



An
Bord
Pleanála

Inspector's Report ABP-314027-22

Development

The removal of existing side and rear extensions and construction of new single storey extension to rear with rooflight, new two storey extension to rear and side including conversion of existing side garage, new attic dormer window to rear and new Velux rooflights to front of existing house

Location

159, Philipsburgh Avenue, Fairview,
Dublin 3

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

WEB1353/22

Applicant(s)

Annette O'Shea

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

First Party

Third Party

Appellant(s)

Annette O'Shea

Niall and Clare Ryan

Observer(s)

None

Date of Site Inspection

December 06th, 2022

Inspector

Lorraine Dockery

1.0 Site Location and Description

1.1. The subject site, which has a stated area of 346 square metres, contains a two-storey, semi-detached dwelling in this established residential area.

2.0 Proposed Development

2.1 Permission is sought for the removal of existing side and rear extensions and the construction of new single storey extension to rear with rooflight, new two-storey extension to rear and side including conversion of existing side garage, new attic dormer window to rear and new Velux rooflights to front of existing house.

2.2 The proposed additional floor area is stated as being 78m²

3.0 Planning Authority Decision

3.1. Decision

Permission GRANTED, subject to eight conditions

Condition No. 3:

The proposed development shall adhere to the following:

- a) The front elevation of the proposed side extension shall be finished in brick at ground floor level and render at first floor level to match the existing render and brick elevation of the house.
- b) The northern elevation of the ground floor extension shall be finished in render similar to existing finishes.
- c) The proposed additional window at first floor level on the front elevation for the bath room shall be fitted with obscure glazing.
- d) The two proposed roof lights on the eastern plane of the roof (front elevation) shall be omitted.
- e) The dormer 'box' extension shall be reduced to a maximum width of 3.5 metres (measured externally).

f) The window openings in the revised dormer 'box' extension and the first floor level rear extension shall match the dimension of the existing first floor level window on the rear elevation proposed for retention.

g) The flat roof of the proposed extensions shall not be used for recreational purposes and shall only be accessible for the purposes of a fire emergency or for maintenance.

h) The attic level shall not be used for human habitation unless it complies with the current building regulations.

i) All elevations; fascia/soffits; rainwater goods, window frames glazing bars shall be finished in a dark colour so as to blend with the existing roof finish. No white uPVC shall be used.

j) The rear dormer shall not accommodate solar panels whether or not they would be exempted development under the Planning & Development Act 2000 (as amended).

k) All internal and external works to give the effect of the above.

Reason: In the interest of visual and residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the planner's report include:

- The proposed development is considered to be consistent with Section 16.2.2.3 (Alterations and Extensions), 16.10.12. (Extensions and Alterations to Dwellings), of the Dublin City Development Plan 2016- 2022, subject to amendment by condition.
- Recommends grant of permission

3.2.2 Other Technical Reports

Drainage Division- No objections, subject to conditions

3.3 Prescribed Bodies

None

4.0 Planning History

None

5.0 Policy and Context

5.1 Development Plan

The Dublin City Development Plan 2022-2028 is the operative Development Plan for the area.

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

Appendix 18 deals with Residential Extensions (section 1.0).

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:

- Appeal against elements of Condition No. 3 only
- 3(a)(b)- Attempting to match the existing house with brick and render will likely lead to the extension reading as a poor add on or part of house itself, rather than as an additional contemporary piece as intended- preference for high quality dark timber finish- 3D image submitted, together with examples of contemporary extensions in area
- 3(e)- Have amended plans to show dormer box extension reduced to 3.5 metres
- 3(f)- New windows have been designed with consideration for internal proportions of respective rooms, together with overall scale and proportion externally. Applying dimensions of an existing window to new windows does not acknowledge this
- 3(i)-would like to retain the option of using a high quality aluminium/timber glazing in a light colour

An appeal was received on behalf of a third party, Niall and Clare Ryan. The issues raised can be broadly summarised as follows:

- Residential Amenity: Height of proposed extension and impact on natural light to hall, stairs and landing; invasion of privacy; overlooking
- Construction Practices: Impacts on health, request structural engineer's report; construction hours

- Other Matters: Historical works and damage to party wall; boundary issues

6.2 Planning Authority Response

None

6.3 Observations

6.4 Further Responses

A response to the first party appeal was received from Niall and Clare Ryan. No new planning matters raised. Considers that proposed extension to represent bad planning; out of character with its surrounding area; excessive scale and height not required- recommended reductions included. Objects to other stated elements of proposal. Concerns regarding overlooking, impacts on privacy and amenities and devaluation of their property. Photographs submitted in support of response.

7.0 Assessment

7.1 I have read all the documentation attached to this file including inter alia, the appeal submissions, the report of the Planning Authority and response received, in addition to having visited the site.

7.2 The primary planning issues, as I consider them, are (i) appeal against Condition No. 3 (ii) the impact on the visual and residential amenity of the adjoining property arising from the proposed works and (iii) other matters.

Condition No. 3

7.3 Having examined the documentation before, I am satisfied that the materials as proposed are acceptable. This is an extension of contemporary design and the proposal for materials and finishes reflect this. In addition, I am also satisfied that the proposed fenestration size/positioning is acceptable and a thought-out design has been put forward. I recommend that Condition No. 3(a)(b)(i)(f) be omitted.

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. 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 side of properties in the vicinity and there is a general lack on uniformity in this regard within the general area.

- 7.5 I consider that the proposal would not result in material impacts on adjoining properties 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 to the side/rear within an established residential area, where extensions are commonplace.
- 7.7 Given the 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 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 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 note that the appellants have expressed concerns with regards impact on light on their hall, stairs and landing. These are considered not to be habitable spaces. 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.

- 7.9 I note the concerns raised within the third party appeal in relation to hours of work and noise impacts. I consider the condition attached by the planning authority to be appropriate for such an urban, residential location and recommend that a similarly worded condition be attached to any such grant. I am of the opinion that the nature of the works is such that I do not expect noise levels to be excessive- they will be short-lived in duration and temporary in nature. I am generally satisfied in this regard.

Other Matters

- 7.10 Matters raised within the third party appeal and response in relation to historical works on this site are outside the remit of this appeal.
- 7.11 In addition, matters raised in relation to boundary matters are also considered to be outside the remit of this planning appeal and I note section 5.13 of the Development Management Guidelines 2007 in this regard. However, in terms of any possible impacts on the adjoining party wall and to ensure the protection of its structural integrity, I recommend that a Construction Method Statement be submitted to the planning authority for its written agreement, prior to the commencement of any works on site. The Statement should also include details relating to foundation construction. This matter could be adequately dealt with by means of condition.

Conclusion

- 7.12 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 Appendix 18 in this regard. I consider the proposal to be generally in compliance with the zoning objective for the site and Appendix 18 of the operative City Development Plan.
- 7.13 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.	<p>The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by drawings received by An Bord Pleanála on 08th day of July, 2022, 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>
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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 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>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>A Construction Method Statement shall be submitted to the planning authority for its written agreement, prior to the commencement of any works on site for any works to the party wall with No. 157 Philipsburgh Avenue in order to ensure the structural integrity of the existing boundary walls around the site. This Statement shall also include details relating to the construction of proposed foundations</p> <p>Reason: In the interest of visual amenity and to ensure the integrity of existing boundary walls.</p>
6.	<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</p>

	<p>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

14th December 2022