



An
Bord
Pleanála

Inspector's Report

ABP-312384-22

Development	Demolition of garage and extension, construction of extension, alterations and renovations to dwelling and all associated site works.
Location	9, Sandymount Castle Road, Sandymount, Dublin 4
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3713/21
Applicants	Daire and Aimee MacNamara
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	John Fitzsimons
Observer(s)	None
Date of Site Inspection	26 th February 2022
Inspector	Máire Daly

1.0 Site Location and Description

- 1.1. The subject site which has a stated area of c. 287sq m is located on southern side of Sandymount Castle Road, c. 150m southeast of Sandymount village and c. 3.5m southeast of Dublin city centre. The junction with the Gilford Road is c. 60m to the west.
- 1.2. The existing two storey dwelling house on site is semidetached and adjoins no.11 to the east, with an attached single storey garage adjoining the eastern elevation of no.7 to the west. The dwelling is orientated in a north south direction The dwelling house is midway down the road and is accessed via a vehicular entrance c. 3m in width and driveway to its northern side.
- 1.3. The dwelling houses along the street are characterised by hipped roofs and ground floor front elevation bay windows. Several of the houses along the street have existing extensions to the side and rear, a combination of two storey and single storey. The rear gardens of the houses on the road are ample and stretch for a length of c.16m to the south. The dwellings to the east (no.11) and west (no.7) both have rear and side extensions.
- 1.4. The buildings in the vicinity to the north are also residential in nature and are comprised of mainly two storey dwellings. Sandymount Green and village centre are located close by also to the north.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Demolition of garage structure and single storey element to the side (15 sqm) and;
 - Construction of a c.99 sqm rear, side and partial front extension comprising:
 - A two-storey side extension with a hipped roof, which is to extend out from the existing roof profile, of ridge height 8.135m. This element will project forward of the front building line by c. 0.9m. An extended canopy is also proposed at ground floor level to extend along the front of elevation of the dwelling.

- A two-storey element to the rear with proposed pitched roof ridge height c.7.1m and length c. 4.19m; and
- A single storey flat roof southern element of length c. 1.3m which extends to the rear with flat roof parapet height c.3.22m.
- Vehicular entrance to be widened from 3m to 3.5m and new entrance pillar; and
- General reconfiguration of interior layout and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority granted permission subject to 8 conditions, most of which were standard in nature apart from the following Condition no.7 which stated:

7. The following conditions of the Transportation Planning Division to be complied with:

- a) The existing vehicular entrance shall be retained at its current width, and shall not have outward opening gates.*
- b) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development shall be at the expense of the developer.*
- c) The developer shall be obliged to comply with the requirements set out in the Code of Practice.*

Reason: *In order to ensure a satisfactory standard of development*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer dated December 2021 reflects the decision of the planning authority.

3.2.2. Other Technical Reports

- Drainage Division– DCC – Report dated 01st December 2021 - no objection subject to standard conditions.
- Transportation Planning Division– DCC – Report dated 29th November 2021 - no objection to the proposed development providing that the existing vehicular entrance is retained at its current width (3m) and shall not have outward opening gates and other standard conditions.

3.3. Prescribed Bodies

- Irish Water - No response received.

3.4. Third Party Observations

- 3.4.1. One third party submissions was made in relation to the development. The issues raised mirror that of the appeal discussed below.

4.0 Planning History

4.1. Subject site:

- Dublin City Council (DCC) Ref. 3650/16 - Permission granted in December 2016 for the demolition of the single storey garage (c.14.3m²) to side of the existing 2 storey semi-detached house and the construction of a two storey extension to side (c. 39.7m²), comprising of living accommodation at ground floor and sleeping accommodation at first floor, for the purpose of providing ancillary family accommodation and for the construction of a single storey extension (c.27.7m²) to the rear, including alterations to existing house at ground floor level, and the installation of 1 no. velux type roof window to the rear slope of the existing roof.

4.2. Adjacent site to west:

- Adjacent site to the west at No.7 Sandymount Castle Road – DCC Ref. 4592/18 - Permission granted in March 2019 for the demolition of the single-storey garage (c. 19 sqm) to side of existing two-storey semi-detached house

and the garden shed (c. 6.5 sqm) to rear; construction of a two-storey extension to side (c. 34 sqm) comprising ancillary accommodation at ground floor and sleeping accommodation at first floor; installation of 1 no. Velux type rooflight to the rear pitched roof; construction of a single-storey living room extension to the rear (c. 36 sqm); internal alterations and renovations including services renewals to the existing house; alterations to the front elevation;

4.3. Sites on the northern side of Sandymount Castle Road:

- No.4 Sandymount Castle Road DCC Ref: 3340/14 - Permission granted in December 2014 for the demolition of single storey extension to rear and existing domestic detached structure and subsequent construction of part two storey / part single storey extension to rear of existing semi-detached house, also including an attic conversion and gable construction, 2 no. new dormer windows and rooflights 1 no to the rear, 1 no. new rooflight to front, new roof canopy over front entrance. Alteration to size and number of windows on front elevation and increase site access width and installation of new porch and replacement of bay window.
- No.2 Sandymount Castle Road DCC Ref: 3681/11 - Permission granted in March 2012 for demolition of single storey extension to rear and subsequent construction of part two storey / part single storey extension to rear and new first floor extension to front / side of existing semi-detached house, also including an attic conversion, 2 no. new dormer windows and rooflights to rear, 1 no. new rooflight to side and new roof canopy over front entrance.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative Development Plan is the Dublin City Development Plan 2016-2022. The appeal site has a zoning objective 'Z1 - Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022, with a stated objective 'to protect, provide and improve residential amenities'.

5.1.2. Relevant planning policies and objectives for residential development are set out under Section 5 (Quality Housing) and Section 16 (Development Standards) within Volume 1 of the Development Plan. Appendix 17 of Volume 2 of the Development Plan provides guidance specifically relating to residential extensions, these are summarised as follows:

5.1.3. **Section 16.2.2.3:** Alterations and extensions (general)

- Extensions will be sympathetic to the existing building and adjoining occupiers,
- Be clearly subordinate to the existing building in scale and design,
- Alterations and extensions to roof will respect the scale, elevational proportion and architectural form of the building.

5.1.4. **Section 16.10.12:** Extensions and Alterations to Dwellings

Relates to alterations and extensions to dwellings and states that development will only be granted where it will not have an adverse impact on the scale and character of the area and will not adversely affect amenities enjoyed by occupants of adjacent buildings.

5.1.5. **Appendix 17** of the Plan sets out design guidance with regard to residential extensions. The following subsections are relevant:

- 17.3: Residential amenity: extensions should not unacceptably affect the amenity of the neighbouring properties.
- 17.4 Privacy: Extensions should not result in any significant loss of privacy to the residents of adjoining properties.
- 17.6 Daylight and Sunlight: care should be given to the extensions and the impact on the adjoining properties.
- 17.11 Roof extensions: the design of the roof shall reflect the character of the area and any dormer should be visually subordinate to the roof slope, enabling a large proportion of the original to remain visible.

5.2. Natural Heritage Designations

- 5.2.1. The site is located c. 360 m west of the South Dublin Bay SAC (Site Code: 000210) and the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024).
- 5.2.2. The site is located c. 360m west of the South Dublin Bay Proposed Natural Heritage Area (Site Code: 000210).

5.3. EIA Screening

- 5.3.1. The proposed extension to the existing residential dwelling is not a class of development for which EIAR is required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. One third party appeals have been received on behalf of Mr. John Fitzsimons of No. 11 Sandymount Castle Road, the adjoining property to the east of the application site. The grounds of the appeal can generally be summarised as follows:
- Precedent – No precedent exists for 2-storey rear extensions along the entire stretch of Sollymount Castle Road – this proposal if permitted would set an undesirable precedent.
 - Overshadowing – the proposed 2 storey rear extension will create excessive overshadowing of the rear wall, windows , rear conservatory and rear garden of the appellant’s property to the east at no.11.
 - Overlooking – the proposed first floor window of the rear extension will overlook the existing conservatory and rear garden of no.11.
 - Trespass/damage – The side wall of the proposed single storey rear extension is to be located adjacent to the shared wall which separates the respective rear gardens of no.9 and no.11 Sandymount Castle Road – this boundary wall should not be disturbed as it is jointly owned.

6.2. Applicant Response

6.2.1. The applicants' response to the grounds of appeal can be summarised as follows-

- Several examples of established precedent in the area exist of two storey rear extensions e.g., no.2 and no.4 Sandymount Castle Road and no.8 Sandymount Castle Drive.
- Minor overshadowing of the adjoining property to the east is inevitable in the late evening. The first-floor proposed extension was designed to be centrally positioned to ensure no significant overshadowing and no overbearing effects. A shadow analysis was submitted which demonstrates no excessive overshadowing.
- No overlooking of the adjoining properties will occur.
- The shared boundary wall will be protected and the submitted plans do not show any works to this shared boundary wall.
- This type of proposed extension is very common throughout Dublin.

6.3. Planning Authority Response

- None received.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Design and Precedent
- Impact on Adjacent Residential Amenity
- Vehicular Entrance and Parking
- Other Matters
- Appropriate Assessment – Screening

7.2. Design and Precedent

7.2.1. The appellant contends that the proposed development by virtue of its two-storey rear extension would set an undesirable precedent in the area given that no other two storey rear extensions exist along this stretch of Sallymount Castle Road. However, this would appear to be untrue as both no's 2 and 4 on the northern side of the street (referenced above under Section 4.3) both have two storey rear extension elements and I note in addition also include third floor dormers. While I acknowledge that any of the extended houses located along the southern side of the street are comprised of single storey extensions this would not restrict the consideration of two storey extensions to the rear in the future subject to normal planning considerations. In relation to the current appeal these considerations are discussed in the sections that follow.

7.3. Impact on Adjacent Residential Amenity

Overshadowing

- 7.3.1. The impact of the proposed development on the residential amenity of neighbouring properties is a central issue in the grounds of appeal. The submitted appeal raises concerns in relation to overshadowing and the impacts that the proposed two storey rear extension will have on the appellant's rear wall windows and internal rooms, the rear conservatory and rear garden of the property to the east at no.11 Sandymount Castle Road.
- 7.3.2. The proposed rear extension would span c. 9.14m across the width of the site and adjoins the eastern boundary with no.11. At ground floor level the extension is to extend c. 5.48m from the existing rear wall of the dwelling, and c. 4.19m at first floor level. The first-floor element of the extension is to be located to the centre of the rear elevation with a pitched roof with ridge height of c. 7.1m and is to be integrated into the existing/extended side hipped roof of no.9 which has an overall ridge height of c. 8.135m, this will ensure it will not be visible from the public domain. The single storey flat roof element which extends to the south has a parapet height of 3.22m.
- 7.3.3. Section 16.2.2.3 of the Development Plan states that alterations and extensions should be sensitively designed and detailed to respect the character of the existing building, its context and the amenity of adjoining occupiers. In my opinion the applicants have sought to achieve this by integrating the proposed two storey

extension into the existing dwelling via a pitched roof design. Section 16.10.12 of the Plan states that proposed extensions should not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight. Appendix 17 of the Plan expands further on these daylight and sunlight considerations and states under Section 17.6 that consideration should be given to the proportion of extensions, height and design of roofs as well as taking account of the position of windows including rooms they serve to adjacent or adjoining dwellings. A 'Shadow Diagram' was submitted as part of the application, this illustrates an increase in overshadowing to a minor degree at 3pm on 21st March and to a larger degree at 6pm on 21st March, 21st June and 21st September on the adjoining property to the east (no.11) and its associated rear conservatory. While I acknowledge that a certain level of sunlight will be lost as a result of the proposal, in my opinion the design of the two-storey element seeks to mitigate any adverse impacts through a lower ridge height of c. 7.1m (than that of the main dwelling at c. 8.135m) and a pitched roof design. In addition, I note that both the subject site and that at no.11 have south facing rear elevations with gardens projecting c. 12m (from the rear of no.11) in the same direction and therefore in my opinion given the orientation provide ample scope to receive adequate levels of daylight and sunlight on these private amenity areas throughout the year. Also, I note that the conservatory to the rear of no.11 has a slate roof with a single skylight located on the southern roof plane. Given that the roof is not glass and already provides a certain level of cover I would not consider that the addition of the two storey element of the proposed extension at no.9 would significantly impact on the enjoyment of this room by the occupants.

Overlooking

- 7.3.4. The appellant contends that the proposed extension's first floor rear window will create excessive overlooking of their rear conservatory and rear garden. As already stated, the roof of the adjacent conservatory has a slate finish apart from one skylight on the southern roof plane. No windows are proposed on the eastern side elevation of the extension and the only windows facing south, overlooking the back gardens, are that of the existing bedroom no.3 and the proposed master bedroom (which in fact projects beyond the adjacent conservatory). While some overlooking of the rear gardens will be possible in my opinion this will not be increased beyond that

which is already possible from the first-floor rear windows of the existing dwelling at no.9. Therefore, I do not consider that the proposal will result in any adverse impacts on adjoining residents or private amenity areas as a result of overlooking.

- 7.3.5. In addition, I am satisfied that the proposed extension will not have any adverse impacts on any of the other dwellings in the vicinity given that the 22m separation requirement (as outlined under Appendix 17 of the Plan) is maintained between the rear of the proposed extension and the rear of nos.8 and 10 Sandymount Castle Drive to the direct south of the subject site.

Conclusion

- 7.3.6. Overall, I do not consider the proposal would result in any significant injurious impact on the residential amenity of the adjacent dwellings and would not have an adverse impact on the character of the area and I consider the proposal in line with Section 16.10.12 and Appendix 17 of the Development Plan.

7.4. Vehicular Entrance and Parking

- 7.4.1. No.9 is currently served by an existing vehicular entrance at c. 3m in width. The application proposes to widen the entrance to 3.5 m. An on-street parking scheme exists along Sandymount Castle Road which extends along the front of no. 9 adjacent to the dished kerb at the entrance. Any widening of the entrance would require the widening of this dished kerb also and result in the loss of on street car parking. Policy MT14 of the Dublin City Development Plan 2016-2022 seeks to minimise loss of on-street parking.
- 7.4.2. The Development Plan states that vehicle entrances shall be at least 2.5 metres, or at most, 3.6 metres in width. Narrower widths are generally more desirable and maximum widths will generally only be acceptable where exceptional site conditions exist. Having regard to the uniformity of entrance widths along the street and also the fact that adequate access to in curtilage parking exists, I do not consider that any exceptional site conditions exist that would warrant a near maximum width entrance. I would therefore be in agreement with the planning authority that the existing vehicular entrance width be retained. I consider the insertion of a pillar acceptable and that this would add to the visual uniformity of the street.

7.5. Other Matters

7.5.1. The concerns of the appellant in relation to the impact of the proposed development on the shared boundary wall between nos. 9 and 11 are noted, however the submitted 'proposed ground floor plans' show the proposal within the existing site boundary and also that a narrow setback from the site boundary exists. Where issues regarding the existing boundary wall arise, this would be considered a civil matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act. There is no planning reason to refuse the development on these grounds.

7.6. Appropriate Assessment - Screening

7.6.1. Having regard to the modest nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on any European site.

8.0 Recommendation

8.1. I recommend that planning permission should be granted based on the following reasons and considerations and subject to the attached conditions.

9.0 Reasons and Considerations

9.1. Having regard to the residential zoning objective for the area, the design and appearance of the proposed extension, and the pattern of development in the vicinity, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the residential amenities of property in the vicinity or the character of the area. The proposed development, therefore, would 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 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.

Reason: In the interest of clarity.

2. The existing vehicular entrance shall be retained at its current width and shall not have outward opening gates.

Reason: To ensure a satisfactory provision of on street parking and in the interest of visual amenity.

3. No flat roofed area shall be used or accessed as a roof garden/patio.

Reason: In the interest of residential amenity.

4. 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.

Reason: In the interest of public health.

5. Site development and building works shall be carried out only between the hours of 0800 to 1800 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 site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to

be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

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.

Máire Daly
Planning Inspector

28th February 2022