



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313582-22

#### Development

Permission is sought for the demolition of a single storey extension, construction of a two-storey extension to the rear and all associated site works.

#### Location

No. 47, The Rise, Glasnevin, Dublin 9.

#### Planning Authority

Dublin City Council North.

#### Planning Authority Reg. Ref.

3355/22.

#### Applicant(s)

Tom O'Connor and Grace Molloy.

#### Type of Application

Planning Permission.

#### Planning Authority Decision

Grant with conditions.

#### Type of Appeal

First Party.

#### Appellant(s)

Tom O'Connor and Grace Molloy.

#### Observer(s)

None.

#### Date of Site Inspection

31<sup>st</sup> day of August, 2022.

#### Inspector

Patricia-Marie Young.

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## 1.0 Site Location and Description

- 1.1. No. 47 'The Rise', is a rectangular shaped site with a stated area of 328m<sup>2</sup>. It is located on the northern side of The Rise c138m to the east of its junction with the Ballymun Road (R108) and c253m to the south west of its junction with the Griffith Avenue, in the Dublin city suburb of Glasnevin, Dublin 9.
- 1.2. No. 47 is a period two-storey mid terrace dwelling that dates to c1930s and its original built form is highly intact as appreciated from the public domain of The Rise. To the rear No. 47 contains a later single storey flat roof rear extensions. It forms part of a group of originally coherent in design and layout 1930s two storey dwellings. Many of the properties within this setting have been subject to alterations and additions since their initial construction with properties immediately adjoining being extended to the rear and into the attic space.
- 1.3. The site setting can be described as mature residential but within easy reach of public transport alongside a wide variety of services through to amenities. In addition, the site lies within easy reach of Dublin city centre which lies just over 4km to the south east.

## 2.0 Proposed Development

- 2.1. Planning permission for development of two storey mid terrace dwelling. The works will consist of:
  - Demolition of a single storey rear extension (16.75m<sup>2</sup>).
  - Construction of a two-storey extension to the rear (54m<sup>2</sup>).
  - All associated site works and services.
- 2.2. According to the planning application form the floor area of existing buildings on site is 91.3m<sup>2</sup>; the proposed plot ratio would be 0.47 and site coverage would be 30%. This appeal site has existing connections to public water and foul drainage.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The Planning Authority's Notification of the Decision to Grant Permission subject to 9 no. conditions was issued on 19<sup>th</sup> April, 2022. Of relevance to the grounds of this First Party appeal is the requirements of Condition No. 9. It reads:

*"The development shall be revised as follows:*

*The proposed first floor extension shall be reduced a maximum length of 4 metres."*

The stated reason reads:

*"In the interest of protecting the residential amenity of No. 45 The Rise, directly adjoining".*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planning Officer's report is the basis of the Planning Authority's decision.

### 3.3. Other Technical Reports

**Engineering:** No objection.

### 3.4. Prescribed Bodies

- 3.4.1. None.

### 3.5. Third Party Observations

- 3.5.1. None.

## 4.0 Planning History

### 4.1. Site

- 4.1.1. None.

### 4.2. Setting

4.2.1. **No. 31 The Rise**, c55m to the south east of the site at its nearest point.

**ABP-308516-20 (P.A. Ref. No. WEB1518/20)**

This appeal case related to a First Party Appeal for a development comprising of the demolition of existing single storey garage to side, construction of new part single, part two-storey extension to the side and rear of the existing house to include roof windows, and alterations to increase the width of the existing vehicular access to front boundary, together with associated site works, all at 31 The Rise, Glasnevin, Dublin, and sought the Board to remove Condition No. 3(a) from the Planning Authority's decision notification. This condition required that the first-floor extension shall extend a maximum of 4m from the existing 1<sup>st</sup> floor rear elevation of the dwelling. The Board under the provisions of subsection (1) of **Section 139** of the Planning and Development Act, 2000, directed the Council to **remove** this condition for the following stated reasons and considerations.

*“Having regard to the residential land use zoning of the site, the nature and scale of the proposed development and its configuration relative to the neighbouring property to the north at number 33 The Rise, it is considered that the modifications required by the planning authority in its imposition of condition number 3 (a), are not warranted, and that the proposed development, with the removal of condition number 3 (a), would not have a significant negative impact on the residential amenities of this neighbouring property, or any other property in the vicinity of the application site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.”*

Decision date: 26/03/2021.

## 5.0 Policy Context

### 5.1. Development Plan

#### 5.1.1. Dublin City Development Plan, 2016-2022.

The site is subject to land use zoning 'Z1' (Sustainable Residential Neighbourhoods). The stated objective for such lands is: *“to protect, provide and improve residential amenities”*.

Sections 16.2.2.3, 16.10.12 and Appendix 17 of the Development plan set out the local planning provisions regarding extensions and alterations to dwellings. 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, access to daylight and sunlight.

## **5.2. Natural Heritage Designations**

- 5.2.1. The site is not located within a designated Natura 2000 site, it does not adjoin such a site nor is it within the zone of influence of such sites.

## **5.3. EIA Screening**

- 5.3.1. The proposed development is not of a nature or scale which would fall within the fifth schedule of the Planning and Development Regulations, 2001, (as amended), such as would necessitate the carrying out of an EIAR.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. A First-Party appeal has been lodged by ANOIS Architecture & Design Studio on behalf the applicants, which relates to Condition No. 9 of the Planning Authority's Notification of the Decision to Grant Permission only. It can be summarised as follows:

- It is reasonable to contend that any rear extension at the party wall will have some visual impact on neighbouring properties to a certain degree; however, based on visual and shadow studies of the proposed development it is considered that no significant impact would arise.
- The neighbouring property owners were consulted during the planning period and raised no objection to the proposed development.
- The length of the development is integral to the design to ensure a sustainable home suitable for contemporary family living.

- The feasibility of the 4m and 4.5m first floor length extension has been examined and it was found that it is not possible to achieve the required additional bedroom and bathroom without decimating the fabric of the existing house.
- Reference is made to local planning provisions which it is contended that this development accords with.
- The design approach sought to achieve a subordinate extension which accorded with Section 16.2.3.3 of the Development Plan and seeks to minimise impact on neighbouring properties.
- Although the first-floor elements extend from the existing property by 5.96m the first-floor mass has the appearance of 4.39m as a section of 1.58 is reduced in height to join the existing roof with minimal impact and reduce its visual mass. This section has a lower ceiling height and houses a stairwell and WC.
- The mass is broken up into two forms to ensure visual subordination is achieved with the host dwelling and to ensure that it is not overbearing.
- A shadow study is submitted to show that overall impact of the reduction in length required under Condition No. 9 would not give rise to any difference in resulting overshadowing of neighbouring properties from the proposed first floor element. There would only be a minor difference in terms of overshadowing as shown in spring and autumn later afternoon as well as in summer afternoon.
- The reduction does not give rise to any significant qualitative residential amenity outcome for No. 45 The Rise and would restrict the feasibility of house being a suitable home for life as well as to meet the applicant's family needs.

## 6.2. **Planning Authority Response**

6.2.1. The Planning Authority's response can be summarised as follows:

- The Board is referred to the Planning Officer's report and it remains of the opinion that the first-floor level extension should be reduced to a maximum of 4m.

## 6.3. **Observations**

6.3.1. None.

## 7.0 Assessment

- 7.1. This is a first party appeal against Condition No. 9 as attached to the Planning Authority's Notification of the Decision to Grant Planning Permission. As set out under 3.1.1 of this report above this condition requires the development to be revised so that the first-floor extension element be reduced to a maximum length of 4 metres. The reason for this reduction in length of the first-floor element of the development sought is given as being in the interest of protecting the residential amenity of No. 45 'The Rise', which adjoins the eastern boundary of the site and shares a common boundary with No. 47 'The Rise'.
- 7.2. Following my inspection of the site, examination of the planning file and grounds of appeal, together with having regard to all relevant planning policy provisions, I consider it appropriate that the Board should confine its determination of this appeal case to Condition No. 9 only.
- 7.3. Accordingly, I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted, and that the Board should determine the matters raised in the appeal only in accordance with Section 139 of the Planning and Development Act 2000, as amended.
- 7.4. The Planning Officer's report which is the basis of the Planning Authority's decision in this case raised concerns in relation to the proposed length and height of the first-floor element of the development sought given its siting along the common boundary, particularly with the adjoining property of No. 45 'The Rise' which is located to the east of the site.
- 7.5. In this regard, it considered that the proposed first floor level would appear overbearing when viewed from this property and could negatively impact on the residential amenities of this property.
- 7.6. The Planning Officer also noted that in relation to the recent development determined by the Board for a similar development at No. 31 'The Rise' (Note: ABP-308516-20) that a similar reduction in length was required by way of condition but on appeal to the Board was omitted.
- 7.7. As set out under Section 4 of this report above the Board considered that the condition requiring the reduction in length of the first-floor level element was not warranted as



they did not concur with the Planning Authority that it would give rise to a significant negative impact on the residential amenities of any adjoining properties and that the proposed development would accord with the proper planning and sustainable development of the area.

- 7.8. In relation to this case the Planning Authority's Planning Officer considered that the site context was different as it related to semi-detached property that benefitted from greater separation distances between it and the property of concern.
- 7.9. I note that the property of concern did not form part of the subject semi-detached pair in this case and related to an end of terrace of three 2-storey dwellings which was located on a generous plot in the context of this 1930s residential scheme to the north but with the property of concern located with a south west and north east orientation.
- 7.10. In this case the first-floor element extends by 5.96m with the first-floor element broken up into two distinct elements. The first has a length of 1.58m, a height of 5.35m and a width of 5.26m contains a WC and stairwell. Its height sits 890mm lower than the main first floor level that lies to the north of it. It fits into the eaves of the host dwelling and effectively acts as a link between it and the main first floor element that accommodates an additional bedroom. The western elevation of this element is mainly glazed but includes a reeded glass to prevent overlooking of the adjoining property to the west. The main first floor level has a matching width and has an overall height of 6.24m. It is flat roofed like the WC and stairwell first-floor element and sits on top of a new ground floor level extension that extends 7.65m from the original rear elevation. Internally it encompasses a 16m<sup>2</sup> bedroom with a ceiling height of 2.59m. With this bedroom space containing one window on its rear elevation. The main external finish of the larger first floor element is brick cladding and there is generous lateral separation distance between the first-floor rear elevation and the nearest adjoining properties to the north.
- 7.11. I consider that the design approach puts forward a contemporary design that the breaking up of the height, mass and volume of the first-floor level extension, achieves a level of subordination between it and the 1930s host dwelling. The host dwelling forms part of a terrace group whose rear elevation is not visible from the public domain and has been subject to a variety of additions and alterations.

- 7.12. Further, the gap created by the lower first floor element immediately adjoining the rear elevation of the host dwelling allows for greater light penetration from the rooflight in the rear slope.
- 7.13. Having regard to the shadow analysis provided I am also satisfied that the difference between the 5.98m in length rear first floor level extension and the 4m one would give rise to limited improvements to the overshadowing and daylighting arising from the proposed development which seeks to extend what is a modest in size family home to make it more suitable to accommodate their family needs. With the main element of the extension being concentrated at ground floor level and with the first-floor level pulled away from the western boundary which would because of the orientation of the site and this terrace group be more vulnerable to more significant overshadowing and loss of daylight than the property to the east given the south west and north east orientation and aspect of the properties in this terrace group.
- 7.14. I also note to the Board that there are no objections raised by any adjoining property owner and it would appear that the design resolution was one that not only had regard to limiting adverse impact on properties in its vicinity through is one that the appellants contend included engagement with their adjoining neighbours.
- 7.15. In my opinion, the requirement to reduce the length of the extension to no more than 4m beyond the existing rear building line as is required under Condition No. 9 Planning Authority's Notification of the Decision to Grant Planning Permission is unwarranted and unnecessary, having regard to:
- (1) Residential zoning of the site and its setting.
  - (2) The pattern of development.
  - (3) The planning history of the site and its setting.
  - (4) The contemporary design resolution with a qualitative palette of external materials.
  - (5) The breaking up of the first-floor levels building height combined with the measures to reduce the built form of the first-floor elements including minimising internal floor to ceiling heights of the bedroom element.
  - (6) The orientation of No. 47 'The Rise' and terrace group it forms part of.

(7) The generous lateral separation distance between it and the nearest first-floor level to the rear (Note: would appear to be c45m).

(8) The extent of the overshadowing impacts which would arise to No. 45 'The Rise' based on the 4m reduction and when compared with that proposed giving rise to no significant difference in outcome.

7.15.1. I am also not convinced to reduce the first-floor length of the rear first floor extension to 4m beyond the existing rear building line would give rise to any significant improvement in terms of whether it would be viewed from No. 45 'The Rise' as being overbearing in its built form.

7.15.2. Moreover, subject to a qualitative treatment of external finish along the common boundary of the two properties it could result in a level of improved perception of privacy for this adjoining property over and above the existing context by way of it blocking a level of oblique overlooking from properties to the east.

7.16. Based on the above considerations, the proposed development would be an acceptable form of development that would give rise to no residential or visual amenity impact on No. 45 'The Rise' or other properties in its vicinity. Therefore, I recommend that the Board direct the Planning Authority to omit Condition No. 9 of the Notification of the Decision to Grant Permission in the interests of proper planning and sustainable development of the area.

#### **7.17. Appropriate Assessment**

7.17.1. Having regard to the nature and scale of the proposed development 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 the Planning Authority be directed to omit Condition No. 9 of the Planning Authority's Notification of the Decision to Grant Permission for the reasons and considerations set out hereunder.

## 9.0 Reasons and Considerations

1. Having regard to the residential land use zoning of the site, the nature and scale of the proposed development and its configuration relative to the neighbouring property to the east at No. 45 'The Rise', it is considered that the modifications required by the planning authority in its imposition of condition number 9 are not warranted, and that the proposed development, with the removal of condition number 9, would not have a significant negative impact on the residential amenities of this neighbouring property, or any other property in the vicinity of the application site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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Patricia-Marie Young  
Planning Inspector

21<sup>st</sup> day of September, 2022.