



An
Bord
Pleanála

Inspector's Report

ABP-311962-21

Development	Alterations and construction of single storey extension to the rear of an existing two storey dwelling.
Location	No. 15, Carlingford Parade, Dublin 2.
Planning Authority	Dublin City Council South.
Planning Authority Reg. Ref.	3405/21.
Applicant(s)	Hilary Barrett.
Type of Application	Planning Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	First Party.
Appellant(s)	Hilary Barrett.
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. 15 Carlingford Parade, the appeal site, has a stated site area of 80m², is located on the eastern side of Carlingford Parade, a modest cul-de-sac of mainly period dwellings, c19m to the south of its junction with Hogan Avenue and c188m by foot from the junction of Macken Street, Albert Court, Hogan Place and Grand Canal Street Lower. The site contains a much modified 2-storey period dwelling that has been extended to the rear by way of a single storey extension positioned behind the rear elevation and bounding with part of the southern rear site boundary which at this point adjoins a much higher industrial unit that forms part of the adjoining commercial garage. Properties in this cul-de-sac to varying degrees have been altered and extended into their limited rear yard areas. In addition, properties fronting onto Carlingford Parade have zero setback from the public domain and there is on-street pay and display parking available to meet the car parking needs of the Carlingford Parade properties. The immediate area is characterised by its tight historic urban grain and is predominantly residential in its function.

2.0 Proposed Development

2.1. Planning permission is sought for alterations and construction of single storey extension to the rear of an existing two storey dwelling including all associated site works. According to the planning application form these works would result in the demolition of 1.8m² of existing floor area and the stated floor area of new buildings is given as 20.86m². The site is served by an existing public water and mains drainage connection.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority's decision notification dated the 22nd day of October, 2021, granted planning permission subject to seven mainly standard conditions. Of note is the requirements of the following condition:

"3. The development hereby approved shall incorporate the following amendments:

- (a) *The double height element of the proposed rear extension shall be reduced to a maximum height of 3.2 metres.*
- (b) *No element of the rear extension, including all proposed guttering, shall oversail neighbouring/adjoining property.*

Reason: In the interests of orderly development and residential amenity.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner’s Report is the basis of the Planning Authority’s decision, and it concludes with a recommendation to grant permission as set out in the manager’s order and subject to revisions set out under Condition No. 3. The given reasons for this condition arise from the Planning Officers reservations regarding the scale of the proposed extension. On this matter they consider the double height would have an overbearing impact on neighbouring properties and would set an undesirable precedent. Additional concern is raised that the design of the extension is such that it could give rise to potential water run-off into the neighbouring property. Despite these concerns on balance the Planning Officer considered the proposed development, if permitted, would be unlikely to give rise to any adverse residential and/or visual amenity impacts on its setting.

3.3. Other Technical Reports

3.3.1. Engineering: No objection, subject to safeguards.

3.4. Prescribed Bodies

3.4.1. None.

3.5. Third Party Observations

3.5.1. The Planning Authority during the course of its determination received a Third-Party submission from the adjoining property owner of No. 15 Macken Street. This property I note to the Board is located immediately to the rear. They raise visual and residential amenity concerns in relation to the proposed development. Further concern is that the proposed extension involves a building that is two-storey though described with it

contended that the applicants ground levels being higher equivalent properties backing it on Macken Street. Moreover, concerns area raised that the drainage details provided may not be accurate.

4.0 Planning History

4.1. No recent and/or relevant appeal cases in the site setting and immediate locality.

5.0 Policy & Context

5.1. Development Plan

- 5.1.1. The operative plan for the area is the Dublin City Development Plan, 2016-2022. The site is Zoned Z1 where the objective is *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. The appellant seeks that this Condition be omitted or amended.
- An overview of the site setting is given. With this including reference to the two-storey extension which adjoins the property to the south and an extension that extends to the rear boundary wall to the east.
- There is an array of different rear extensions including two storey extensions in this area.
- Reference is made to the Planning Authority's grant of permission P.A. Ref. No. 2930/17.
- The appellant seeks to alter and construct a single storey extension of just over 20m² to the rear of an existing two storey dwelling with the width of the extension spanning that of the site and with the extension extending to the rear boundary. This proposed development would facilitate a new kitchen area. The northern portion of the extension would have a double height. With a maximum height of 4.6m and higher-level glazing at its southern and eastern facades.
- This proposal is consistent with the Development Plan provisions for extensions.
- The double height is a critical element of the design as it maximises light access, particularly in a southerly direction and due to large rear extensions, that run along the entire boundary of the site.
- The Planning Officers concern that the scale of the proposed development could have an overbearing impact on neighbouring properties is vague. It is not accepted that this would be the case.
- It is not accepted that this proposed development, if permitted, would create an undesirable precedent.
- The proposed development would not give rise to any serious visual and/or residential amenity impact on its setting.

- Should the Board decide to not omit Condition No. 3 it is requested that it amends this condition with a reduction in height of 500mm which is considered to be more reasonable than that sought under this condition. Though this reduction would significantly reduce the light access to the kitchen proposed under this application.

6.2. **Planning Authority Response**

6.2.1. None.

6.3. **Observations**

6.3.1. None.

6.4. **Further Responses**

6.4.1. 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) that the double height element of the proposed rear extension to be reduced to a maximum of 3.2m; and sub condition (b) requiring no element of the rear extension, including all proposed guttering, shall oversail neighbouring/adjoining property. The stated reason for these amendments is the interest of orderly development and residential amenity.

7.3. Firstly, in relation to sub condition (b) I consider that the revisions required to ensure that no element of the proposed extension, including all proposed guttering shall

oversail neighbouring/adjoining properties is reasonable given the design of the proposed development with the extension's width spanning the entire width of the rear property. The documentation provided with this application and appeal do not in my view demonstrate that particular measures would be taken to ensure that this would not be the case if the proposed development were to be granted as per the design proposed.

- 7.4. Further the appellants have not demonstrated by evidentiary proof that the site boundaries to the rear elevation of this property are in their entirety in their ownership and that they clearly are not shared boundaries.
- 7.5. Moreover, no letter of consents has been provided by any adjoining property owner which the proposed extension would adjoin for oversailing and/or any encroachment on their property arising from the proposed development.
- 7.6. Given the design put forward I concur with the Planning Authority in this case that the revisions required are reasonable and that the provision of a Section 34(13) of the Planning and Development Act, 2000 as amended, which indicates that "*a person shall not be entitled solely by reason of a permission or approval under this section to carry out a development*" is insufficient in this instance to deal with this matter of concern. I also consider sub condition (b) in this instance accords with Section 22 of the Planning and Development Regulations, 2001, as amended, on the matter of written consent of legal owners given that the information provided with this application as well as on appeal fails to substantiate that the appellant has sufficient legal interest in the land to bring forward a proposed extension that spans the width of the rear of the appeal site.
- 7.7. In relation to sub condition (a) while I observed from inspecting the rear of the site that the tight grain nature of development together with the level of additional extensions to the rear of properties immediately adjoining the rear of the site. As well as in the vicinity of the site in neighbouring properties. That the site is one that is relatively enclosed as a result of these various incremental incursions to the period properties that largely remain intact in this inner-city suburban locality. Given the orientation of the site, the juxtaposition of the property to other man-made insertions that project in close proximity above the rear side and rear boundary walls light access to the rear of the site is an issue.

- 7.8. Notwithstanding, I concur with the Planning Officer in this instance that the height of what is described to be a single storey extension is excessive and overbearing in its context as well as positioning.
- 7.9. In this case the proposed development results in a lack of sub-ordination and graduation of built forms to the rear of the subject property and it would be out of character with the pattern of development to the rear of properties adjoining as well as neighbouring it. Though contemporary in its nature it would nonetheless be visually overbearing as appreciated from the private domain of adjoining and neighbouring properties.
- 7.10. Moreover, arguably has the potential to provide for a mezzanine space in future should further expansion of floor area is required within this property.
- 7.11. Though I am cognisant a condition could be imposed to restrict this potential given that in the absence of more augmentation of the ground levels to provide lower ground levels for the proposed extension in order to achieve required floor to ceiling heights set out under the Building Regulations.
- 7.12. In my view a two-storey extension of this design, built form, scale, massing, positioning, and height would give rise to diminishment of residential amenities by way of actual overlooking, perceived overlooking, additional overshadowing of properties in the vicinity's modest rear private space amenities.
- 7.13. Based on these considerations, the proposed development would be contrary to the zoning objective for 'Z1' land and the planning provisions for extensions as provided for under the applicable Development. They essentially seeks to protect residential amenities whilst balancing proposals like this which seek to improve the individual residential amenities of properties.
- 7.14. I note that the appellant in their grounds of appeal indicate at a last resort they are willing to reduce the height of the proposed double height rear extension proposed by a maximum of 500mm. This would still give rise to an overall height of 4.1m which is excessive and out of character with single storey extensions in this setting. I am of the view that the reduction to the 3.2m proposed by the Planning Authority would give rise to minimal differentiation between the more subordinate single storey element to the rear which has a given maximum height of just below 3.2m (Note: 3195mm). In this case I consider it would be more reasonable that the height be reduced to 3.6m

which would allow for greater light penetration, particularly if it is condition that provision is made for the provision of light wells/light lanterns on the roof structure over, whilst still achieving a more appropriate to the site context and pattern of development single storey extension. Alongside would result in less potential for seriously injury of residential and visual amenities of the area.

7.15. Based on the above considerations whilst I generally occur with the basis upon which the Planning Authority sought the revisions set out under sub condition (a) I consider that a height of 3.6m allows for the integrity of the design to be carried through and together with making a provision for additional light penetration at roof level into the proposed extension would provide a good quality residential amenity outcome for the appellant and future occupiers of No. 15 Carlingford Parade.

7.16. I also note to the Board Section 16.2.2.3 of the Development Plan seeks that extensions and alterations to existing dwellings integrate with their surroundings, that they are clearly subordinate in their built form, that they respect the pattern and rhythm of developments that characterise their setting through to that they are designed sensitively to respect the amenity of adjoining properties.

7.17. In addition, Section 16.10.12 of the Development Plan also seeks to ensure that such developments have regard to the amenities of adjoining properties. Particularly the need for light and privacy for these adjoining properties and that they should not have an adverse impact on the scale and character of the dwelling nor adversely affect the amenities enjoyed by the occupants of adjacent buildings.

7.18. In the absence of the amendments recommended above it is my view that the double height rear extension would fail to be consistent with these Development requirements.

7.19. I further note that the Development Plan indicates that this type of development will be required to demonstrate compliance with these local planning provisions.

7.20. I therefore recommend that Condition No. 3(a) be amended, and Condition No. 3(b) be RETAINED accordingly.

7.21. **Appropriate Assessment:**

Having regard to the nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, and the proximity of the lands

in question to the nearest European site, it is my opinion 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 Natura 2000 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 AMEND Condition Number 3 which amends sub condition (a) and RETAINS sub condition (b) in its entirety. I also advise that further clarity is provided in this condition in relation to these matters being agreed with the Planning Authority prior to the commencement of any development on site.

Condition No. 3 shall be amended to read as follows:

3. *The development hereby approved shall incorporate the following amendments:*

- (a) *The double height element of the proposed rear extension shall be reduced to a maximum height of 3.6 metres and provisions made in the design for rooflights and roof lanterns.*
- (b) *No element of the rear extension, including all proposed guttering, shall oversail neighbouring/adjoining property.*

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 interests of orderly development and residential amenity."

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 storey double height 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.