



An
Bord
Pleanála

Inspector's Report ABP-310795-21

Development	Construction of extension and conversion of the attic
Location	7, Harty Place, Dublin 8
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	2631/21
Applicant(s)	Michael Doyle
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	Fiona Fahy
Observer(s)	None
Date of Site Inspection	30 th of September 2021
Inspector	Adrian Ormsby

1.0 Site Location and Description

- 1.1. The appeal site is c. 1.7km to the south west of Dublin City centre at No. 7 Harty Place, Dublin 8. The site is the curtilage of a 51.6 sq.m house. The site has a stated area of 54.27 sq.m.
- 1.2. The site is on the north west corner of Harty Place, c. 27m north of the junction with Daniel Street and c.50m east of the junction with Clanbrassil Street Lower. The site is a single storey mid terrace house with its front elevation orientated east. The house forms a corner with the house at No. 8 Harty Place and its front elevation is orientated south.
- 1.3. Harty Place is an established residential street serving a number of similar style terraced houses. The application house directly bounds the public path and road. There is on street parking to the front of the site.

2.0 Proposed Development

- 2.1. The proposed development comprises of-
 - Construction of a part single storey, part two storey extension to the rear (29.4 sq.m)
 - Raising the roof ridge height from a stated 4.93m to 5.745m.
 - Conversion of the attic space
 - Dormer roof style extension to the rear.
 - The installation of velux rooflights to the front roof slope

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission on the 10/06/21, subject to six conditions, generally of a standard nature and including the following-

C.2- The development hereby approved shall incorporate the following amendments:

a) The width of the ground and first floor rear extensions adjoining No.8 Harty Place shall be reduced by 1 metre.

b) The height of the first floor extension shall not exceed 2.4m when measured internally.

Prior to commencement of the development, the applicant shall submit for the written agreement of the Planning Authority, amended plans and particulars which reflect the above amendments.

Reason: In the interest of residential amenity and to comply with Development Plan requirements

4.0 Planning Authority Reports

4.1. Planning Reports

The report of the Planning Officer (10-06-21) reflects the decision of the Planning Authority. The following is noted from the report-

- Normally, roof extensions which break the ridge line are not acceptable as they can have a negative visual impact on the character of the street and the scale and proportions of the dwelling. However in this instance, it is noted that a number of cottages in the vicinity have similarly scaled dormer extensions which extended the ridgelines of the cottages.
- The principle of two-storey extensions to the rear and raising the ridge heights in Daniel Street and Harty Place is well established.
- It has been considered important to facilitate extensions to make the dwellings suitable for basic living accommodation standards. In this context, there is no objection to the principle of raising the ridge height in this instance.
- It is considered that the first floor extension would visually enclose and appear overbearing on the rear amenity space of No.8 Harty Place. The resultant triangular courtyard area would be little use in terms of useable private amenity space. The proposal should be reduced by 1m at both the ground and first floor levels, and the overall height reduced to an internal height of 2.4m, in order to reduce the impact on the courtyard serving No. 8.

- Having regard to the pattern of development in the area and the scale, aspect and location of the proposal it is not considered that the development would have a negative impact on the character of the area or seriously injure the amenities of other property in the vicinity by overshadowing, overlooking or by appearing overbearing and is therefore considered acceptable.

4.2. Other Technical Reports

- Drainage Division- No objection subject to condition

4.3. Prescribed Bodies

- Transport Infrastructure Ireland
 - No objection, apply levy if not exempt from section 49 Scheme.

4.4. Third Party Observations

Two submissions were received. The main planning issues raised can be summarised as follows-

- Detailed and listed deficiencies in the drawings and the resulting impact on adjoining properties No. 6 & 8 Harty Place.
- Height of the proposal, impact on existing residential amenity by way of overshadowing, loss of daylight, sunlight and overbearing
- Overdevelopment of the site,
- Proposal is out of character and scale

5.0 Planning History

This Site-

- None

Adjoining Sites-

- None

Relevant and recent Sites on Harty Place-

- 2235/21 & ABP-310174-21-
 - Demolish rear ground floor, construction of extension, increase of roof height. First party S139 appeal against condition No. 2 (The depth of the new first floor extension shall be reduced to 3.5m) at No. 48, Harty Place- **Remove** Condition No. 2, 29/06/21

6.0 Policy Context

6.1. Dublin City Development Plan 2016-2022

6.1.1. The appeal site has a zoning objective 'Z1 - Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022, with a stated objective '*to protect, provide and improve residential amenities*'.

6.1.2. Relevant planning policies and objectives for residential development are set out under Section 5 (Quality Housing) and Section 16 (Development Standards) within Volume 1 of the Development Plan. Appendix 17 of Volume 2 of the Development Plan provides guidance specifically relating to residential extensions.

6.1.3. The following Sections are of particular relevance:

- Section 16.2.2.3 Alterations and Extensions:
- Section 16.10.12 Extensions and Alterations to Dwellings:
- Appendix 17 Guidance for Residential Extensions
 - Section 17.10 Contemporary Extensions
 - Section 17.11 Roof Extensions: When extending in the roof, the following principles should be observed:
 - *The design of the dormer should reflect the character of the area, the surrounding buildings and the age and appearance of the existing building.*
 - *Dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible.*

- *Any new window should relate to the shape, size, position and design of the existing doors and windows on the lower floors.*
- *Roof materials should be covered in materials that match or complement the main building.*
- *Dormer windows should be set back from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties.*

6.2. Natural Heritage Designations

- The site is located c. 4 km west of the South Dublin Bay SAC (000210) and the South Dublin Bay and River Tolka Estuary SPA (004024).
- The site is located c. 600m north of the Grand Canal pNHA.

7.0 The Appeal

7.1. Grounds of Appeal

One third party appeals have been received on behalf of Ms. Fiona Fahy of No. 8 Harty Place, the attached property to the north east of the application site. The grounds of the appeal can generally be summarised as follows-

- The appellant identifies a number of deficiencies in the submitted drawings and in particular the absence of neighbouring properties in floor plans, elevations and sections. Details of deficiencies are submitted as per the original submission to the Planning Authority.
- The drawings do not include drainage, either existing or planned.
- The drawings do not show the red line boundaries.
- It is unclear how the development can be carried out without negative impacts on the appellants property.
- The proposed raised roof will create permanent shadow into the courtyard of No. 8. It will impact light, warmth and feel good benefit of a small sunny courtyard.

- The development will cause a reduction of the value of the property.
- By granting permission without seeking further information the planning authority have accepted deficient drawings including the lack of 'overall height'. Condition 2b refers to an internal height and have not applied a measure to control the overall height.
- Condition 6 relating to drainage should have sought separate foul and surface drainage without threat to No. 8.

7.2. Applicant Response

The applicants response to the grounds of appeal can be summarised as follows-

- A number of cottages in the vicinity have similar scaled dormer extensions which extend the existing ridgelines of the cottages.
- The principle of two storey extensions to the rear and raising the ridge heights is well established in the area.
- There is no requirement to show adjoining properties on floor plans or for a sectional elevation.
- Contiguous elevations and section drawings were submitted and accepted by DCC.
- An existing drainage drawing was submitted showing main sewer lines and proposed access junctions (AJ's) located in courtyard of No. 7. Discharge is within the boundary of No. 7.
- All site plans show the redline.
- The design is in line with previous planning submitted and granted by DCC. A condition by DCC requires the rear extension to be set back by 1m from boundary with No. 8. Revised compliance drawings are submitted.
- Condition 2a deals with most of the appellants concerns and is not mentioned in the appeal. Conditions 2b and 6 have minor impact on the appellants concerns but are mentioned.

7.3. Planning Authority Response

- None received.

7.4. Observations

- None

8.0 Assessment

8.1. Introduction

8.1.1. I have examined the application details and other documentation on file, including the submissions received in relation to the appeal. I have inspected the site and have had regard to relevant local/regional/national policies and guidance. I consider that the main issues for this appeal are as follows-

- Zoning
- Impact on Residential Amenity
- Devaluation of property
- Drainage
- Deficiencies in the Drawings
- Appropriate Assessment

8.2. Zoning

8.2.1. The subject site is located within an area with a zoning objective 'Z1 - Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022, with a stated objective '*to protect, provide and improve residential amenities*'. The development generally proposes an extension to the existing house. The development is therefore acceptable in principle.

8.3. Impact on Residential Amenity

- 8.3.1. The appellant's concerns generally appear to relate to the height and depth of the proposed development and its associated overshadowing, loss of light and overbearing impacts to the private amenity space of No. 8 Harty Place.
- 8.3.2. The applicants refer to condition 2 of the Planning Authority's grant of permission which requires the width of the proposed extension adjoining No. 8 Harty Place to be set back by one metre. This condition also requires the internal height of the first floor extension to not exceed 2.4m.
- 8.3.3. The applicants suggest that condition 2 (a) addresses the appellant's concerns and 2 (b) has a minor impact. They have submitted revised drawings with the appeal showing the proposed extension set back 1m from its boundary with No.8 Harty Place. The internal height of the first floor extension has not been revised and remains 2.556m. It is clear from the planning officer's report that condition 2 (a) and (b) were imposed to address the enclosure and overbearing effect of the proposed development upon the private amenity space to No. 8 Harty Place.
- 8.3.4. The applicants have not availed of their entitlement to appeal the decision or condition 2. In my opinion, it is generally unreasonable to restore the elements of the proposed development that were omitted by a condition on the basis of an applicant's response to an appeal made by a third party where the grounds of that appeal objected to the development as a whole.
- 8.3.5. However in this instance I note some ambiguity in the wording of condition 2 (b), as set out in the planning authority's decision. The wording does not address the external height of the proposed extension and it is considered that the applicant could reasonably comply with condition 2 (b) without making any amendment to the external height of the proposed extension. I accept such proposals would still require agreement with the planning authority prior to commencement of development. This assessment and subsequent recommendation will also seek to address this ambiguity.
- 8.3.6. No. 7 Harty Place and all other houses on this street are very small and generally single storey properties with minimal areas of private amenity space to the rear. Opportunities to extend would appear to be only possible into small private amenity

spaces and through attic conversions and extensions. Having visited the site and examined the general planning history of the area it is noted a number of development similar to the proposed have already taken place in the area.

- 8.3.7. The existing house has a small triangular shaped foot print reflecting the corner which No.7 and 8 Harty Place both address. The subject house currently has a combined kitchen living area, a small bedroom and bathroom at ground level. The floor plans also show a small attic room with c 2m internal head height.
- 8.3.8. The proposed development includes a ground floor extension to the rear to provide a bedroom. The proposal also raises the existing ridge level from 4.93m to 5.475m i.e. by 0.545m to provide for a first floor attic conversion and extension to rear for use as a second bedroom with an ensuite. The ground floor extension protrudes to the rear boundary of the site and the first floor extension is stepped back c 1.8m from the rear boundary. Light to the ground floor bedroom will be from a rooflight and a window and door to the area of private amenity space. The proposed height of the ground level extension is shown as 2.926m and the first floor extension is 5.475m.
- 8.3.9. Condition 2 (a) requires setting the ground and first floor extension 1m off the boundary with No. 8 Harty Place. This has been shown in the drawings submitted by the applicants in response to the appeal.
- 8.3.10. Having considered the modest nature of the proposed development, the restricted nature of the application site, the need to upgrade the property to provide for modern living, the height of the proposed development, the 1m set back from the boundary with No. 8 Harty Place, the c 1.8m setback of the first floor from its western rear boundary, I consider the proposed development would have a minimal visual impact from Harty Place, would not be visually overbearing to surrounding properties and would not significantly detract from the residential amenity of No. 8 Harty Place in terms of overshadowing and loss of light.
- 8.3.11. I acknowledge the planning authority's concern regarding the impact of the development on the private amenity space of No.8 as addressed by Condition 2. However, I consider condition 2 (a) and as shown in the drawings submitted in response to the appeal, adequately address this concern. A reduction in height of the first floor extension by 15.6cm (ensuring an internal head height of 2.4m) would have a negligible impact on the private amenity space of No. 8 Harty Place. As such, and

should the Board decide to grant permission, I consider the Planning Authority's second condition is not warranted.

8.4. Devaluation of property

- 8.4.1. I note the concerns raised by the appellant in respect of the devaluation of property. However, having regard to the above, I am satisfied that the proposed development would not seriously injure the residential or visual amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

8.5. Drainage

- 8.5.1. The appellant raises concerns in relation to absence of drainage proposals and DCC's decision to grant permission. They suggest condition 6 should have sought separate foul and surface drainage without threat to the property of No. 8.
- 8.5.2. The applicants contend that drainage including the main sewer lines and proposed access junctions which are located in courtyard are shown on the submitted drawings. They detail that all discharge is within the boundary of No. 7.
- 8.5.3. I note submitted drawings 'MD-20-12' provides a drainage layout for the development and shows a foul and surface water access junction in the area of the private amenity space to the rear of the site. An existing combined sewer appears to be shown to the front of the site on Harty Place.
- 8.5.4. Condition 6 of the Planning Authority's decision to grant permission is a typical and standard planning condition for such developments. Condition 6 (c) requires drainage to be designed on a completely separate foul and surface water system with a combined final connection into Irish Water's combined sewer system.
- 8.5.5. The existing house would appear to benefit from existing wastewater and surface water drainage connections in the area. I am satisfied the proposed development can be completed within the application site boundary and subject to compliance with the requirements of the planning authority for such works and services, I have no concerns in this regard. This can be addressed by condition should the Board decide to grant permission.

8.6. Deficiencies in the Drawings

- 8.6.1. The appellant raises concerns in relation to the drawings submitted and in particular the absence of neighbouring properties in floor plans, elevations, section drawings and also a red line identifying the site boundaries.
- 8.6.2. I note the application site boundary has been clearly outlined in red on the 'Planning Pack Map' at a scale of 1:1000. The application, drawings and documentation have been accepted and validated by Dublin City Council in accordance with the requirements of the Planning and Development Regulations 2001-21 as amended.
- 8.6.3. Having visited the site, reviewed mapping and aerial photography available to An Bord Pleanála, and in particular, the contents of the appeal and the response to the appeal I am satisfied the drawings and documentation submitted with the application comply with the regulations and are sufficient to allow for a reasonable analysis of the proposed development including its impacts upon neighbouring properties.

8.7. Appropriate Assessment

- 8.7.1. Having regard to the nature and scale of the proposed development and the distance from 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 a European site.

9.0 Recommendation

- 9.1. I recommend a grant of permission subject to the following conditions.

10.0 Reasons and Considerations

Having regard to the zoning objective for the site, Z1: "To protect, provide and improve residential amenities", as set out in the Dublin City Development Plan 2016 to 2022, and to the nature of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a negative visual impact on the character of the area and would not seriously injure the existing residential amenities of the area. 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 and by the further plans and particulars received by An Bord Pleanála on the 05th day of August, 2021, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. 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.

Reason: In the interest of public health.

3. 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 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.

4. The developer shall pay to the planning authority a financial contribution 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

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.

Adrian Ormsby
Planning Inspector

30th September 2021