



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311512-21

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<b>Development</b>	Construction of a single storey extension.
<b>Location</b>	Sunnybank Cottage, Blackheath Avenue, Clontarf, Dublin 3, D03 X6H0
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	3177/21
<b>Applicant(s)</b>	Joan Broderick.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Donal and Orla ffrench-O Carroll.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	15 <sup>th</sup> January 2022.
<b>Inspector</b>	Paul Caprani

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## 1.0 Site Location and Description

- 1.1. Sunnybank cottage is located on the east side of Blackheath Avenue, in the suburban area of Clontarf in the northeastern environments of Dublin City, c. 6km from Dublin City Centre. Blackheath Avenue comprises of a suburban cul-de-sac running northwards from Blackheath Park, comprising of c.20 dwellings. The older dwellings in the northern portion of the street comprise of 2 storey semi detached dwellings dating from the late 1960's early 1970's. A slightly higher density infill development comprising of two-storey terraced dwellings possibly dating from the mid 1980's /early 1990's face onto the south-east corner of the Avenue. This development is known as Blackheath Court.
- 1.2. Sunnybank Cottage, is an L-shaped single storey building separates the semi-detached semi detached dwellings on the north-eastern side of the Avenue from the newer terraced dwellings to the south. A separate dwelling to the rear, Sunnyside Mews is located in close proximity to the rear of the cottage. It comprises of a part two-storey part single storey dwelling which faces westwards onto the rear of Sunnyside Cottage. It is served via a small access road which runs along the southern boundary of the site adjacent to Blackheath Court.
- 1.3. The site in which the cottage is located occupies an area of 267 sq.m. The cottage itself comprises a kitchen bathroom and living room all connected by an internal corridor to the rear of the dwelling. The kitchen and bathroom face southwards onto an internal courtyard, while the living room and 2 bedrooms face westwards onto Blackheath Avenue. The existing dwelling has a GFA of 93.5 sq.m. One off-street car parking spaces is located in the front garden area near the southern boundary of the site.

## 2.0 Proposed Development

- 2.1. Planning permission is sought to extend the footprint of the building in a south easterly direction into the existing courtyard area which will extend the kitchen area into a new kitchen and dining area. The proposed extension amounts to an additional 20.3 sq.m and extends to the boundary of the south-eastern corner of the site. Patio doors are to be provided on the eastern elevation facing onto a new internal courtyard to the south of the living room area. New rooflights are also

proposed to augment daylight penetration. The existing window opening on the southern elevation of the house serving the living room is to be broken into patio doors also facing onto the courtyard area.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Dublin City Council granted planning permission subject to 7 standard conditions.

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

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

The planners report noted the following:

- The proposed extension is subordinate to the main dwelling.
- The rear and side elevations have no windows which would result in overlooking.
- While the proposal does not meet the requirements in relation to private open space to the rear, the historic configuration of the site merits exceptional circumstances.
- Notwithstanding the third-party objection, it is not considered that the proposal will adversely impact on adjoining third-party amenity.

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

A report from the Engineering Department Drainage Division stated that there was no objection subject to standard conditions.

#### **3.3. Prescribed Bodies**

No reports on file

### 3.4. **Third Party Observations**

A third-party observation was submitted by the third-party appellants, the contents of which have been read and noted.

### 4.0 **Planning History**

No appeal files are attached, and the planning report states that there is no planning history recorded on APAS.

### 5.0 **Policy Context**

#### 5.1. **Development Plan**

- 5.1.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022. The subject site is zoned Z1 – *“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. It 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 scale to the main unit.
- 5.1.3. 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.

#### 5.2. **Natural Heritage Designations**

The subject site is not located within or contiguous to a Natura 2000 site. The nearest Natura 2000 site is the South Dublin Bay and River Tolka SPA (Site Code

004024). At its closest point, the site is 900 meters south of the site. The North Bull Island SPA (Site Code: 004006) and the North Dublin Bay SAC (Site Code: 000206) are located 1.3 km to the southeast of the site.

### 5.3. EIA Screening

The proposal is not a class of development for which EIAR is required.

## 6.0 The Appeal

The decision was the subject of a third-party appeal, from the owners/occupiers of Sunnyside Mews, the dwelling to the rear.

### 6.1. Grounds of Appeal

- It is argued that the historic nature and juxtaposition of the Mews (formally stables) and cottage (formerly the attendant groom's cottage), results in poor site planning and gives rise to problems. The poor site layout is compounded by a kitchen extension to the cottage built some decades ago.
- The proposed extension in this instance will exacerbate they already existing problems and will block out daylight, skylight and sunlight to the front of Sunnyside Mews, thereby seriously impacting on the appellant's amenity.
- The distance between the front door of the appellants dwelling and the proposed extension is a mere 3.2m. A window serving a habitable room will also be a mere 3.2 m from this extension.
- The applicant should be required to provide a daylight/sunlight and overshadowing assessment.
- It is argued that the applicant has other options to extend his dwelling, and it is not appropriate to simply ignore development management standards.
- If the Board are minded to grant planning permission, it is requested that the extension be set back to align with the existing kitchen area and be limited to a flat roof extension to reduce the potential impact on Sunnyside Mews.
- The additional roof lights to serve the kitchen area will impact on privacy.

- All guttering should be kept within the confines of the applicant's site, and no rain water should be permitted to be discharge into the appellants site.

## 6.2. Applicant Response

A response was received on behalf of the applicant from Martin Architects. The response is set out below.

- It is acknowledged that both properties are unique due to their historic context.
- The current application seeks to rationalise the layout for the property as it is eminently suitable for the downsizing of families wish to remain in the area.
- Infilling the existing courtyard and moving the courtyard forward within the site allow the most appropriate optimisation of the space available on site.
- The eaves of the extension will be approximately 0.7 m higher than the existing boundary wall.
- All gutters drainage and rainwater will be accommodated within the boundary of the site.
- The design approach seeks to protect adjoining amenity as much as possible and it is considered that the proposal chosen, respects and mirrors the design and height of the existing dwelling and is the least obtrusive and most sympathetic solution on a tight site.
- The alternatives suggested by the appellants are unworkable. It would internalise the bathroom, result in a tiny unusable yard along the boundary and would reduce the size of the courtyard.
- A flat roof would result in a higher parapet level than the current eaves.
- In terms of daylight and sunlight, illustrations are submitted which indicates that the angle subtends to less than 25% between the proposed extension and midpoint of the ground floor window of the appellants dwelling. It therefore accords with the BRE guidelines and does not warrant further investigation.



- The position of the rooflights within the roof pitch, given their height and oblique placement will ensue that no overlooking takes place.
- As the proposal incorporates the same ridge height and eaves as the existing cottage. It will not result in a structure that is overbearing.

### 6.3. **Planning Authority Response**

- Dublin City Council have not submitted a response to the grounds of appeal.

### 6.4. **Observations**

- None

## 7.0 **Assessment**

7.1. I have read the entire contents of the file, visited the subject site and its surroundings. I have had particular regard to the issues raised in the grounds of appeal and the applicant's response to these issues. I consider the pertinent issues to be addressed in determining the current application and appeal are as follows:

- Historic Configuration of Buildings
- Separation distance between Sunnyside Mews and the proposed Extension.
- Overbearing Impact
- Daylight Sunlight Considerations
- Suggest Alterations to the Extension as set out in the 3rd Party Appeal

Each of these issues are dealt with under the sub-headings below

### 7.2. **Historic Configuration of Buildings**

The close proximity of the buildings in question does make the extension of either dwelling somewhat problematic in terms of protecting and preserving residential amenity. The existing buildings do not currently comply with development plan standards and guidelines with regard to minimum separation distances between facing elevations etc. Notwithstanding this point, and subject to qualitative

safeguards, it should be a reasonable expectation that the applicant be permitted to alter and extend his/her dwelling in order to cater for changing family needs, particularly having regard to the fact that the subject site is governed by the Z1 zoning objective. Therefore, residential development, including extending an existing house on site is permitted in principle. Whether or not the proposal is acceptable, in terms of preserving the amenity of the existing dwelling house at Sunnyside Mews, is assessed in more detail below.

### **7.3. Separation Distance between Dwellings**

The third-party appeal argues that a separation distance of 3.2 meters between the proposed extension and the existing western elevation of Sunnyside Mews is unacceptable. The separation distance between the appellants house and the existing boundary is not altered as a result of the proposed development. The existing house is located 3.2 meters from the boundary at its closest point. It is important to note that not all of the westward facing façade of the dwelling is located so close to the common boundary. The main entrance to the dwelling on the western elevation is located 4.5 meters from the applicants dwelling house and this will remain unaltered as a result of the proposed extension.

Furthermore, the window on the western elevation facing the subject site likewise is not directly facing directly onto the proposed extension as the window is located slightly to the north, and as such it faces directly towards the eastern elevation of the existing dwelling c.4.5 m to the east. There will be little change or alteration in the aspect from either the doorway or the window on the western elevation in proximity to the proposed extension.

### **7.4. Overbearing Impact**

As already stated above, the proposed extension directly faces neither the window nor the doorway located on the single-story element of the western elevation of Sunnyside Mews. It is my opinion that any potential impact in terms of being overbearing would be significantly reduced on the basis that the extension is not located directly opposite any of the opening on the western facade. Furthermore, the proposed extension in this instance, while being in close proximity to the western

facade of the appellants dwelling, is single storey and incorporates the same roof profile as the existing dwelling on site. The parapet level of the dwelling is approximately 2.8 meters in height. This is not significantly higher than a typical boundary wall; and in this instance is only 0.7 meters higher than the existing boundary wall between both sites. While the ridge height of the proposed extension rises to 3.7 meters in height, the ridge of the extension is set back over 5 meters from the western facade of the appellant house. I do not consider that a structure which rises to a maximum height of less than 4 meters would have a significant impact in terms of being overbearing, notwithstanding the proximity of both dwellings. I consider that the applicant has endeavoured to incorporate all reasonable efforts to ensure that the proposed extension will not have an undue adverse impact on the appellant's amenity in terms of being overbearing.

#### **7.5. Daylight and Sunlight Considerations**

I do not consider that the proposed extension to Sunnyside Cottage will have a material impact on the appellant's access to daylight and sunlight. Any potential impact can be expected to occur in the late evening time as the cottage is located to the west of the subject site. The proposed extension will not directly face onto the openings along the single storey element of the western elevation of Sunnyside Mews but will be located to the immediate southwest of these opes. The proposed extension is less than 4 m in height and as the applicant points out in the response to the grounds of appeal, with reference to the BRE publication 'Site Layout Planning for Daylight and Sunlight (2011)' the subtended angle to the horizontal from the center of the ground floor window is less than 25 degrees (22.5 degrees). As such and in accordance with the said guidelines, the development is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building. I am satisfied therefore that, given the small scale of the extension together with the existing configuration of buildings on site. the proposed extension will not have any impact which is considered to be material in terms of daylight and sunlight. Any small impact must be balanced against the reasonable expectation that the cottage in question can be extended in a way that is proportionate to cater for the needs and expectations of changing family circumstances.

## **7.6. Overlooking and the Position of the Roof lights**

I do not accept that the roof lights proposed to be located within the roof plane of the extension will give rise to any overlooking of the adjoining dwelling at Sunnyside Mews. The roof lights are located high within the roof plane and will only allow for views upwards, towards the sky not surrounding dwelling houses. There are no windows on the gable end of the extension which would give rise to overlooking of the adjoining house. I am satisfied therefore that overlooking will not be exacerbated as a result of the proposed development.

## **7.7. Suggested Alterations in the Grounds of Appeal**

I am satisfied that the extension as proposed which is modest in size will in no material way adversely impact on the amenities of adjoining dwellings including the appellant's dwelling. Due to its modest size and scale being less than 4 meters in height, the proposal will not have an overbearing effect on adjoining residences and will not exacerbate overlooking or overshadowing of adjoining properties. As such I do not consider that the relocation of the extension in the grounds of appeal is neither justified nor warranted. The alterations as suggested would set back the extension from the existing gable of the appellants dwelling by a mere 1.4m but would internalize the existing bathroom, requiring additional roof lights to provide natural illumination to the bathroom. These impacts would be disproportionate on the applicant in my opinion.

The incorporation of a pitched roof, rather than a flat roof is more appropriate in visual amenity terms.

## **8.0 Appropriate Assessment Issues**

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to 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. Arising from my assessment above I consider that the decision of Dublin City Council should be upheld in this instance and planning permission should be granted for the proposed development.

## 10.0 Reasons and Considerations

Having regard to the Z1 zoning objective relating to the site, it is considered that, subject to compliance with conditions set out below, the proposed extension to the dwelling house, would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

## 11.0 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 the 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>
2.	<p>Water supply and drainage arrangements including the attenuation of surface water shall be agreed in writing with the planning authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interests of orderly development</p>

3.	<p>The roof lights shall be kept as flush as possible with the existing roof plane and shall not extend above the existing ridgeline.</p> <p><b>Reason:</b> In the interests of visual amenity.</p>
4.	<p>The external finishes of the proposed extension (including roof tiles and slates) shall it be the same as those of the existing dwelling in respect of color and texture.</p> <p>Reason: To protect the visual amenities of the area.</p>
5.	<p>All gutters drainage and rainwater shall be accommodated within the boundary of the site and shall not overhang any adjoining properties.</p> <p><b>Reason:</b> In the interests of orderly development.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional 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 Caprani  
Senior Planning Inspector

24<sup>th</sup> January 2022