



An
Bord
Pleanála

Inspector's Report ABP310328-21

Development	Demolish single storey extension and erect part single/part two storey extension.
Location	52 Arran Street East, Smithfield, Dublin 7.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1846/20.
Applicant(s)	Myles Pollard.
Type of Application	Permission.
Planning Authority Decision	Grant with Conditions.
Type of Appeal	Third Party
Appellant(s)	<ol style="list-style-type: none">1. Niall Gormley & Josephine Reilly2. Rita Hogan.
Observer(s)	Jan Bourke & Eileen Deegan
Date of Site Inspection	8 th July 2021
Inspector	Hugh Mannion

1.0 Site Location and Description

- 1.1. The application site is an end of terrace two storey house with a single storey rear extension at 52 Arran Street East, Smithfield, Dublin 7. The area is known as 'The Markets'. Arran Street East runs south of Ormond Quay and the River Liffey. To the north the Luas line runs along Chancery Street. The application site has a shallow front yard with railings along its street frontage. From the rear yard the back of houses along Chancery Street are visible as are those of adjoining houses on East Arran Street and houses on Ormond Square to the west.

2.0 Proposed Development

- 2.1. Demolish an existing single storey extension and erect a part single/part two storey rear extension at 52 Arran Street East, Smithfield, Dublin 7.

3.0 Planning Authority Decision

3.1. Decision

Grant with conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planner's report requested.

- a daylight/sun light report
- omission/reducing the depth of the first-floor extension,
- significantly reduce the scale of the dormer extension.

3.2.2. Other Technical Reports

The **Drainage Decision** reported no objection.

4.0 Planning History

No relevant planning history for this site.

5.0 Policy and Context

5.1. Development Plan

5.2. The site is zoned Z2 'to protect and or improve the amenity of residential conservation areas' in the Dublin City Development Plan 2016-2022.

5.3. In relation to residential extensions the Plan at 16.10.12

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.*

5.4. Natural Heritage Designations

Not relevant

5.5. EIA Screening

Having regard to the location of the application site in a built up urban area, the availability of wastewater and water supply and the likely emissions therefrom I conclude on a preliminary examination that submission of an EIAR and carrying out of EIA is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed development will impact in terms of loss of light and overbearing bulk on 80 Chancery Street. When the planning authority asked that the applicant consider omitting the first floor he didn't do so. A hipped roof could have maintained the floor area while limiting impacts on adjoining property.
- The revised plans did not consider setting back the extension. It is not clear how the boundary with 79 Chancery Street is being treated.
- The sunlight/daylight study included with the application shows that there will be an unreasonable level of impact on 80 Chancery Street.
- The proposal will seriously impact on the light to 53 Arran Street East.
- The proposal contravenes the City Development Plan provisions in relation to extensions to dwellings in that it will negatively impact on the amenity of adjoining houses.

6.2. Applicant Response

- The amendments are necessary to accommodate modern standards of residential accommodation. Similar developments have taken place in the area.
- Through the submission of FI and contact with the planning authority the applicant tried to accommodate the concerns of the planning authority and neighbours.
- The adjoining house at 53 Arran Street East will not be unaffected. Three options were submitted to address the concerns in relation to 80 Chancery Street.
- The additional information submitted redesigned the application by reducing the depth of the first-floor extension from 3.6m to 3m and the submission included a sunlight/daylight analysis.

- The proposed development will not impact unreasonably on adjoining property.

6.3. **Planning Authority Response**

- None

6.4. **Observations**

- The proposed development will severely overshadow and overlook the observers' house at 77 Chancery Street, Dublin 7.
- The proposed development will reduce the remaining private open space from 18m² to 7.5m².
- The bedroom window will overlook the bedroom in 77 Chancery Street.
- The proposed development will seriously impact on sunlight and daylight to 77 Chancery Street.

6.5. **Further Responses**

None

7.0 **Assessment**

- 7.1. The application site has an established residential use and is zoned for residential development in the current City Development Plan. Improving the quality of the residential accommodation is a reasonable objective, subject to impact on adjoining property.
- 7.2. Having regard to the orientation of the proposed amended extension north of the rear yard of number 53 Arran Street East and the depth of the two storey element (3m) I conclude that the proposed extension will not have any unreasonable impact on the amenity of that property by way of overlooking or overshadowing.
- 7.3. Number 80 Chancery Street turns the corner from Arran Street East and Chancery Street and is due north of the application site. Therefore, the gable of the existing house on the application site faces onto, at first, an open yard and then a single

storey extension to the rear of 80 Chancery Street. The two-storey rear extension is directly south of the house at 78 Chancery Street. The sunlight/daylight analysis (see particularly figures 12, 13 and 14) illustrates that the impact will be negligible on the rear of 80 Chancery Street in the most sensitive time of use (mid-summer).

Having regard to the relatively modest depth (3m) and height (5.7m) of the extension, the separation distance from the rear of 80 Chancery Street and the material submitted with the application and appeal I conclude that the proposed development will not seriously injure the residential amenity of 80 Chancery Street through overlooking or overshadowing.

- 7.4. Number 77 Chancery Street is set off to the northeast and the two-storey element of the extension is 5.5m off the boundary with the rear boundary wall of that house. The shadow analysis illustrates that there is no impact on that site from the proposed development and given the orientation, separation distance, depth and height of the two storey element of the proposed extension I conclude that this is an accurate assessment of the shadow impact and that the proposed development would seriously injure the amenity of that property by reason of overshadowing.
- 7.5. In relation to overlooking of property to the rear/west of the first-floor extension there is a first-floor bedroom window but this faces west and looks along the rear yards of the houses fronting onto Chancery Street and Ormond Square. I do not consider that it will seriously injure the amenity of adjoining property by reason of excessive overlooking.
- 7.6. There is a small open yard to the rear of the existing house/extension on the application site. The applicants have decided to trade off some additional internal space for the loss of an element of external space. It is the case that the existing open space in the yard would not meet Development Plan standards for private rear gardens in new development but it should be recognised that particular circumstances apply in built up inner city areas and I consider that the remaining open space is adequate to meet the refuse storage/domestic needs of the future occupants of the extended house.
- 7.7. Having regard to the foregoing I conclude that the proposed development will not seriously injure the amenity of residential property in the area.

8.0 Appropriate Assessment

- 8.1. Having regard to the nature the of the proposed development, the foreseeable emissions therefrom and the separation distance between the application site and any European site I conclude that the proposed development will not give rise to any likely significant effects on any European site.

9.0 Recommendation

- 9.1. I recommend a grant of planning permission.

10.0 Reasons and Considerations

The site is zoned to protect and or improve the amenity of residential conservation areas in the Dublin City Development Plan 2016 to 2022. Having regard to the pattern of development in the area, the modest height and scale of the proposed development and subject to the conditions set out below it is considered that the proposed development would not seriously injure the residential amenity of property in the vicinity by reason of overlooking and overshadowing and would otherwise accord with zoning objective for the area and 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 as amended by the further plans and particulars submitted on the 6 th day of April 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.
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	Reason: In the interest of clarity.
2.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works.</p> <p>Reason: In the interest of public health.</p>
3.	<p>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.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

Hugh Mannion
Senior Planning Inspector

12th July 2020