proposed extension and the storage shed now proposed, I do not consider they would have a detrimental impact on either the character of the main dwelling or the adjacent properties.

7.3. Residential Amenity

7.3.1. The extension and shed proposed would not result in any **overlooking** onto adjoining properties, including the appellant's and observer's properties, nos. 48 and 50 respectively, which immediately adjoin the appeal property on either side. The appellant submits that the shed would result in **overshadowing** impacts on their property (no.48). Having regard to the limited scale and height of the shed (3.1 sq.m), which would have a similar height as the eaves of the outbuilding at the rear of no.48, I do not consider there would be any substantial overshadowing on the rear

amenity space of no.48 to the immediate north. Given the limited depth of the two-storey element and the presence of a variety of extensions to the rear of the adjoining properties, no unacceptable overshadowing or loss of privacy on adjoining properties would occur as a result of the extension.

- 7.3.2. As stated above, I consider the scale and mass of the proposed rear extension and the storage shed respect the character of the existing structure and having regard to guidance in Section 16.10.12 of the development plan in relation to extensions, I do not consider the proposal would have any **overbearing** impacts on neighbouring properties or the surrounding area.
- 7.3.3. In conclusion, the impact of the proposed extension on the neighbouring properties would not seriously injure the residential amenities of these properties as a result of excessive overlooking, overshadowing or overbearing impacts.

8.0 **Appropriate Assessment**

Having regard to the nature and scale of the proposed development within a serviced area and separation distance to the nearest European site, 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 the conservation objectives of any European site.

9.0 **Recommendation**

- 9.1. I recommend that permission should be granted, subject to the conditions, as set out below.

10.0 **Reasons and Considerations**

- 10.1. Having regard to the location of the site, the Z2 – Residential Neighbourhoods (conservation areas)' zoning within the Dublin City Development Plan 2016-2022, the nature and scale of the proposed development, and to the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the character of the area in which it is located and would not seriously injure the

residential amenities of the area or of property in the vicinity and would otherwise comply with the provisions of the Dublin City Development Plan 2016-2022. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 the 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 permitted storage shed shall be only used for domestic purposes incidental to the enjoyment of the dwelling house on the site.

Reason: In the interest of residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development.

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of public health and to ensure a proper standard of development.

5. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development. The plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

7. The site development works, and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the cleaning works shall be carried out at the developer's expense

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development

8. 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, 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 dwelling house.

Patricia Calleary
Senior Planning Inspector

08th June 2021