



An
Bord
Pleanála

Inspector's Report ABP-315019-22

Development

Permission is sought for the removal of an extension and its replacement with a 2-storey extension together with all associated site works.

Location

No. 13, Keeper Road, Drimnagh, Dublin 12.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

WEB1748/22.

Applicant(s)

Karen Dowling.

Type of Application

Planning Permission.

Planning Authority Decision

Grant.

Type of Appeal

First Party – V – Condition No. 3

Appellant(s)

Karen Dowling.

Observer(s)

None.

Date of Site Inspection

14th day of February, 2023.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. No. 13 Keeper Road consists of a rectangular shaped appeal site that has a given area of 229.3m² on which sits a two-storey painted rough dash terrace dwelling with later single storey rear extension that is setback from the northern side of Keeper Road by a hard surfaced front garden that appears to accommodate off street car parking and bin storage. The bin storage is situated on an unkempt modest linear strip of green space running along the front western side boundary. The site is situated c52m to the east of Slievenamon Road, c100m to the east of Brickfield Park and c310m to the south west of Dolphin Road (Note: R111) as the bird would fly, in the Dublin city suburb of Drimnagh c4km to the south west of the city centre. The immediate site context is mature formally designed and highly coherent residential development of matching two storey terrace groups.

2.0 Proposed Development

- 2.1. Planning permission is sought for the removal of existing single storey rear extension and replace with new 2 storey rear extension and all associated site works at No. 13 Keeper Road.
- 2.2. According to the accompanying planning application form 66.1m² floor area would be retained within the site; 11m² floor area would be demolished and 72m² floor area is proposed. The retained and new floor area is given as 138.1m². In addition, the plot ratio of the proposed development is given as 1.66 and the site coverage is given as 60%.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority's Notification of the Decision to **Grant** Permission subject to 8 no. conditions was issued on 7th October, 2022. Of relevance to the grounds of this appeal are the requirements of Condition No. 3. It reads:

“3. *The development shall be revised as follows:*

a) *The internal courtyard shall be omitted in entirety.*

- b) The extension shall be reduced to a maximum external depth of 7.5 metres at ground floor level and 3.5 metres at first floor level. The external depth shall be measured from the primary rear building line of the dwelling.*
- c) The internal layout of the development may be altered to accommodate the revisions as outlined above.*

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 residential amenity."*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report, dated the 29th day of September, 2022, is the basis of the Planning Authority's decision. It includes the following comments:

- Concerns are raised in relation to overlooking and loss of daylight.
- Omission of the courtyard is recommended which would reduce the depth of the extension to 7.5 meters at ground floor and 3.5 meters at first floor. Subject to this omission the proposed development is deemed to be acceptable.
- Concludes with a recommendation to grant permission.

3.2.2. Other Technical Reports

Engineering: No objection, subject to safeguards (26/08/22).

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. Site and Setting

- 4.1.1. No relevant planning history.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Dublin City Development Plan, 2022-2028, came into effect on the 14th day of December, 2022, under which the site is zoned 'Z1 – Sustainable Residential Neighbourhoods'.
- 5.1.2. Chapter 14 sets out the Land Use Zonings.
- 5.1.3. Section 14.7.1 of the Development Plan in relation to Z1 zoned land states that the land use objective is: *“to protect, provide and improve residential amenities”* and that the vision is: *“for residential development in the city is one where a wide range of high quality accommodation is available within sustainable communities, where residents are within easy reach of open space and amenities as well as facilities such as shops, education, leisure and community services”*.
- 5.1.4. Section 15.5.3 of the Development Plan which deals with alterations and extensions. It sets out that works of alteration and extension should be integrated with the surrounding area, ensuring that the quality of the townscape character of buildings and areas is retained and enhanced, and environmental performance and accessibility of the existing building stock improved.
- 5.1.5. It further sets out that: *“alterations and extensions will be sensitively designed and detailed to respect the character of the existing building, its context, and the amenity of adjoining occupiers. In particular, alterations and extensions should:*
- *Respect any existing uniformity of the street, together with significant patterns, rhythms, or groupings of buildings.*
 - *Not result in the loss of, obscure, or otherwise detract from, architectural features which contribute to the quality of the existing building.*
 - *Retain characteristic townscape spaces or gaps between buildings.*

- *Not involve the infilling, enclosure, or harmful alteration of front lightwells.*
- *Incorporate a high standard of thermal performance and appropriate sustainable design features.”*

5.1.6. Volume 2, Appendix 18 of the Development Plan is also relevant.

5.2. **Natural Heritage Designations**

5.2.1. None within the zone of influence.

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. The grounds of appeal can be summarised as follows:

- This appeal related to Condition No. 3 only. The Board is sought to omit this condition in its entirety.
- There are no Third Parties objecting to the proposed development.
- Letters of support from the adjoining property owners of No. 11 and 15 Keeper Road are provided.
- This proposal is an appropriate residential extension for its setting, and it gives rise to no adverse impacts.
- This proposal will improve the residential amenity of this property.
- The requirements of Condition No. 3 which seeks the omission of the courtyard are impractical and unworkable.
- The site with its long rear garden can accommodate this proposal.
- The first floor glazing of concern to the Planning Authority overlooks the courtyard and relates internally to circulation space. They are willing to provide opaque

glazing or timber screening to address the issue of overlooking that arises from this glazing.

- The proposed development is consistent with local policy provisions and guidance.
- The proposed development has been designed to add visual interest and to not appear visually overbearing when viewed in its context.
- No excessive overshadowing or overlooking would arise.
- The courtyard is part of the design concept.
- There is precedent for similar scaled developments in the area and within the wider city context.
- The proposed development should be permitted with the omission of Condition No. 3.

6.2. Planning Authority Response

6.2.1. None.

6.3. Observations

6.3.1. None.

7.0 Assessment

7.1. This is an appeal against Condition No. 3 of the Planning Authority's decision notification to grant permission for the proposed development set out under Section 2.1 of this report above, which was issued by the Planning Authority on the 7th day of October, 2022. In this regard, I consider it is appropriate that the appeal should be confined to Condition No. 3 only on the basis that 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 it would be appropriate to use the provisions of Section 139 of the 2000 Act in this case.

7.2. For clarity I note that Condition No. 3 required a number of revisions to be made to the proposed part single and part two storey extension to the rear of No. 13, Keeper Road. Firstly, it required the omission of the ground floor level courtyard to be omitted in its

entirety and secondly, the omission of the said courtyard would facilitate the revisions of the depth of the part single storey extension to a maximum external depth of 7.5m and 3.5m at first floor level. The third revision requires the internal layout of the development to be altered to accommodate the omission of the said courtyard and reduced depth at ground as well as first floor level of the rear extension. This condition also requires the submission for written agreement of the Planning Authority these revisions prior to any commencement of works. The given reason for the requirements set out under Condition No. 3 is in the interest of residential amenity.

- 7.3. The Planning Authority's Planning Officer's report raised concerns in relation to the overall built form of the rear extension considering it in the absence of the above amendments would give rise to serious diminishment of residential amenities of properties in the vicinity by way of overlooking and overshadowing. It was also considered that, if permitted, in the form proposed that it would also give rise to visual amenity diminishment of its visual setting. Including it would be overly dominant when viewed from its immediate setting. These concerns could be satisfactorily addressed by way of the requirements of Condition No. 3 and subject to compliance with these requirements the proposed development was otherwise considered to be a type of development that accorded with the 'Z1' land use zoning of the site and its setting. As well as with all relevant planning policy provisions for the alterations and extensions to existing residential properties.
- 7.4. The First Party Appellant seek that the Board omit the requirements of Condition No. 3 on the basis that it would give rise to no significant residential and/or visual amenity impacts on its setting. It also sets out that the courtyard is a pivotal feature of the design concept for the part single and part two storey extension.
- 7.5. In terms of overlooking, it is contended that the first floor glazing of concern serves a circulation space which provides crucial light to this space. They propose that opaque glazing and/or the use of timber screening could address this concern in satisfactory manner so that the Planning Authority's concerns on this particular matter is overcome.
- 7.6. They request that the Board can seek this amendment by way of appropriately worded condition which they would comply with. The remaining lighting and ventilation is achieved by rooflights and the provision of glazing that above first floor level is

positioned on the rear elevation. In addition, between the first-floor level and the rear boundary of the site, there is c30m lateral separation distance.

- 7.7. It is also contended that there is a variety of additions that have been permitted to the rear of properties in the vicinity and in the wider area. With the proposed development being not out of character with the general characteristics of these rear additions. Including in terms of the variety of their depths. In the context of the pattern of development the proposed extension would not give rise to any visual diminishment of the area nor would it give rise to any undue overshadowing of adjoining properties.
- 7.8. Section 15.11 of the Development Plan refers to Appendix 18 for the guidance and standards for residential extensions. In this regard, Section 1.1 of Volume 2 Appendix 18 of the Development Plan, sets out the general design principles for residential extensions. It states that: *“the design of residential extensions should have regard to the amenities of adjoining properties and in particular, the need for light and privacy. In addition, the form of the existing building should be respected, and the development should integrate with the existing building through the use of similar or contrasting materials and finishes”*.
- 7.9. It further sets out that: *“applications for extensions to existing residential units should:*
- *Not have an adverse impact on the scale and character of the existing dwelling.*
 - *Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight.*
 - *Achieve a high quality of design.”*
- 7.10. In addition, Section 1.2 of Volume 2 Appendix 18 of the Development Plan sets out that ground floor rear extensions: *“will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house”*; and that: *“first floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the planning authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities”*. Moreover, it sets out that: *“in determining applications for first floor extensions the following factors will be considered:*

- *Overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries.*
- *Remaining rear private open space, its orientation and usability.*
- *Degree of set-back from mutual side boundaries.*
- *External finishes and design, which shall generally be in harmony with existing.”*

7.11. In relation to the host dwelling, No. 13 Keeper Road, has a modest gross floor area of circa 77m². With this space consisting of the original 2-storey dwelling and a later single storey flat roofed rear addition. The drawings show that this structure is built to the midway point of what appears to be the shared boundary with No. 15. This adjoining property contains an existing single storey structure that appears to extend c9.4m out from the original rear elevation with the eastern elevation appearing to be also constructed up to the midway point with No. 13 Keepers Cottage whose rear extension extends a more modest 4.3m from the original rear elevation. The depth of this extension is also marginally less deep as the c4.5m rear extension to the rear of No. 11 Keeper Road.

7.12. The proposed development seeks the demolition and replacement of this existing single storey structure which I also note has an eaves height of 2.855m. A height that matches the adjoining structure of No. 15 Keeper Road. This appears to be a later addition made to No. 15 Keeper Road at some point in time. I can find no planning history relating to this structure on the public record.

7.13. No. 15 Keeper Road and the terrace group it forms part of, is not afforded any specific protection and as a formally designed as well as once highly coherent in-built form, appearance, design and layout the terrace group it forms part of as appreciated from the rear it has been significantly diluted by uncoordinated alterations and additions of varying quality and architectural styles.

7.14. In terms of extensions to the rear these are single storey in their built form with the host dwelling occupying a rectangular shaped plot with a south north orientation with the principal façade thereon, which has a southerly aspect, addressing the northern side of Keeper Road.

7.15. In addition, the width of the site also narrows from its roadside boundary with Keeper Road. Reducing in width from just c5.2m at its principal façade to just fractionally

below 4m at its northern most end. At this point it shares a boundary with No. 397 and 399 Mourne Road.

- 7.16. In relation to the demolition of this structure I concur with the Planning Authority that this does not give rise to any significant issue outside of the nuisances that would arise during its demolition were it to be permitted.
- 7.17. It would also likely require consent of the adjoining property owner of No. 15 Keeper Road. This I note is a civil matter. There appears to be no issue raised in this regard on file and a matter which the Planning Authority dealt with by way of an advisory note attached to the notification order to grant permission.
- 7.18. In place of the extension to be demolished the applicants propose a part single and part two storey extension to the rear. The design concept includes at ground floor level an enclosed courtyard. Windows at ground floor level from the original property and that of the proposed new habitable as circulation spaces would open onto this courtyard. This space would also be accessible from the ground floor level of part of the two-storey extension which opens directly onto this space. This space would have a width of 1.973m and a depth of 3.765m. It would be enclosed on the boundary with No. 11 by the single storey extension already present.
- 7.19. The ground level extension outside of the enclosed courtyard extends the width of the plot with the main space accommodated c3.7m back from the original rear elevation. The depth of the ground floor extension measures c12.4m at its deepest point from the original rear elevation with the single storey height given as 2.875m.
- 7.20. When the ground floor level extension is considered in isolation of the first floor level component given the modest height of the structure despite the width of the extension extending the full width of the plot, the northerly aspect through to the pattern of deep gardens on either side with a number of properties containing significant in depth extensions I raise no significant concerns that can not be addressed by way of standard conditions. And in relation to civil matters these are outside of the remit of the Board and have been appropriately dealt with by way of an advisory note included in the Planning Authority's notification order. This note in essence reiterates Section 34(13) of the 2000 Planning and Development Act, (as amended), where it states that a person is not entitled solely by reason of a permission to carry out any development.

- 7.21. In relation to the first-floor level over I consider the concerns raised by the Planning Authority are not unreasonable given that the pattern of development in this terrace group properties with a northerly aspect do not contain two storey additions. This is similarly the case with the two adjoining terrace groups to the east.
- 7.22. In relation to the properties to the west, adjoining the subject terrace group is a semi-detached 2-storey pair, that follows through the main design features and characteristics of the terrace groups that are present along either side of Keeper Road. With this semi-detached pair marking Keeper Road's junction with Slievenamon Road.
- 7.23. The terrace group to the immediate north of them where extensions have been carried out to the rear are all except one single storey in their nature with one end property, i.e. No. 73 Slievenamon Road containing a modest in depth two storey rear extension. The terrace group it forms part of has an east-west orientation with the plot sizes not being as generous in terms of depth as the three terrace groups that are situated to the east of Slievenamon Road junction and Keeper Road's junction with a service loop road that runs between No.s 45 and 47 Keeper Road.
- 7.24. It is of further note that the terrace groups to the immediate north do not contain any two storey additions.
- 7.25. Against this context and having regard to the height of the first floor level extension, which has a measured height of c5.6m where it meets with the roof structure of No. 13 Keeper Road above the eaves height of the original rear elevation and sloping downwards to 5.51m at a depth of 8m from the said rear elevation, is a structure that in its visual context is a considerable new built insertion. For the most part this L-shaped two storey element extends the width of the site and would accommodate two additional bedrooms, whose bedspace capacity is not noted. As well as shower room and part of the stairway/landing.
- 7.26. The latter would be at a point where it would be setback from the site boundary with No. 11 Keeper Road but constructed alongside the shared boundary with No. 15 Keeper Road and having a width of c3.2m for c3.7m setback from the rear elevation. The design includes c3.4m in width by c1m in height transparent glazing in four windows along the western elevation at first floor level. A window serving a bedroom labelled 'Bedroom 2' will open onto the courtyard space from the original rear elevation. This transparent window would have a northerly aspect with its view limited

by the main first floor level component which commences c3.7m north of the original rear elevation. At this point the first floor extensions expands the entire width of the site and extends a further c4.4m.

- 7.27. Whilst the overlooking could be addressed by way of a condition requiring opaque glazing for the western facing window and/or transparent glazing this would not overcome the additional overshadowing that would arise on the private amenity space of properties in the vicinity of the first floor level extension's overall built form.
- 7.28. On this point I note that the First Party's contention that no undue overshadowing would arise from this sizeable first floor level addition, is not supported by any shadow analysis prepared to demonstrate this in a manner that accords with best practice and standards.
- 7.29. I do not accept that this is the case given the depth, height, mass, width through to overall volume of the proposed first floor level addition when considered alongside the northerly aspect of the site; the northerly aspect of adjoining and neighbouring plots; the restricted width of these plots; the juxtaposition of private amenity space relative to the first floor level rear extension sought.
- 7.30. I also consider that the depth of the first-floor level extension is at odds with the pattern of development in the site's setting and would in its context be visually overbearing as well as would give rise to an undesirable precedent for similar extensions whereby the main bulk of the extension is separated from the main envelope of the host dwelling.
- 7.31. Moreover, the overall depth of the part first and part two storey extension can not be considered subservient against the modest footprint of the host dwelling and the properties that make up the terrace group it forms part of.
- 7.32. Further, the floor area that would arise would be double that of the original host dwelling. In addition, the roof structures sloping mono-pitch does not successfully integrate with the original roof structure with its height exceeding the eaves and the solid to void treatment of the rear first floor extension not reflecting or harmonise in a traditional or contemporary manner with the first floor window openings, in terms of dimensions and fenestration, that characterises the rear elevation of this terrace group.

7.33. Conclusion: Based on the above considerations, to omit Condition No. 3 from the Planning Authority's notification order to grant permission would seriously injure residential amenities by way of significant additional overshadowing and visual overbearance that would arise. The latter would diminish the visual amenities of the area as well as would result in an undesirable precedent for other similar developments in its vicinity. I do not consider that any residential amenity improvements that would arise for occupants of No. 13 Keeper Road, the host dwelling, are sufficient reason in their own right to outweigh the residential and visual amenity impacts that the proposed development would give rise to. The adverse residential and visual amenity impacts that would arise from the proposed development in the absence of the requirements of Condition No. 3 fails to achieve a reasonable and appropriate balance between protecting the established residential amenities of this mature residential urban landscape in a manner that accords with the residential land use zoning. Of concern, in the absence of the requirements of Condition No. 3, the proposed development would be contrary to the standards and guidance set out in the Development Plan under Section 1.1 and Section 1.2 of Volume 2, Appendix 18. For these reasons I concur with the requirements of Condition No. 3 of the Planning Authority's notification to grant permission and that these requirements are in the interests of residential amenity as well as the proper planning and sustainable development of the area. As such I recommend that Condition No. 3 be retained in its entirety.

7.34. **Appropriate Assessment**

7.34.1. This appeal site is located in an established serviced residential area, and it is not located adjacent to nor in close proximity to any European sites, as defined in Section 177R of the Habitats Directive. Having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or proximity to the nearest European site, no appropriate assessment issues arise and therefore it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. Having regard to the nature of the condition the subject of the appeal, the Board is 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, based on the reasons and considerations set out below, directs the Planning Authority under subsection (1) of Section 139 of the Planning and Development Act, 2000 (as amended), to ATTACH Condition Number 3 in its entirety and for the reason therefore.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, it is considered that Condition Number 3 is reasonable in order to ensure the proposal would not seriously injure the residential or visual amenities of the area. It is further considered that Condition No. 3 is required to ensure that the proposed development is consistent with the proper planning and sustainable development of the area as provided for under the Dublin City Development Plan, 2022-2028.

Patricia-Marie Young
Planning Inspector - 7th day of March, 2023.