



An
Bord
Pleanála

Inspector's Report

ABP-311345-21

Development	Construction of a single storey extension, first floor extension and dormer roof.
Location	73, Richmond Road, Drumcondra, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1675/21
Applicant(s)	Luke Treacy
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Isobel Roleff
Observer(s)	None
Date of Site Inspection	1 st February 2022
Inspector	Ian Campbell

1.0 Site Location and Description

- 1.1. The appeal site is located on the northern side of Richmond Road, opposite Tolka Park football stadium.
- 1.2. The appeal property is a two-storey, red brick, terraced dwelling. The dwelling has a two-storey rear return with a small single-storey extension attached. The adjoining dwellings in the vicinity have similar two-storey rear returns. These appear to be original features of the houses at this location. There is a rooflight on the rear/northern slope of the main roof. There is a shed structure in the rear yard of the appeal property. A laneway runs to the rear/north of the appeal property. Access to this laneway is provided through the shed. The rear site boundaries of the appeal site comprise a concrete block wall.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a single-storey rear extension, a first-floor rear extension, a dormer window on the rear/northern roof slope of the main dwelling, the blocking up and replacement of a first-floor window and associated site works. The overall floor area of the proposed extension(s) is stated as being 24.5 sqm.
- 2.2. The proposed ground floor extension entails the infilling of an area between the side wall of the existing rear return and the western site boundary. The proposed ground floor extension has a stated area of c. 10 sqm. and comprises a kitchen/living area. The proposed ground floor extension has a height of c. 3 metres.
- 2.3. The proposed first floor extension projects c. 2.3 metres from the rear wall of the existing first floor rear return and is set in c. 1.5 metres from the western site boundary. A pitched roof with a height of c. 5.7 metres is indicated, approximately 0.5 metres lower than the existing first floor rear return. The proposed first floor extension accommodates a bedroom and has a stated floor area of 9.5 sqm. A window is indicated on the rear/northern elevation of the proposed first floor extension.
- 2.4. The applicant is proposing to block up a window on the side/west elevation of the existing first floor return. A replacement window serving a toilet is indicated.

- 2.5. An attic level dormer window is proposed. The floor area of the proposed attic dormer is stated as being c. 5 sqm and, when amalgamated with the existing floor area of the attic level, creates a room with a floor area of 7 sqm. The intended use of the room at attic level has not been specified. A toilet and store are indicated within the existing attic, that being the part of the attic which is not being extended.
- 2.6. The proposal also includes the demolition of sections of external and internal walls within the existing rear return.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Grant Permission on the 18th August 2021, subject to 11 no. conditions. These conditions are standard in nature and refer to issues including, finishes, surface water and construction management.

Condition No. 3 specified that the width of the window serving the dormer structure match the new bedroom window below.

Condition No. 4 specified that no structures, including solar panels, be erected on the flat roof of the dormer structure which would exceed the height of the main roof.

Condition No. 5 specified that the flat roof of the ground floor extension be accessible for maintenance and fire escape purposes only.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer (dated 12th August 2021) includes the following comments;

- Noted that no undue impacts are anticipated arising from the proposed ground floor extension.
- Noted that the proposed first floor extension is not excessive and would have no impact on the amenities of 75 Richmond Road. Minor impacts are

anticipated in terms of overshadowing on 71 Richmond Road however the affected windows are already significantly affected by the rear return serving the application property. Overshadowing of the garden of 71 Richmond Road is not anticipated.

- Noted that the proposed rear dormer complies with the Dublin City Development Plan 2016-2022, however the glazing serving the dormer is excessive and should not exceed the width of the new bedroom window below.
- The report of the Planning Officer recommends a grant of permission consistent with the Notification of Decision which issued.

3.2.2. Other Technical Reports

Drainage Division (report dated 20th July 2021) - no objection subject to standard conditions (re. surface water).

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

The following is a summary of the main issues raised in the third-party observation received by the Planning Authority;

- Concerns in relation to the impact of the proposed development on 71 Richmond Road, in respect of loss of daylight and sunlight, including to the side windows, overshadowing of the rear garden and the aesthetic impact of the proposed development.
- Concerns in relation to the impact of the proposed development on the value of 71 Richmond Road.
- Access to 71 Richmond Road would be required to facilitate the construction of the proposed development and the clearing of debris.

4.0 Planning History

Appeal Site

PA Ref. WEB1973/20 – permission granted for a two-storey rear extension, a dormer window, blocking up and replacement of a first-floor bathroom window and associated site works.

Reference is made in the particulars submitted with the planning application to a Court decision quashing this permission.

ABP-309902-21 – refers to an invalid appeal.

The following planning history is also referenced in the report of the Planning Officer.

Vicinity of Appeal Site

PA Ref. 2264/17 – permission granted for a single-storey flat roof extension to the rear with an extended first floor gable end pitched roof extension to the rear, a dormer extension at roof level to the rear and a new roof light to the rear together with a new roof light to the front with all on site utilities and services at 51 Richmond Road, Drumcondra, Dublin 3.

5.0 Policy Context

5.1. Development Plan

The relevant development plan is the Dublin City Development Plan 2016-2022, under which the appeal site/property is zoned 'Z1' - 'Sustainable Residential Neighbourhoods' with a stated objective 'to protect and/or improve residential amenities'.

The provisions of the Dublin City Development Plan 2016-2022 relevant to this assessment are as follows:

Extensions to Dwellings

Section 16.10.12 (Volume 1) 'Extensions and Alterations to Dwellings' states that *'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 would:

- *‘Not have an adverse impact on the scale and character of the dwelling;*
- *Have no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight’.*

Appendix 17 (Volume 2) provides guidance in respect of residential extensions. Section 17.11 provides guidance in relation to dormer windows, including that dormer windows should be visually subordinate to the roof slope and that new windows should relate to the shape, size, position and design of the existing doors and windows on the lower floors. Section 17.8 provides specific requirements with regard to the ‘subordinate approach’ when proposing to extend dwellings, including the need for extensions to perform a ‘supporting role’ in scale and design to the original dwelling.

5.2. **Natural Heritage Designations**

The appeal site is not located within or close to any European Site.

5.3. **EIA Screening**

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended) and therefore is not subject to EIA requirements.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third-party appeal on behalf of Isobel Roleff, 71 Richmond Road, against the decision of Dublin City Council to grant permission for the proposed development. The grounds of appeal can be summarised as follows:

- The proposed development would negatively impact on the existing residential amenity of surrounding property in the vicinity.
- The development description in the public notices did not contain reference to demolition works and was not in accordance with Article 18 (1) (d) of the Planning and Development Regulations, 2001, as amended.
- The proposed development, given its dominance and scale, is considered to be overbearing, would result in a significant degree of overlooking, a loss of privacy and would detract from the existing amenity of 71 Richmond Road and surrounding residents.
- The proposed extension provides for poor separation distances with neighbouring boundaries and to common boundaries. The proposed development would overwhelm 71 Richmond Road.
- The proposed development would result in a dwelling which is very large relative to the size of the site, and would represent overdevelopment of the site, causing harm to the residential amenity of neighbouring properties.
- The proposed development would result in an inappropriate form of development, and a design which is inconsistent with the applicable Z1 zoning. The proposed development would not improve residential amenities.
- Consideration of overlooking, overbearing and sun/daylight standards do not appear to have formed part of the design, and the proposed development is excessive and unsuitable for the site.
- The proposed development would be visually obtrusive.
- The impacts which arise from the proposed development cannot be mitigated.

- The proposed development does not comply with the Sustainable Residential Development in Urban Guidelines 2009, Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Town and Villages) 2009, or Best Practice Urban Design Manual – Department of Housing.
- Condition no. 3 of Dublin City Council’s grant of permission, which requires that the window in the dormer match the bedroom window below, does not go far enough in protecting the privacy of 71 Richmond Road.
- No daylight/overshadowing assessment has been undertaken in the application. The proposed development would result in a loss of morning sun. Natural light to the rear garden and the single-storey rear extension of 71 Richmond Road would be lost. Appellant references their legal right to natural light.
- The proposed attic dormer and the replacement window of extended length at first floor level on the side elevation would result in overlooking of 71 Richmond Road, including its amenity space.
- The proposed attic dormer would result in overlooking of property north of the appeal site.
- The fenestration detail demonstrates a lack of regard for the existing built form.
- The proposed development would result in the devaluation of properties in the vicinity, including 71 Richmond Road.

6.2. Applicant Response

The applicant’s response can be summarised as follows:

- The house is in a poor state of repair, unfit for modern living, and is in need of modernisation. There is currently no functioning bathroom in the house.
- The proposed extension has been kept as small and congruous as possible.
- Mitigation measures have been incorporated into the design of the proposal, including, a parapet height of the ground floor extension at c. 3 metres, a modest dormer with a width of 2.8 metres and the design of the roof profile of

the first-floor extension. Additionally, the width of the window in the dormer has been reduced by condition in the grant of permission.

- Dublin City Council did not consider that the proposal was overbearing or that it would result in overlooking.
- No other neighbours have lodged objections to this planning application or to the previous planning application.
- Planning permission has been granted for similar development in the vicinity.
- It is Dublin City Council's opinion that the ground floor extension would constitute exempted development.
- Reference to 'associated site works' in the public notices would include demolition works however the demolition works could be considered exempted development.
- The proposed development is modest in scale, has limited impact on neighbouring property, and is required to modernise the house.

6.3. **Planning Authority Response**

None received.

7.0 **Assessment**

7.1 I consider the main issues in the assessment of this appeal are as follows:

- Impact on Residential Amenity.
- Impact on Visual Amenity.
- Other Issues.
- Appropriate Assessment.

7.2 **Impact on Residential Amenity**

7.2.1 The third-party raises concerns in relation to the impact of the proposed development on the residential amenity of adjoining properties, including 71 Richmond Road. The

concerns raised by the third-party primarily relate to overshadowing, overbearance and overlooking. I will address each in turn. The provision of private amenity space is also addressed.

Overshadowing

- 7.2.2 There is an existing two-storey return to the rear of the appeal property. The neighbouring dwellings within the terrace also have two-storey rear returns, including the adjoining properties to the east and west. Considerations of overshadowing are therefore considered in the context of the existing level of overshadowing which arises from these projections which has a limiting effect on each property, in terms of the levels of sunlight and daylight available.
- 7.2.3 Having regard to the extent of the proposed first floor extension, projecting approximately 2.3 metres beyond the rear wall of the rear return serving 75 Richmond Road, I do not consider there to be any potential for significant overshadowing of 75 Richmond Road to occur.
- 7.2.4 Regarding the adjoining property to the west, 71 Richmond Road, owing to the extent of the proposed ground floor extension, its height, flat roof profile, its orientation and relationship to 71 Richmond Road, I do not consider that the proposed ground floor extension would result in any significant overshadowing of this property, over and above that which exists currently. I note that the area between the existing return on the appeal property and 71 Richmond Road, where the proposed ground floor extension is proposed, is already significantly affected by overshadowing as a result of the existing two-storey return attached to each property. The appellant states that the proposed development has not been subject to a daylight/sunlight assessment. I note that when the 45° test is carried out in accordance with BRE 209 'Site Layout Planning for Daylight and Sunlight, a Guide to Good Practice', Second Edition, 2011, the closest ground floor window of 71 Richmond Road, the appellant's property, is already within the 45° intersect on plan and elevation of the existing rear annex and as such the proposed development will not result in any greater degree of overshadowing than currently exists.
- 7.2.5 The proposed first floor extension is set in c. 1.5 metres from the western site boundary with 71 Richmond Road. Noting the extent of the proposed first floor extension, its distance and relationship to adjoining site boundaries, and to its orientation east of 71

Richmond Road, I do not consider that the proposed first floor extension would result in any significant overshadowing of 71 Richmond Road or such as to have a significant impact on the residential amenity of 71 Richmond Road.

7.2.6 The loss of light to the rear garden of 71 Richmond Road as a result of the proposal is raised by the appellant. Having regard to the extent of the proposed first floor extension, I do not consider that the proposal would have a significant negative impact on the rear garden of 71 Richmond Road in this regard.

7.2.7 In summation, having regard to the scale and design of the proposed extension, the relationship of the proposed extension to adjoining properties, the existing two-storey rear returns which serve the dwellings within the terrace and the orientation of the appeal site, I consider that the proposed development will not significantly affect the level of daylight or sunlight to neighbouring properties, such as to have a significant impact on the residential amenity of neighbouring property. I therefore consider that there is no basis for the assertion that the proposal will result in a significant diminution of established residential amenity as result of overshadowing.

Overbearance

7.2.8 Regarding 75 Richmond Road, given the extent of the proposed first floor extension, which results in an increase in the depth of the two storey return from 4.4 metres to 6.7 metres, and to the extent to which the two storey rear return will project beyond the two storey rear return of 75 Richmond Road, I consider that the proposed development will have limited additional impact on 75 Richmond Road.

7.2.9 In relation to 71 Richmond Road, there is currently a separation distance of c. 1.5 metres between the side wall of the two-storey return and the western site boundary. The proposal entails the infilling of this area. The appellant's property, 71 Richmond Road, will maintain a side passage of c. 1.2 metres. Currently, the windows and door on the side/eastern elevation of the rear return of 71 Richmond Road face the two-storey façade of the appeal property, with a separation distance of c. 2.7 metres between. In the case of the proposed ground floor extension, the proposal will result in a blank façade at ground level being brought c. 1.5 metres closer to the western site boundary, however I note that the appellant's property is already facing the boundary wall. Accordingly, I consider that the proposed infilling at ground floor level and the first-floor extension will not have any real overbearing impact on 71 Richmond Road.

7.2.10 The third-party refer to the proposal as being dominant, however noting the extent, scale and design of the proposal, I do not consider the proposed rear extension or attic dormer to be dominant, and I do not concur with the appellant that the proposal would overwhelm 71 Richmond Road. In my opinion, the fact that the proposed extension would be visible from adjoining properties or their rear gardens would not in itself mean that the proposed development would have a significant negative impact on the amenities of neighbouring properties due to overbearance or visual impact. In summation, I do not consider that any significant overbearance will occur on adjoining properties arising from the proposed development.

Overlooking

7.2.11 The third-party raises concern in respect of the potential for overlooking arising from the proposed extension and dormer window.

7.2.12 A first-floor window serving a bedroom is indicated on the rear/north elevation of the proposed extension. I do not consider that this window would give rise to any significant degree of overlooking, over and above that which exists from the existing first floor windows serving the appeal property. Similarly, I do not consider that the proposed attic level dormer would result in any significant overlooking of adjoining property, including of 71 Richmond Road, over and above that which currently exists by virtue of the first-floor windows on the rear elevation of the house on the appeal site.

7.2.13 Regarding the potential for overlooking of the properties to the north, I note that the window in the proposed first floor extension is located c. 12.5 metres from the rear site boundary and that the proposed attic dormer is located c. 20 metres from the rear site boundary. A laneway is located between the appeal site and the properties to the north. Accordingly, I do not consider that the proposed development would result in any significant overlooking of the properties to the north of the appeal site.

7.2.14 Concerns are also expressed in the third-party appeal in relation to the proposed replacement window serving the toilet on the western elevation of the existing rear return. Whilst this replacement window is larger than the window which it replaces, given that it is to serve a toilet, and subject to a planning condition stipulating that it be

fitted out opaque glazing, I do not foresee any issues in terms of overlooking of the property to the west.

7.2.15 In summation, I do not consider that any significant overlooking will occur of adjoining properties arising from the proposed development.

Private Amenity Space

7.2.16 Regarding private amenity space, the Development Plan requires a minimum standard of 10 sqm of private open space per bedspace, with a double bedroom representing two bedspaces. The Development Plan provides that private amenity space should be located to the rear or side of a house and that generally up to 60-70 sqm of rear garden area is considered sufficient for houses in the city. The appeal property will be served by c. 40 sqm of private amenity space, located to the rear of the dwelling. The proposed development results in an increase of 1 no. bedspace within the dwelling. Noting the location of the appeal site and the extent of the proposal, I consider that an adequate quantum of private amenity space remains to serve the appeal property.

7.3 Impact on Visual Amenity

7.3.1 The appellant raises concerns in relation to the visual impact of the proposed rear extension, specifically that it would be visually obtrusive. I note that the proposed extension and dormer window are located to the rear of the appeal property and would not be visible from the front of the property or Richmond Road. Partial views of the proposed first floor extension and dormer window would be possible from the laneway to the rear, with more distant views possible from Grace Park Road, to the north-east. Having regard to the scale and design of the proposed extension and the proposed attic dormer, I do not consider that the proposal would be visually intrusive nor that it would negatively impact the visual amenities of the area. Additionally, I note that the proposed attic dormer is set below the ridge of the roof of the dwelling.

7.3.2 Condition no 3 of the Dublin City Council's grant of permission required that the width of the proposed dormer window match the width of the bedroom window in the first-floor extension. The proposed window in the attic dormer has a width in excess of 2 metres. The window serving the bedroom in the proposed first floor rear extension has

a width of c. 1.5 metres. In respect of dormer windows, Section 17.11 of the Dublin City Development Plan 2016-2022 provides that new windows should relate to the shape, size, position and design of the existing doors and windows on the lower floors. Accordingly, I consider that a condition should be attached to any grant of permission stipulating that the width of the window serving the attic dormer should match that of the window serving the bedroom in the proposed first floor extension below.

7.4 Other Issues

- 7.4.1 The third-party raises issues in relation to the adequacy of the site notice. In terms of procedural matters, and alleged irregularities in relation to the location of site notices, I note that this was deemed acceptable by the Planning Authority. I am satisfied that this did not prevent the concerned party from making an observation. The above assessment represents my *de novo* consideration of all the planning issues material to the proposed development.
- 7.4.2 The third-party contends that the proposed development would result in the devaluation of properties in the vicinity, including of 71 Richmond Road. Having regard to the assessment and conclusions set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.
- 7.4.3 The third-party appeal refers to their legal right to natural light. As the issue of determining rights to light is a matter for the courts, I do not consider that the Board is in a position to draw any conclusions in relation to the matters raised. As detailed at paragraph 7.2, I do not consider that the proposed development would have a significant negative impact in terms of overshadowing.
- 7.4.4 I note a number of discrepancies in the drawings submitted with the appeal, specifically in relation to the stated scale on drawings and the labelling of existing and proposed floor plans. I consider these to be typographical errors. I note that it is possible to determine the correct scale with reference to the annotated dimensions on the drawings and to decipher which floor plan relates to which floor.
- 7.4.5 Whilst not raised in the third-party appeal submission, reference to the inability of the applicant to construct the proposed development without access to the appellant's

property is referred to in the submission to the Planning Authority. I note that this is a civil issue to be resolved between the applicant and appellant having regard to the provisions of Section 34 (13) of the Planning and Development Act 2000, as amended and is outside the scope of this appeal.

7.5 Appropriate Assessment

Having regard to the nature and limited scale of the proposed development, to the serviced nature of the site, the developed nature of the landscape between the site and European sites and the lack of a hydrological or other pathway between the site and European sites, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

8.0 Recommendation

Having regard to the above it is recommended that permission is granted based in the following reasons and considerations and subject to the attached conditions.

9.0 Reasons and Considerations

Having regard to the residential land use zoning of the site, to the prevailing pattern and character of existing development in the vicinity and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out 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 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>Reason: In the interest of clarity.</p>
2.	<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>
3.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
4.	<p>The external finishes of the proposed extension and attic dormer shall be the same as those of the existing dwelling in respect of colour and texture.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>The width of the window in the attic dormer shall match the width of the window serving the bedroom in the proposed first floor extension.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>The window serving the toilet at first floor level on the west elevation of the rear return shall be fitted with obscure glazing.</p> <p>Reason: In the interest of residential amenity.</p>
7.	<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</p>

	<p>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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
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Ian Campbell
Planning Inspector

4th April 2022