



An
Bord
Pleanála

Inspector's Report

ABP-311392-21

Development	Demolition of extension and chimney. Construction of extension and amendments to glazing. Relocation of front door, internal modifications, and all ancillary works.
Location	No. 39, Priory Road, Harold's Cross, Dublin 6W.
Planning Authority	Dublin City Council - South.
Planning Authority Reg. Ref.	WEB1709/21.
Applicants	Kirk Donohoe and Aiste Venckute.
Type of Application	Planning Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	First Party.
Appellants	Kirk Donohoe and Aiste Venckute.
Observer(s)	None.
Date of Site Inspection	14 th day of January, 2022.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

1.1. No. 39 Priory Road, the appeal site has a given site area of 302m² and is located on the southern side of Priory Road, c23m to the north east of its junction with Larkfield Grove and c93m to the north of Clareville Road, as the bird would fly, in the Dublin city suburb of Harold's Cross, in Dublin 6W. The site is comprised of a 2-storey semi-detached dwelling with a single storey flat roof extension to the rear. The front garden is bound by mature hedging and a pedestrian gate provides access onto the public domain. The site fronts onto a soft landscaped green square that provides passive recreational amenity for properties in its vicinity. To the rear the main site boundaries consist of concrete block walls. The surrounding area has a mature residential character with the dwellings being of a similar architectural style, built form and palette of materials.

2.0 Proposed Development

2.1. Planning permission is sought for:

- The demolition of an existing single storey rear extension (Note: 26m²).
- Removal of an existing chimney.
- Construction of proposed part single storey and part two storey extension to side and rear with flat roof tied into main roof (Note: 117m²).
- Installation of 3no. roof lights.
- Amendments to glazing on front (north-west) and side (north-east) elevation.
- Relocation of front door.
- Internal modifications.
- All ancillary works.

According to the accompanying Planning Application form the floor area of building to be retained would be 71m² and the resulting floor area of the proposed works when taken together with those to be retained would be 188m². In addition, the proposed plot ratio is given as 0.62 and proposed site coverage is given as 41%. The site is served by an existing water and waste water connection.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 20th day of August, 2021, the Planning Authority issued a notification decision to grant permission subject to 8 no conditions. Condition No. 3 is of relevance to this appeal. It reads:

“3. The development shall be revised as follows:

- a) The depth of the proposed extension shall be reduced such that it does not exceed that of the existing extension to the rear of No. 41 Priory Road,*
- b) The proposed two storey side extension shall be reduced in height so that the parapet height does not exceed the 2-storey extension to the rear of No. 41 Priory Road.*

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings.

Reason: In the interest of orderly development.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Authority’s Planner Officer’s report, dated the 20th day of August, 2021, sets out details of the site description and the planning policy as it relates to the site. In assessing the proposed development, the planner’s report considers that subject to the setting back of the rear extension to match that of No. 41 and subject to the reduction of the height of the proposed two storey extension which in the design put forward exceeds the eaves level of the existing dwelling so that both the extension is both subordinate and visually respectful of the character of the existing building and its context the proposed development is otherwise acceptable. The concerns raised in relation to depth of the rear extension and the lack of subordination of the two-storey extension can be dealt with by way of conditions. The report therefore recommended that planning permission be granted subject to 8 conditions including Condition No. 3

which sets out revisions required to the proposed development in the interest of orderly development.

3.3. **Other Technical Reports**

3.3.1. **Drainage:** No objection, subject to safeguards.

3.4. **Prescribed Bodies**

3.4.1. None.

3.5. **Third Party Observations**

3.5.1. During the course of the Planning Authority's determination of this application it received one Third Party Observation. This was submitted by the adjoining property owner (Note: No. 41 Priory Road). The concerns raised can be summarised as follows:

- This proposal would result in a loss of sunlight to their rear garden.
- The height of the proposed extension would give rise to their garden feeling enclosed.
- The documents provided fail to show the actual visual and residential impact the proposed development would give rise to on their property.
- It is sought that the Planning Authority reduce the single storey extension by 1m.

4.0 **Planning History**

4.1. There are no recent and/or relevant appeal cases relating to the site or its setting.

5.0 **Policy & Context**

5.1. **Development Plan**

5.1.1. The Dublin City Development Plan, 2016 to 2022, is applicable. Under this plan the subject site is zoned 'Z1' which has a stated land use zoning objective: "*to protect, provide and improve residential amenities*".

5.1.2. Section 16.10.12 of the Development Plan specifically relates to extensions and alterations to dwellings.

5.1.3. Appendix 17 of the Development Plan also sets out further details in relation to residential extensions and alterations to roof profiles.

5.2. **Natural Heritage Designations**

5.2.1. The site is not located within a designated Natura 2000 site.

5.3. **EIA Screening**

5.3.1. Having regard to the nature of the development comprising a part single and part two storey rear extension together with its associated works, the site's location in a built-up area zoned for residential development where public water mains and sewerage are available the need for environmental impact assessment can be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. The grounds of this First Party Appeal can be summarised as follows:

- This appeal relates to Condition No. 3 only.
- This proposal seeks to redevelop and extend an existing 3-bedroom semi-detached dwelling.
- The existing property has a poor layout, and it is not unusual for this area for single and two storey extensions to have been built of varying designs to existing dwellings.
- Concerns are raised in relation to contradictory and erroneous statements contained in the Planning Authority's Planning Officer's report.
- The proposed development would not be overbearing or would it give rise to any material impacts on daylight and sunlight of properties in the vicinity.

- There is no logical reason for the ground floor extension to be pulled back by 2600mm in line with the ground floor extension to the rear of No. 41.
- There is a significant precedent for this type of development in this area. With these being of varying scale. Both neighbours on either side have successfully carried out significant ground and first floor extensions.
- A number of precedents for similar developments granted by the Planning Authority are discussed. It is contended that some are of a similar scale, of greater depth at first floor level through to greater height to the rear.
- A submission was received from the neighbouring property No. 41 by the Planning Authority which illustrates an untrue visual impact of the proposed development on their property.
- The proposed extension would be stepped off from the boundary by 755mm which further decreases the potential for light and overshadowing impact on the neighbouring property of No. 41.
- The result of complying with Condition No. 3(a) is the loss of 20m² of internal space. This will have a substantial impact on the design and the space available for the appellants growing family. The remaining space would not be adequate to meet their needs.
- The requirements of Condition No. 3(b) to reduce the height would result in further design and internal amenity space diminishment. The reduced in height section to meet this requirement would be a floor to ceiling height of 2375mm which would not comply with Building Regulations.
- The design intent was to create a sizeable open plan space to the rear of the property. The appellants are a young family with two children that have special needs.
- The Board is requested to omit Condition No. 3(a) and (b) from the grant of permission.

6.2. Planning Authority Response

6.2.1. None.

6.3. Observations

6.3.1. None.

7.0 Assessment

- 7.1. Further to my examination of the planning file and the grounds of appeal that relate to one condition only i.e., Condition No. 3 (a) and (b) of the Planning Authority's notification of decision of the planning authority to grant permission, and having assessed the documentation and submissions on file, I consider it is appropriate that the appeal should be confined to this single condition. Accordingly, I am satisfied that the determination by the Board of this application as if it had made to it in the first instance would not be warranted and that it would be appropriate to use the provisions of Section 139 of the 2000 Act in this case.
- 7.2. Condition No. 3 requires that the proposed development be revised. With sub condition (a) requiring that the depth of the proposal be reduced so that it does not exceed that of the existing extension to the rear of No. 41 Priory Road, the adjoining property to the east; and sub condition (b) requiring that the two-storey height of the side extension shall be reduced so that it does not exceed that of the two-storey height to the rear of No. 41 Priory Road. The stated reason for these amendments is the interest of orderly development.
- 7.3. In relation to the requirements of sub condition (a) while I consider that the single storey extension is significant in its depth the rear garden amenity space that remains is of a size that meets the required standard for a dwelling house with the resulting number of bedrooms that this proposed development would give rise too. In addition, the document provided shows that the single storey extension together with the two-storey extension to the rear over would not give rise to any significant diminishment of sunlight, daylight or would it give rise to significant overshadowing of properties in its vicinity.
- 7.4. I do note the concerns of the adjoining property owner that by virtue of the depth of the proposed extension it would give rise to their rear amenity space having a feeling of being enclosed. Notwithstanding, I consider that this group of semi-detached properties in general benefit from generous in depth and width rear amenity spaces

and arguably the single storey extension may afford a level of additional privacy to this property and the property adjoining the western side of the site.

- 7.5. Having regard to the overall height of the flat roof rear and side single storey extension I do not consider it to be excessive with its overall maximum height of 3.44m and subject to a careful as well as qualitative palette of external materials, finishes and treatments the proposed extension should not be visually overbearing and/or out of character with other single and two storey extensions of traditional through to contemporary design that have been carried out in this suburban setting. Examples of which are visible from the rear of the site itself.
- 7.6. I therefore recommend to the Board that there is no substantive residential or visual amenity impact that would arise from the single storey element of the proposed development that would require its depth to be reduced to match that of No. 41 Priory Road.
- 7.7. In relation to the height of the requirements of sub condition (b) which requires that the two-storey height of the side extension shall be reduced so that it does not exceed that of the two-storey height to the rear of No. 41 Priory Road while I do share the view of the Planning Authority that in terms of overall height in that it fails to be subservient to the latter addition present to the side of No. 41 Priory Road. I also acknowledge that the height of the rear two storey component has an eaves level that projects c900mm above that of the later rear extension of No. 37 Priory Road. With No. 37 Priory Road forming part of the subject semi-detached pair No. 39 Priory Road forms part of. Notwithstanding this, as appreciated from the public domain this element is setback from the main structure, its finishes and articulation are simple, and its proposed maximum height is similar to the later side and rear extension of No. 37 Priory Road.
- 7.8. In addition, within this context there are a wide variety of architectural solutions and varying quality of designs in terms of later side and rear extensions to priorities that front onto Priory Road as well as within this immediate setting. With this setting originally being highly coherent and homogenous in terms of the design and layout of the dwellings and their associated spaces when completed.
- 7.9. I also consider that the proposed development would not give rise to any significant additional overlooking in this suburban context where overlooking from first floor level

has been established and where there is sufficient lateral separation between the first floor extension component of this property and the adjoining properties to the rear.

7.10. Moreover, while the subject priority, its semi-detached pair, and the group of matching semi-detached pairs it forms part of have their own intrinsic character they do not benefit from any form of protection either individually or as part of a designated conservation area. The site's setting, in particular its streetscape scene over the decades since it was completed has been subject to a wide array of additions and alterations that has diluted its once coherent character.

7.11. I therefore recommend to the Board that there is no substantive residential or visual adverse amenity impact that would arise from permitting the proposed development with the two-storey height of the side extension as proposed in the documentation submitted with this application.

7.12. I therefore recommend that Condition No. 3(b) be omitted accordingly.

7.13. Conclusion

In conclusion I consider that the revisions to the proposed development sought under Condition No. 3 of the Planning Authority's notification to grant planning permission are not warranted due to the proposed development in the form proposed not giving rise to any serious injury to residential and/or visual amenities of its setting. The proposed development is consistent with the principle of development on land zoned Objective Z1 and is consistent with the principles for this type of development as set out in the Development Plan. In particular Section 16.10.12 which indicates that applications for planning permissions to extend dwellings will only be granted where they would not give rise to an adverse impact on the scale and character of the dwelling; and where they would not adversely affect amenities adjoined by occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

For clarity and completeness, I have had due regard to the provisions of the Habitats Directive and conclude that having regard to the source-pathway-receptor model along with the nature of the proposed development I would not consider that an NIS or Appropriate Assessment is necessary in this case given the type of development proposed alongside the brownfield serviced nature of this suburban site.

8.0 Recommendation

- 8.1. Having regard to the nature of Condition No. 3 the subject of the appeal and based on the reasons and considerations set out below, I am satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and recommend that the said Council be directed under subsection (1) of section 139 of the Planning and Development Act, 2000, as amended to OMIT Condition Number 3 in its entirety.

9.0 Reasons and Considerations

- 9.1. Having regard to the zoning objective for the area as set out in the Dublin City Development Plan 2016 - 2022, the established pattern of development in this serviced suburban area and the nature, scale and design of the proposed part single and part two storey extension together with its associated works, that the proposed development would not seriously injure the established character or visual amenities of the parent dwelling or of properties in the vicinity, it would not seriously injure the amenities of nearby dwellings, and it would, therefore be, in accordance with the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector - 17th day of January, 2022.