



An
Bord
Pleanála

Inspector's Report ABP-313684-22

Development

Retention of a single storey domestic extension to the rear of the main house and including a skylight extending to a height of 5.22m. Retention permission is also sought for a window and glazed door with glazed side panel facing the northern site boundary at ground floor level.

Location

3 Gilford Avenue, Sandymount, Dublin
4

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

WEB1210/22

Applicant(s)

Roisin Curley

Type of Application

Retention

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Roisin Curley

Observer(s)

Michele Barrett
Alan Mahon

Date of Site Inspection

20/10/2022

Inspector

Lorraine Dockery

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 172.3 square metres, contains a mid-terrace, two-storey red brick residential property. The terrace contains four no. two-storey red brick houses with projecting bay windows at ground floor level. The site shares a boundary with Brabazon House to the rear, a nursing home complex.

2.0 Proposed Development

- 2.1 Retention permission for a single storey domestic extension to the rear of the main house and including a skylight extending to a height of 5.22m. Retention permission is also sought for a window and glazed door with glazed side panel facing the northern site boundary at ground floor level.

3.0 Planning Authority Decision

3.1. Decision

Permission REFUSED for one reason as follows:

It is considered that the development for retention, by reason of scale, mass and design, in particular of the roof elements, is visually obtrusive in views from the private amenity spaces of adjoining properties and would thereby seriously injure the residential amenities of such properties contrary to Section 16.10.12 Extensions and Alterations to Dwellings of Dublin City Development Plan 2016-2022 and set an undesirable precedent for the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the planner's report include:

- Extension for retention is visually obtrusive when viewed from both the laneway and the private amenity spaces of adjoining properties and has an adverse impact on the scale and character of the existing dwelling.
- Would therefore set an undesirable precedent for the area.

- Recommends refusal of permission

3.2.2 Other Technical Reports

Drainage Division- No objections, subject to conditions

3.3 Prescribed Bodies

None

4.0 Planning History

ABP-310347-21

Section 5 Referral- That the construction of an extension to the rear of the dwelling is development and is not exempted development and that the construction of the shed to the rear of the dwelling is development and is exempted development.

E0551/20- Enforcement

Two section 154 Enforcement Notices have been served relating to development comprising of a single storey extension to the rear, which constitutes development and is not exempt development nor development for which planning permission has been granted.

Adjacent site – No. 1 Gilford Avenue:

PA Ref: 2948/04:

Permission GRANTED for a first-floor rear extension consisting of a bedroom and bathroom extension.

PA Ref: 1021/05:

Permission GRANTED for amendments to previously approved planning permission

reg. ref. 2948/04 to increase the size of the ground floor kitchen area by 6 metres squared with an additional 2 metres squared storage area at first floor level to the south of the previously approved extension Reg Ref 2948/04

5.0 Policy and Context

5.1 Development Plan

The Dublin City Development Plan 2016-2022 is the operative Development Plan for the area.

Zoning- 'Objective Z1' which seeks 'to protect, provide and improve residential amenities'.

Section 16.2.2.3 Extensions and Alterations

Section 16.10.12 Extensions and Alterations to Dwelling

Appendix 17 deals with Guidelines for Residential Extensions.

5.2 Natural Heritage Designations

The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

5.3 EIA Screening

Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of residential development in the vicinity, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1 Grounds of Appeal

An appeal was received on behalf of the first party. The issues raised can be broadly summarised as follows:

- In other circumstances, the subject works would have been categorised as exempted development. If the applicants had demolished the existing rear return, then the proposed works would have been classified as exempted development
- Number of precedents in the locale for rear extensions of scale that are deemed appropriate in their surrounding context- precedent for extensions that breach building line and those of two-storey contemporary style
- Consideration given to wider context and neighbouring properties in design response- innovative architectural response with contemporary materials used
- Relatively modest, single storey scale is appropriate to context where properties in immediate vicinity contain more substantial two-storey extensions- does not impact on privacy or daylight/sunlight of adjoining properties; not in direct line of sight of any neighbouring windows

6.2 Planning Authority Response

Requests that An Bord Pleanála uphold their decision but if permission is granted that a section 48 development contribution condition be attached to any such grant

6.3 Observations

Two observations were received- from Michele Barrett, 1 Guilford Avenue and from Alan Mahon, 6 Gilford Road. These observations may be broadly summarised as follows:

- Supports decision of planning authority

- Policy: Site coverage exceeds that indicative standards of Development Plan; compliance with zoning objective
- Visual Amenity: Existing extensions in vicinity are vernacular in style and materials; size, bulk, shape and materials of proposal are in disharmony with existing development; height and scale out of proportion with main house; design/position is visually obtrusive
- Residential Amenity: Impacts on outlook, privacy and deterioration in daylight/sunlight caused by extension; inconsistent with proper planning and sustainable development of the area
- Drainage: Surface water disposal
- Other Matters: Size of extension differs from stated dimensions in application; compliance with building regulations

6.4 Further Responses

None

7.0 Assessment

- 7.1 I have read all the documentation attached to this file including inter alia, the appeal submission, the report of the Planning Authority and observations received, in addition to having visited the site.
- 7.2 The primary planning issues, as I consider them, are (i) policy (ii) the impact on the visual and residential amenity of the adjoining property arising from the proposed works and (iii) drainage matters.

Policy

- 7.3 The subject site is zoned 'Objective Z1' in the operative City Development Plan with 'residential' being a permissible use. The operative City Development Plan is generally favourable to such extensions, subject to normal planning criteria, and I note section 16.10.12 in this regard. Section 16.6 of the operative City Development Plan sets out 'Indicative Site Coverage' standards which for Z1 zoned lands is 40%-60%. The site coverage in this current proposal is stated as being approximately 67%. Given the marginal exceedance of this Development Plan standard, I am

satisfied in this regard and consider the proposal to be generally in compliance with the standards of the operative City Development Plan.

Visual Amenity

- 7.4 In terms of visual amenity, I consider that the extent, scale and mass of the proposed extension is appropriate to its urban location and context. A contemporary design solution has been put forward and the materials proposed reflect this design approach. I acknowledge that in its present uncompleted form, the extension is not visually pleasing when viewed from the laneway adjoining No. 1 Gilford Avenue or from neighbouring properties but I am of the opinion that, once completed, the proposal would integrate well with the existing dwelling and other properties in the vicinity. I note the varying heights, scale and styles of extensions permitted to the rear of properties in the vicinity and there is a general lack on uniformity in this regard within the general area. It may be considered that a precedent has already been established for such extensions in the locality. In particular, I note the extent of extensions constructed to the rear of No. 1 Gilford Avenue (an observer's property) and No. 5 Gilford Avenue- both immediately adjoining.
- 7.5 I consider that the proposal would not result in material impacts on adjoining properties, in particular when viewed from their private amenity space, and I do not consider the proposed works to be visually incongruous or dominant in this context. I am satisfied in this regard.

Residential Amenity

- 7.6 In terms of impacts on residential amenity, I consider that any impacts would not be so great as to warrant an alteration to its design or a refusal of permission. This is considered to be a relatively minor, small-scale, extension development providing additional accommodation within the rear garden area of an established residential area. I am satisfied with the proximity to boundaries proposed.
- 7.7 Given the single storey height and design rationale put forward, I do not anticipate levels of overlooking or impacts on privacy to be excessive. There will be a change in outlook, however this is not unexpected given the urban location of the site. I again acknowledge that in its present uncompleted state, the proposal is not as visually pleasing as one would anticipate when completed. I consider that the site has the capacity to absorb a development of the nature and scale proposed, without

detriment to the amenities of the area. I again note the extent of development constructed to the rear of adjoining properties. I am generally satisfied in this regard. I have no information before me to believe that the proposal would lead to devaluation of property in the vicinity.

- 7.8 In terms of impacts on daylight and sunlight, I am conscious that in designing a new development, it is important to safeguard the daylight to nearby buildings. BRE guidance given is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. I have had regard to the guidance documents referred to in the Ministerial Guidelines and the Dublin City Development Plan to assist in identifying where potential issues/impacts may arise. I consider any potential impacts to be reasonable, having regard to the need to provide additional accommodation within an urban area identified for residential development, to the existing pattern and scale of development within the area and to the overall scale of the development proposed. I consider that the potential impact on existing residents is not significantly adverse and is mitigated insofar as is reasonable and practical. I am satisfied in this regard.

Drainage Matters

- 7.9 I note that the planning authority have not raised concerns in relation to drainage and I am also satisfied in relation to this matter and consider that it can be adequately dealt with by means of condition.

Other Matters

- 7.10 I have no information before me to believe that the stated dimensions on the submitted drawings are inaccurate. The planning authority have not raised concern in this regard. In any event, the disputed dimensions are considered to be relatively minor within the overall context and would not alter the outcome of my recommendation.
- 7.11 Matters raised within the appeal submission in relation to compliance with current Building Regulations are outside the remit of this planning appeal.

Conclusion

7.12 Having regard to all of the above, I am satisfied that the proposed development is in accordance with the provisions of the operative City Development Plan, is in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

8.0 Appropriate Assessment Screening

8.1 Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

9.0 Recommendation

9.1 I recommend permission be GRANTED subject to conditions.

10.0 Reasons and Considerations

Having regard to the zoning objective of the area, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

11.0 Conditions

1.	The development shall be retained 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
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	<p>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>Water supply and drainage arrangements including the attenuation and 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 and surface water management.</p>
3.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 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 amenities of property in the vicinity.</p>
4.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area</p>
5.	<p>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.</p>

	<p>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</p>
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Lorraine Dockery
Senior Planning Inspector

25th October 2022