



An
Bord
Pleanála

Inspector's Report ABP 311627-21

Development	Extension to dwelling, 1st floor attic conversion, garden room and ancillary works.
Location	4 Beaver Row, Donnybrook, Dublin 4
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2674/21
Applicant	Jack Cosgrave
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	<ol style="list-style-type: none">1. 1st Party v. condition2. 3rd Party v. grant
Appellants	<ol style="list-style-type: none">1. Jack Cosgrave2. Gerard Wills
Observer(s)	None
Date of Site Inspection	01/04/22
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

No.4 Beaver Row is a double fronted, mid-terrace, single storey dwelling. The terrace comprises of 16 no. dwellings dating back to the early 19th century. Beaver Row runs alongside the River Dodder linking Stillorgan Road. c. 200 metres to northeast and Clonskeagh Road to the southwest.

The dwelling is served by a long rear garden which backs onto Beech Hill Court flat complex consisting of 2 storey buildings. The rear garden boundaries comprise a mix of walls and fencing with mature trees/shrubs in parts. No.3 Beaver Row adjoining has a two storey extension to the rear and is served by a small patio area. Numerous other properties in the terrace have been extended.

2.0 Proposed Development

The application was lodged with the planning authority on the 27/04/21 with further plans and details submitted 19/08/21 following a request for further information dated 23/06/21.

As amended the proposal entails

- Ground floor extension with a stated floor area of 43 sq.m.
- Attic conversion and 1st floor extension with a stated floor area of 50 sq.m.
- Garden room with a stated floor area of 30 sq.m. to be used for purposes ancillary to the dwelling and not for habitation.

The dwelling will provide for 4 no. bedrooms with a floor area of 93 sq.m.

Daylight and Sunlight analysis submitted by way of further information.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 12 conditions. Of note:

Condition 3 (a) dormer type window to attic bedroom to be omitted and roof light provided.

(b) 1st floor extension not to extend more than 3 metres from the original rear elevation.

(c) 1st floor window serving the master bedroom to have a maximum width of 3 metres.

(d) 1st floor side facing window serving the master bedroom to have opaque glazing.

Condition 5: Garden room not to be used for human habitation.

Condition 7: The roof of the extension not be used as a balcony or terrace.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The 1st Planner's report dated 21/06/21 notes:

- The majority of the cottages have been remodelled and extended to the rear to bring them up to modern living standards. The principle of both ground and 1st floor extensions is well established.
- While the general design is acceptable no part of the rear slope of the cottage is to be retained therefore the original character of the house when viewed from the rear would be completely lost. In addition, overshadowing of the courtyard of No.3 and potential adverse impact on the levels of daylight and sunlight requires to be addressed. No.3 does not have the benefit of a long rear garden and is more vulnerable to development than its counterparts.
- There are concerns about overlooking from the rear facing window of the master bedroom and potential to use the roof of the ground floor extension as a balcony/terrace.

A request for further information recommended.

The 2nd report dated 07/09/21 following further information notes:

- The issue of the overall width of the extension and loss of the original rear roof of the dwelling has not been resolved. This can be addressed by omitting the proposed dormer type window to the attic and providing a roof light in lieu of same.

- Adverse impact on No.3 from overshadowing would not arise.
- The 45 degree angle taken from the parapet of the proposed rear extension in the cross section drawing is not the relevant test to determine the impact on the kitchen of No.3 in terms of daylight and sunlight. The correct test as per the BRE guidelines is the 25 degree angle from the patio doors of No.3. The development would subtend a 25 degree angle from the patio doors. This could be addressed by reducing the length of the 1st floor extension to 3 metres so that it does not extend unduly beyond the centreline of the patio doors. This would not impact the feasibility of the proposed bedroom.
- The scale of window to the rear and the precedent it would set is a concern. It should have a minimum width of 3 metres.

A grant of permission subject to conditions recommended.

3.2.2. Other Technical Reports

Drainage Division has no objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

An objection to the proposal received by the planning authority is on file for the Board's information. The issues raised are comparable to the 3rd party grounds of appeal summarised in section 6 below.

4.0 Planning History

I am not aware of any previous planning applications on the site.

Adjoining Sites

PL29S.243827 (2925/14) – permission granted for 2 storey extension to the rear of No. 3 Beaver Row.

PL29S.243473 (2411/14) – permission granted to retain 2 storey extension to the rear of No. 6 Beaver Row.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2016

The site is within an area zoned Z1 the objective for which is to protect, provide and improve residential amenities.

The site is within the Conservation Area associated with the River Dodder.

16.10.12 Extensions and Alterations to Dwellings

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.

5.2. Natural Heritage Designations

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. 1st Party against condition 3 – modifications to 1st floor extension

The submission by Brock McClure on behalf of the applicant can be summarised as follows:

- The level and scale of the development as proposed is considered appropriate and in keeping with the pattern of development in the area.
- The Board is requested to consider the proposal as amended by way of further information.
- Condition 3(a) – the proposed dormer window does not extend past the existing rear elevation of the house nor does it create any potential opportunities for increased overlooking or overshadowing of neighbouring properties. If the dormer window is not provided the floor plans will not be compliant with Part F of the Building Regulations in terms of minimum floor to ceiling height. The Board is requested to omit this condition.
- Condition 3(b) – this requirement is accepted although its omission by the Board would be welcomed.
- Condition 3 (c) – the reduction in the width of the master bedroom window would lead to a significant impact on the architectural character and design value of the proposal without providing any obvious benefits to adjacent properties. That proposed in the further information response does not create any increased potential opportunities for overlooking or overshadowing the properties to either side. It is a standard window arrangement associated with all terraced and semi-detached housing typologies. It is over 23 metres from the rear boundary onto which it faces. It will provide internal amenity in respect of access to daylight.
- Condition 4 (d) – the condition requiring opaque glazing to the 1st floor southwest window is noted and agreed.

6.1.2. **3rd Party v. Grant**

The submission by RW Nowlan & Associates on behalf of the appellant (occupant No.3 Beaver Row) can be summarised as follows:

Overlooking and Overbearing Impact

- The appellant's bedroom faces towards the garden of No.4. The proposed development will result in the window facing directly onto a blank wall in close proximity.
- The 1st storey bedroom would overlook his property resulting in a loss of privacy.
- The proposal would also impact the amenities of No.5 Beaver Row.
- It would have a negative impact on property values.
- The proposal does not comply with the policies for extensions as set out in the City Development Plan.
- The proposal would materially alter the scale and character of the dwelling.

Daylight and Sunlight

- The lack of correct analysis of the proposal on the appellant's property has not been resolved.
- The proposal will have an adverse impact arising from the oversized extension in the confined rear garden space.
- A single storey extension would be more appropriate.

6.2. **Further Responses**

The respective appeals were circulated to the relevant parties for observations/comment.

A response from Brock McClure on behalf of the applicant in response to the 3rd party was received and can be summarised as follows:

The planning history on Beaver Row provides clear precedent for the proposal. There is a mix of styles and sizes ranging from 2 storey to single storey extensions

with a mix of flat roofs, pitched roofs and double pitched roofs. In this context the proposed extension cannot be considered to be out of character or obtrusive.

6.3. Planning Authority Response

None.

6.4. Observations

None

7.0 Assessment

The site is within an area zoned Z1 the objective for which is to protect, provide and improve residential amenities. Whilst extensions and alterations to an existing dwelling are acceptable in principle there is an obligation to reconcile the need to meet the requirements of the applicants with the requirement that such works should maintain the visual amenities and character of the parent building and wider area, whilst not compromising the residential amenities of adjoining properties.

The appeal site forms part of a terrace of single storey properties constructed in the early 19th century. The terrace is a visually important unit which, in relation to the front elevation, has generally retained its original character. Many have been extended to the rear entailing both single and two storey designs. Save for the extension to No. 18 at the western end of the terrace the extensions do not break the ridge line of the original cottages.

No.3 (3rd party appellant's property) immediately adjoining the site to the south/south-west has a two storey rear extension with doors and windows in its southern elevation looking onto the appeal site. The said dwelling does not have the benefit of a long rear garden which the cottages to the south have.

The proposal entails a two storey extension to the rear of the dwelling. It is contemporary in execution with the proposed finishes, including zinc cladding, clearly differentiating it from the original structure. The ground floor with a stated floor area of 42 sqm. it to have a depth of c.6.8 metres. It is to be constructed up to the southern boundary and is to have a setback of 2 metres from the boundary with No.3

to the north. The 1st floor extension is to have a depth of 4.5 metres. It does not extend the full extent of the proposed ground floor extension and is to be set back from the southern site boundary. With the conversion of the roof space the said 1st floor will have a floor area of 50 sq.m.

There is no objection to the extent of the ground floor extension or the proposed garden room to be located to the rear of the garden which is not intended for habitable purposes. The substantive issues arising for the both the 1st and 3rd parties pertain to the 1st floor extension.

The appellant considers that the extent of the extension would adversely impact its amenities in terms of loss of light and overbearing aspect. As noted previously No. 3 has a flat roofed two storey rear extension which extends for the full length of its rear yard with a small patio to its southern boundary. The kitchen at ground floor level is served by patio doors onto the courtyard. The bedroom at 1st floor level has windows both on its southern elevation facing the site and on its eastern elevation.

The proposed 1st floor extension has a depth of c. 2 metres less than the appellant's extension.

By way of further information and the daylight analysis submitted the appellant's patio would experience a minimal increase in overshadowing on the 21st March in the afternoon. As noted by the area planner the relevant test to assess the impact on daylight and sunlight on the appellant's kitchen as per BRE guidelines 'Site Layout Planning for Daylight and Sunlight: A Good Practice Guide' is a 25 degree angle from the patio doors serving the kitchen from a point 1.6m above floor level. As calculated from the cross section the extension would subtend the said degree angle. A reduction in the depth of the 1st floor extension as required by condition 3(b) to no greater than 3 metres would pull it back from the said patio doors thereby ameliorating the potential impact.

Whilst the 3rd party expresses concerns that the proposal will have an overbearing impact when viewed from his property, I note that the extension is to be set back 2 metres from the shared boundary and will have an overall height only marginally higher than the appellant's extension. Coupled with the above requirement in terms of maximum depth which will result in the rear wall of the 1st floor extension having a setback of approx. 3.8 metres from the rear wall of the appellant's extension I

consider the proposal to be acceptable and would not give rise to material concerns in terms of overbearance.

The 1st party is appealing the provisions of condition 3. The Planning Authority considers that works entailing the provision of a dormer window in the existing roof is excessive in terms of the loss of the rear roof line thereby failing to preserve the original character of the house. Its omission and replacement with a roof light is required by subsection (a) of the condition.

Appendix 17 of the Dublin City Development Plan, 2016-2022 recognises the roofline of a building as one of its most dominant features and that it is important that any proposal to change the shape, pitch, cladding or ornament of a roof is carefully considered. In my opinion of paramount importance is the uniform roof line of the cottages when viewed from the front along Beaver Row within the conservation area associated River Dodder and its retention and protection is recommended. In view of the varying heights, scale and styles of extensions to the rear of the dwellings in the terrace I consider that greater latitude can be afforded in terms of the rear rooflines. Views of the properties from the south-east from Beech Hill Avenue are screened by mature trees and planting. On this basis I have no objection to the proposed dormer window serving the bedroom in the attic conversion without which the minimum floor to ceiling heights as required by the building regulations for a habitable room cannot be achieved.

I have addressed the requirements of subsection (b) in terms of the depth of the extension above.

Condition 3 (c) requires the reduction in the window serving the bedroom in the extension to a maximum width of 3 metres. The appellant argues that this reduction would lead to a significant impact on the architectural character and design value of the proposal without providing any obvious benefits to adjacent properties. As to why the planning authority saw fit to seek a reduction in the width from 3.5 metres to 3 metres and what difference this would have is not clear. However I am also unclear as to how this reduction would have the significant impact on the architectural character and design value. I would also not concur with the view that the size is considered standard in terms of terraced and semi-detached typologies. Whilst lateral overlooking is ubiquitous in such urban locations I submit that the 3.5

metre wide by 2 metre high opening is excessive and would heighten the perception of overlooking. Its reduction to no greater than 2.5 metres in width and 1.5 metres in height is considered appropriate.

Appropriate Assessment – Screening

Having regard to the location of the site and the nature and scale of the development to be retained and completed it is concluded no appropriate assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the residential zoning objective for the area, the pattern of development in the vicinity and the scale, nature and design of the proposed extension, it is considered that, subject to compliance with the conditions set out below the proposed development would be acceptable in terms of scale, design and use, and would not seriously injure the 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. The development shall be carried out and completed in accordance with the further plans and particulars lodged with the application as amended by the plans and particulars received by the planning authority on the 19th day of August 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.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - a) The proposed first floor extension shall not extend more than three metres from the rear wall of the existing dwelling.
 - b) The first floor window in the rear (north-eastern) elevation serving the proposed 'master bedroom' shall not exceed 2.5 metres in width and 1.5 metres in height.
 - c) The first floor window in the side (north-western) elevation serving the 'master bedroom' in the proposed extension shall be glazed with obscure glass.

Revised plans and elevations with the necessary alterations delineated thereon shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: To protect the amenities of adjoining property.

3. The roof of the ground floor extension shall not be used as a balcony or terrace.

Reason: To protect the amenities of adjoining property.

4. The proposed garden room shall not be used for human habitation or for any other purpose other than a purpose incidental to the enjoyment of main dwelling.

Reason: In the interest of clarity and to protect the amenities of adjoining property.

5. 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

6. The drainage arrangements, including the 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.

7. 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.

Pauline Fitzpatrick
Senior Planning Inspector

April, 2022