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Pleanála

## Inspector's Report ABP-310237-21

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<b>Development</b>	Construction of a single-storey extension of 20 sq m to the front of an existing dormer bungalow.
<b>Location</b>	41A Kincora Road, Clontarf, Dublin 3.
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	WEB 1224/21
<b>Applicant(s)</b>	Gerard & Audrey Headon
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	Grahame & Susan Walsh
<b>Date of Site Inspection</b>	19 <sup>th</sup> June 2021
<b>Inspector</b>	Paul O'Brien

## 1.0 Site Location and Description

- 1.1. The subject site comprises of no. 41A Kincora Road, Clontarf, Dublin 3 which is on a stated site area of 636 sq m. Number 41A is a single storey, detached bungalow type house located off the northern side of Kincora Road behind number 41 Kincora Road. Access to the site is via a driveway located between no. 39 and 41. The area is predominately residential and is characterised by a mix of mostly detached single-storey and two-storey houses on relatively large site areas.
- 1.2. Kincora Road is a long residential street extending from the Castle Avenue roundabout to the west and terminates in a cul-de-sac to the east, though a different section of road with the same name extends to the Clontarf Road almost facing the 'Wooden Bridge' to Dollymount Strand. The entrance to the site is approximately 150 to the west of the junction with Vernon Avenue and almost immediately opposite the junction of Kincora Road and Belgrove Road. Belgrove Boys National School is located to the rear/ north of the subject site.
- 1.3. The site boundaries consist of a block wall to the rear/ north and a hedgerow to the east, the boundary with the appellants property – no. 43 Kincora Road. The house is not visible from the public road and the location of the subject site is screened from view by no. 41 Kincora Road. A detached garage is located to the north west corner of the site.
- 1.4. The site layout is unusual in that the house is located very far back into the site and private amenity is restricted to the rear by the minimal separation between the house and the boundary to the north. Primary open space is to the front/ south and these maximises the available sunlight on site. In addition, due to the backland nature of the location of this house, the unit is not easily visible from the public road and most of the site is private/ not visible by the public using Kincora Road. Although described as a bungalow, bedrooms and study are located at a first floor level.

Note: Access to the site was not possible on the day of the site visit due to a locked gate, however adequate views of the site were possible.

## 2.0 Proposed Development

- 2.1. The proposed development consists of:

- The construction of a 20 sq m single-storey extension to the front of the existing dormer bungalow. This is attached to the south eastern corner of the house and will
- The proposed extension is to be used as a garden room with a solid wall on the eastern/ northern side and the west and south to be glazed. Three high level windows are proposed along the eastern elevation. The extension projects some 2 m from the existing side elevation of this house.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority decided to grant permission subject to conditions. The conditions are generally standard though condition no. 4 is noted:

‘The proposed development shall adhere to the following:

- a) The proposed three high level windows on the east elevation of the proposed extension shall be omitted.
- b) The flat roof of the proposed extension shall not be used for recreational purposes and shall be accessible for maintenance purposes only’.

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

##### **3.2.1. Planning Reports**

The Planning report reflects the decision to grant permission subject to conditions. The Planning Authority Case Officer refers to the three high level windows on the eastern elevation and recommends that they be omitted by way of condition as they may prohibit development on the adjoining site.

In general the proposed development will not impact on the amenity of adjoining properties through loss of daylight and sunlight and adequate private amenity space will be retained for the use of the occupants of no. 41A.

##### **3.2.2. Other Technical Reports**

Drainage Division: No objection subject to standard conditions.

### 3.3. Objections

A single letter of objection was received, prepared by Reid Associates, on behalf of Grahame Walsh and Susan Walsh, the appellants, and the following issues were raised:

- The original permission for this house under P.A. Ref. 3535/99 removed the exempted development rights under Condition no. 7. This removed the right to extend the house. The development is located in a mature residential area.
- The extension is to be constructed almost onto the site boundary and high level windows are proposed in the eastern elevation of this extension.
- The extension will project by 2 m beyond the existing gable of the house.
- Procedural issues are raised in relation to the lack of contiguous elevations and no site contours are provided. Concern raised about the site notices and the description of the development.
- The proposed extension will give rise to increased overshadowing of the rear garden of no. 43 Kincora Road.
- The proposed extension will project above the hedge and hence the need for the site contours.
- The proposed development may negatively impact on the hedgerow between the subject site and no. 43. The development may give rise to an unacceptable level of overbearing on the occupants of no. 43.
- Concern about the high level windows and the potential for overlooking/ loss of amenity.
- No surface water drainage details are provided.
- Concern that the flat roof of the extension could be used as a balcony or terrace area.
- Further information details are requested: Contiguous elevations, shadow analysis, omit the high level windows, set the extension back in line with the existing side elevation and the flat roof to not be used as a terrace/ balcony.

## 4.0 Planning History

**P.A. Ref. 3535/99** refers to a February 2000 decision to grant permission for the erection of a dormer bungalow in the rear garden of no.41 Kincora Road, Clontarf using existing entrance with new entrance for existing house.

## 5.0 Policy and Context

### 5.1. Development Plan

Under the Dublin City Development Plan 2016 – 2022, the site is zoned with Z1 – Residential Development with the zoning objective to ‘To protect, provide and improve residential amenities’.

Chapter 16 – *Development Standards: Design, Layout, Mix of Uses and Sustainable Design* provides extensive guidance on residential development. The following sections are noted:

#### 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 of the Dublin City Development Plan 2016 – 2022 provides details on ‘Guidelines for Residential Extensions’.

### 5.2. Natural Heritage Designations

None.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

Grahame Walsh and Susan Walsh of 43 Kincora Road have engaged the services of Reid Associates, to appeal the decision of Dublin City Council to grant permission for a single storey extension to the south eastern side of no. 41A Kincora Road.

The following points are made in support of the appeal:

- The planning history of the site is provided and the original permission for this house under P.A. Ref. 3535/99 removed the exempted development rights under Condition no. 7. This removed the right to extend the house.
- The extension is to be constructed almost onto the site boundary and high level windows are proposed in the eastern elevation of this extension.
- The extension will project by over 1.38 m over the existing hedgerow which forms the boundary between no. 41A and no. 43.
- Procedural issues are raised in relation to the lack of contiguous elevations and no site contours are provided. Concern raised about the site notices and the description of the development.
- The proposed extension will give rise to increased overshadowing of the rear garden of no. 43 Kincora Road. This will result in a loss of residential amenity. Insufficient consideration has been given to the issue of overshadowing. A solution is the setting back of the extension from the site boundary.
- The proposed extension will project above the hedge and hence the need for the site contours.
- The proposed development may negatively impact on the hedgerow between the subject site and no. 43 and the hedgerow may have to be removed. The development may give rise to an unacceptable level of overbearing on the occupants of no. 43.
- Concern about the high level windows and the potential for overlooking/ loss of amenity.
- No surface water drainage details are provided.
- Concern that the flat roof of the extension could be used as a balcony or terrace area.

- The Dublin City Council Planning report is considered in depth. Welcome is given for the omission of the high level windows and the control of use of the flat roof.
- Consider that insufficient consideration has been given to the impact on no. 43 in terms of overshadowing.
- Consider the decision of Dublin City Council to be unsustainable and fails to comply with the requirements of the Planning Regulations.
- There is a need to redesign the projection of the extension.
- Request that the Board refuse permission for the development.

## 6.2. **Planning Authority Response**

- None received.

## 6.3. **Response from Applicants**

The applicant has engaged GAMA (architects) to respond to the appeal. The response makes the following comments:

- Consider that Dublin City Council have assessed the submitted application in a fair manner and have fully considered the third-party objections.
- The applicants have already suggested to the third party that they are happy to omit the parapet wall, which may further reduce any adverse impact the development may have on their property.

## 7.0 **Assessment**

7.1. The main issues that arise for assessment in relation to this appeal can be addressed under the following headings:

- Principle of Development
- Design, Impact on the Character of the Area
- Impact on Residential Amenity
- Other Issues
- Appropriate Assessment Screening

## **7.2. Principle of Development**

- 7.2.1. The proposed development consists of the extension of the existing single-storey house through the provision of a single-storey extension to the south east corner of the existing structure. The extension, with a stated floor of 20 sq m, is to be used as a garden room for the occupants of this house. I note that the floor plans indicate a large table and chairs within part of the proposed room, so it may also be proposed to function as a dining area.
- 7.2.2. The grant of permission by Dublin City Council included a condition that clarifies that the flat roof of the extension to not be used as a balcony/ amenity area and the high level windows in the eastern elevation are to be omitted. I consider this condition to be acceptable and should be included in any grant of permission. The proximity of the high level windows to the eastern boundary will result in very little benefit to the provision of these windows and may give rise to potential negative impacts on the neighbouring site through perceived overlooking etc.

## **7.3. Design, Impact on the Character of the Area**

- 7.3.1. The proposed extension is a relatively modest addition to this house and will visually integrate with the existing house. A solid block wall to the northern and eastern sides and glazing on the southern/ west elevations will provide for a visually attractive extension. The ground to top of wall parapet is indicated as being 3.282 m in height.
- 7.3.2. I note the concerns regarding the proximity of the extension to the site boundary. I note the reference to Condition no. 7 of the original grant of permission under P.A. Ref. 3535/99. I assume that this was provided to ensure that any future/ additional development on site could be fully considered by the Planning Authority, having regard to the unusual layout of this site in terms of the location of the house and layout of private amenity space etc. This condition does not prevent development, it only prevents the development of extensions/ alterations to the house under the exempted development rights.
- 7.3.3. I do have a concern about the proximity of the extension to the side/ east boundary especially as the boundary provided here is an established hedgerow. It is considered that reducing the size of the extension such that it is 1 m from the



boundary would be appropriate. The projection from the existing eastern elevation would only be 1 m and not the proposed 2 m as indicated on the submitted plans. This will reduce the available floor area but the overall amenity that is proposed will continue to be provided and the hedgerow forming the site boundary will be protected. It should also be possible to properly plaster/ finish the eastern elevation of this extension.

#### **7.4. Impact on Residential Amenity**

7.4.1. The comments raised in the appeal are noted. I have already proposed the revision of the extension such that it is reduced in width by 1 m when measured from the eastern side. This alteration will remove the potential for overbearing. The steep pitched roof of the existing house will remain the dominant feature when viewed from the rear garden of no. 43 Kincora Road; the single storey extension will not be a dominant feature. The proposed development will not give rise to increase overlooking.

7.4.2. The issue of overshadowing is completely overstated in the appeal. This is a single-storey extension attached to an existing house with a roof ridgeline of approximately 6.7 m, which is a significant height. The positioning and design of the extension will give rise to very little overshadowing/ loss of sunlight. For example, there may be a loss of sunlight in the late evening in June, but this is likely to be for a matter of minutes and for only a couple of days in the year. The appeal has not provided any evidence to the contrary and this argument is dismissed. The reduction in the area of the extension will further reduce any impact to an imperceptible level. I note that the rear garden of no. 43 is of a significant area.

#### **7.5. Other Issues**

7.5.1. The appeal raises concern about the lack of contiguous elevations and site contours. Adequate information is available to assess this application/ appeal and considering the relatively flat nature of the site, the provision of contours is not necessary. Similarly, I fail to understand why contiguous elevation would be necessary to assess this development. The extent of the extension is obvious in the context of the existing house and a contiguous elevation may actually confuse rather than clarify matters.

7.5.2. The Dublin City Drainage Division did not raise any concerns regarding surface water drainage. The footprint of this development is relatively small on a site of this area.

7.5.3. I am usure what is unsustainable about this development as raised in the appeal. This is an application for a modest extension to an existing house and provides for improved residential amenity. The extension is more likely to increase the sustainability of this house.

## 7.6. **Appropriate Assessment Screening**

7.6.1. Having regard to the modest nature and scale of the proposed residential development and 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 considered that the development would not give rise to a significant effect individually or in combination with other plans or projects on an European site.

## 8.0 **Recommendation**

8.1. I recommend that permission be granted subject to the following conditions and reasons:

## 9.0 **Conditions**

1.	<p>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 commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
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2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The extension shall be reduced by 1 m on the eastern side such that it only projects by 1 m from the existing eastern elevation wall.</p> <p>(b) The high level windows on the eastern elevation wall of the extension shall be omitted in their entirety.</p> <p>(c) No part of the flat roof of the extension shall be used as a balcony, terrace or private amenity area.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
3.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health and to ensure a proper standard of development.</p>
4.	<p>The extended house shall be used as a single dwelling unit.</p> <p><b>Reason:</b> In the interest of clarity.</p>
5.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p><b>Reason:</b> To protect the amenities of the area.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 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</p>

	<p>circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
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Paul O'Brien  
Planning Inspector

19<sup>th</sup> June 2021