



An
Bord
Pleanála

Inspector's Report 311837-21

Development	Demolition of extension, construction of extension & all associated site works.
Location	30 Connaught Street, Phibsborough, Dublin 7
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1846/21
Applicant(s)	Gordon Hassett & Cana Loh-Hassett
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party v. Decision
Appellant(s)	Cyril White
Observer(s)	None
Date of Site Inspection	14 th February 2022
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 199.5 m² and is located at No. 30 Connaught Street, Phibsborough, Dublin 7. The site is located on the northern side of Connaught Street, close to the Phibsborough Shopping Centre and accommodates a mid-terrace dwelling of 82 m² which is single-storey in height facing onto the public street and 2-storey in height to the rear. An existing lean-to, single-storey extension projects into the rear garden and accommodates a bathroom and shed.
- 1.2. The adjoining dwelling to the east at No. 28 Connaught Street is characterised by a pitched-roof single-storey extension to the rear. The adjoining property to the west at No. 30 Connaught Street has a modern, single-storey extension to the rear. Connaught Street slopes from west to east, with No. 30 Connaught Street being elevated above the subject site and the adjoining site at No. 28 Connaught Street.
- 1.3. A gated laneway extends to the rear of the terraced dwellings on this side of the street. No. 28 Connaught Street accommodates a detached garage structure in the rear garden directly adjacent to the rear laneway. The subject site and the adjoining site at No. 32 Connaught Street have gated access onto the rear laneway.

2.0 Proposed Development

- 2.1. The proposed development consists of the demolition of the existing rear extension containing a bathroom and shed abutting No. 32 Connaught Street and the construction of a single-storey, flat-roof extension to the rear abutting No. 32 Connaught Street, comprising a kitchen/dining room, wc and en-suite at ground floor level and the refurbishment of an existing room into a bedroom at ground floor level.
- 2.2. The proposed extension has a stated floor area of 40 m². It extends to a depth of 9.06 m directly along the shared boundary with No. 32 Connaught Street and is set back from the shared boundary with No. 28 Connaught Street by 0.42 m. The proposed extension includes an enclosed external courtyard which adjoins the existing rear façade of the dwelling. The height of the extension over the external courtyard is 2.67 m, increasing to 3.13 m in the location of the proposed kitchen/dining room.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission subject to 7 no. conditions issued on 6th October 2021.
- 3.1.2. All conditions are standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.2. Basis of Planning Authority's decision.

- 3.2.3. Dublin City Council's Planning Officer considered that given the size, siting and single-storey nature of the proposed extension and the existing garden depth, the proposed development would have no undue negative impacts on the residential amenities of neighbouring properties with respect to overshadowing, overlooking or overbearing impacts. It was also considered that the proposed development would have no undue negative impacts on the visual amenity of the immediate area.

3.2.4. Other Technical Reports

- 3.2.5. **Engineering Department Drainage Division:** No objection to the proposed development subject to conditions.

3.3. Prescribed Bodies

- 3.3.1. **Transport Infrastructure Ireland:** Recommends that a S. 49 development contribution levy be attached if applicable.
- 3.3.2. **National Transport Authority:** None received.
- 3.3.3. **Irish Rail:** None received.
- 3.3.4. **Irish Water:** None received.

3.4. Third Party Observations

- 3.4.1. 1 no. third-party observation was made on the application by Cyril and Deirdre White of No. 28 Connaught Street, Phibsborough, Dublin 7. The issues which are raised can be summarised as follows: (1) scale/bulk of development, (2) loss of sunlight

and daylight, (3) the development is in conflict with Appendix 17 of the development plan.

4.0 **Planning History**

4.1. None.

5.0 **Policy and Context**

5.1. **Dublin City Development Plan 2016-2022**

5.2. **Land Use Zoning**

5.2.1. The site is subject to land use zoning “Z2” (Residential Neighbourhoods - Conservation Areas) which has the objective “to protect and/or improve the amenities of residential conservation areas”.

5.2.2. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.

5.3. **Conservation Areas**

5.3.1. **Policy CHC4:** To protect the special interest and character of all Dublin’s Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

5.4. **Alterations and Extensions**

5.4.1. The policy regarding extensions and alterations to dwellings is set out in Sections 16.2.2.3 and 16.10.12 and Appendix 17 of the development plan.

5.4.2. In general, applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied the proposal will: (1) not have an adverse impact on the scale and character of the dwelling, and (2) not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.

5.5. Private Open Space

- 5.5.1. Section 16.10.2 of the development plan confirms that a private open space standard of 5 – 8 m² per bedspace will normally be applied to residential dwellings in the inner city.

5.6. Natural Heritage Designations

- 5.6.1. None.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third-party appeal has been lodged by PlanningStreet on behalf of Cyril White of No. 28 Connaught Street, Phibsborough, Dublin 7. The appellant occupies the adjoining property to the east of the subject site.
- 6.1.2. The grounds of appeal can be summarised as follows:
- The existing outside bathroom buildings and coal shed are key architectural heritage features and their physical structure should be retained as part of the historic fabric of the building.
 - A minority of houses in the terrace have been extended, and where extensions have been built over the original features, they have generally been respectful of the original design.
 - The proposed extension should be more in keeping with the existing structure in terms of size and traditional roof shape. The flat-roof design does not reflect the status of the conservation area.
 - The proposed extension occupies 50% of the garden area, resulting in a site coverage of 93%, and would be the largest and bulkiest extension in the immediate area. The extension is excessive in size, length and height and is too close to the shared boundary.
 - The proposed development will reduce the appellant's quality of life.

- Insufficient consideration of climate change – the overdevelopment of the site should be prevented to ensure sufficient green space remains to reduce the ‘Urban Heat Island Effect’.
- The remaining garden area (46.38 m²) does not comply with development plan standards.
- The proposed development will result in a severe deduction in light to the appellant’s rear garden, particularly between the hours of 6-9 pm in mid-summer.
- The proposed development will be overbearing on the appellant’s rear garden, which together with the building to the east, will turn the rear garden into an intimidating canyon with tall vertical sides.
- The Planning Authority has given inadequate consideration of the impact of the proposed development on the appellant’s property.
- While the appellant is not opposed to an extension on the subject site, it is considered that planning permission should be refused in this instance.

6.2. Applicant Response

6.2.1. None received.

6.3. Planning Authority Response

6.3.1. A response to the appeal was received from Dublin City Council on 25th November 2021. The Planning Authority considers that the Planning Officer’s report deals fully with the issues raised and justifies the Notification of the Decision to Grant Planning Permission subject to conditions.

6.4. Observations

6.4.1. None.

7.0 Assessment

7.1. I am satisfied that the main issues for consideration in this case include:

- Impact on Conservation Area
- Impact on Residential Amenity of Neighbouring Properties
- Private Open Space
- Appropriate Assessment

7.2. Each of these issues is addressed in turn below.

7.3. Impact on Conservation Area

7.3.1. The appellant submits that the existing bathroom and coal shed to the rear of the subject dwelling are key heritage features and that they should be retained as part of the historic fabric of the building. It is also submitted that the proposed extension is not respectful of the original design and should reflect the existing structure in terms of its size and traditional roof shape. The appellant considers that the proposed flat-roof design does not reflect the status of the conservation area.

7.3.2. While I acknowledge that the subject site is located in a residential conservation area (land use zoning Z2), I note that the existing building is not a Protected Structure. As such, I consider that the addition of a modern extension to the existing building is acceptable in principle, subject to its compliance with development management standards. I also note that the adjoining property at No. 32 Connaught Street is characterised by a single-storey, flat-roof extension to the rear. In my opinion, the proposed development, which is located to the rear of the property and is not visible in any public views of the site, would have no undue negative impact on the residential conservation area.

7.4. Impact on Residential Amenity of Neighbouring Properties

7.4.1. The key consideration in this case is the potential for the proposed development to have negative impacts on the residential amenities of the adjoining properties at Nos. 28 and 32 Connaught Street. While the subject and neighbouring properties have generous rear gardens of approx. 17 - 18 m in depth, they are relatively narrow, with the width of the subject site being 6.41 m.

- 7.4.2. The proposed extension extends directly along the shared boundary with No. 32 Connaught Street to the west, which is elevated above the subject site. This neighbouring property also has a modern single-storey extension to the rear. As such, given that the rear garden of the subject dwelling is at a lower level than No. 32 Connaught Street, and having regard to the scale of the existing single-storey extension to the rear of this property, I consider that the proposed single-storey extension would have no significant overbearing, overlooking or overshadowing impacts on this property. I note in this regard that the owners of this dwelling submitted correspondence with the application confirming they have no objection to the proposed development.
- 7.4.3. No. 28 Connaught Street adjoins the subject site to the east. The appellant's agent submits that the extension is excessive in size, length and height, is too close to the shared boundary wall and will affect the appellant's quality of life. It is also submitted that the proposed development will result in a severe deduction in light to the appellant's rear garden, particularly between 6-9 pm in mid-summer.
- 7.4.4. The proposed extension is set back from the shared property boundary with No. 28 Connaught Street by 0.42 m and extends to a depth of 9.06 m beyond the rear façade of both properties. The proposed extension has a height of 2.67 m adjacent to the rear façade of the subject dwelling and thereafter increases to 3.13 m. In my opinion, the extension has the potential to result in overbearing impacts on the rear garden of No. 28 Connaught Street by reason of its height and depth.
- 7.4.5. While I acknowledge that the proposed development would result in some additional overshadowing of the appellant's rear garden during the evening, in my opinion, these impacts would not be significant given the low position of the sun in the sky at this time. I also note that this amenity space would continue to receive sunshine from the east and south during the morning and afternoon.
- 7.4.6. Thus, while the proposed extension is acceptable in principle, the scale of the development must strike a reasonable balance to protect the residential amenity of No. 28 Connaught Street as required under development plan policy. In my opinion, the scale of the proposed extension should be reduced to address the overbearing impacts which would arise to No. 28 Connaught Street. As such, I consider that the overall height of the proposed extension should be reduced to a maximum of 2.7 m,

while its depth should be reduced by 2 m to a maximum of 7 m. I consider that the amended development would continue to provide reasonable additional living accommodation on a narrow site, whilst minimising its impact on the residential amenities of No. 28 Connaught Street. In the event the Board agrees with my assessment, I note that this matter can be addressed by planning condition.

7.5. Private Open Space

- 7.5.1. The appellant submits that the remaining rear garden size does not comply with development plan standards and that the overdevelopment of this site should be prevented to ensure sufficient green space remains to reduce the 'Urban Heat Island Effect'.
- 7.5.2. In considering the foregoing, I note that private open space of 5 – 8 m² per bedspace is required for residential dwellings within the inner city. While the planning application drawings do not confirm the remaining rear garden area, I calculate that a minimum area of 40 m² remains. In my opinion, this area of open space is sufficient to serve this 3-bedroom dwelling have regard to development plan standards.
- 7.5.3. In my opinion, the proposed single-storey extension would not represent the overdevelopment of the site, given its location within the inner city, which is characterised by a compact form of development. While the appellant's comments regarding Urban Heat Island Effects are noted, I do not consider that this is a valid planning consideration in the context of this appeal case.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the proposed development, the residential land use zoning of the site, and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

8.1. I recommend that planning permission be granted for the proposed development.

9.0 Reasons and Considerations

9.1. Having regard to the residential land use zoning of the site and the nature and scale of the development for which permission is sought, it is considered that, subject to compliance with the conditions set out below, the proposed development, as amended, 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 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 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 development hereby permitted shall be amended as follows:</p> <p>(i) The proposed extension shall have a maximum overall height of 2.7 m.</p> <p>(ii) The depth of the proposed extension shall be reduced by 2 m.</p> <p>Revised drawings demonstrating compliance with these requirements shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.</p> <p>Reason: To safeguard the residential amenities of neighbouring properties.</p>

3.	<p>Details of the external finishes of the proposed extension, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0700 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

Louise Treacy
 Planning Inspector

14th February 2022