



An
Bord
Pleanála

Inspector's Report ABP 315553-23

Development

RETENTION & PERMISSION:

Construction of an extension, the reconfiguration and refurbishment of five apartments and all associated site works.

Location

52 Tritonville Road, Sandymount,
Dublin 4, D04 Y762.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

5059/22.

Applicant(s)

Kay McKiernan

Type of Application

Retention and Permission.

Planning Authority Decision

Grant Permission

Type of Appeal

Third-Party

Appellant(s)

Orla Brandon

Observer(s)

None.

Date of Site Inspection

04th April 2023

Inspector

Brendan Coyne

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1.0 Site Location and Description

1.1. The site (0.04 ha) is located at the junction of Tritonville Road, Sandymount Road and Newbridge Avenue in Sandymount, Dublin 4. The site contains a two-storey over basement end-of-terrace building known as 'Tritonville Lodge', which is divided into five separate apartments. The building's three-bay front facade faces westward, toward Tritonville Road, and is characterised by sash windows, granite steps leading up to the front door, and a fanlight positioned above it. Additionally, a 3-storey bay facade extends to the side facing Sandymount Road. Elevation finishes are rendered, and the roof profile is hipped, incorporating a distinctive double-curved 'Dutch Billy' style gable elevation at the front. The front roadside boundary is demarcated by an iron rail mounted on a concrete plinth. A wall c. 1.8m high continues along the southern side boundary. A car parking area is located at the rear of the premises, with access provided via Sandymount Road. Adjoining property to the north No. 50 Tritonville Road comprises a terraced two-storey over basement dwelling, and neighbouring property to the south-east No. 2A Sandymount Rd comprises a two-storey detached dwelling.

2.0 Proposed Development

2.1.1. Application as lodged to the Planning Authority on the 08/10/2022

This is an application for PERMISSION and RETENTION.

Permission sought for the following, as described in public notices;

- The proposed development will consist of a two-storey rear extension, along with the reconfiguration and refurbishment of five existing apartments.
- The current configuration comprises 1 no. two-bedroom apartment, 2 no. one-bedroom studios, 1 no. two-bedroom apartment, and 1 no. three-bedroom apartment.
- The new proposal seeks to comply with current design standards for apartments and will comprise the following;
 - 5 no. one-bedroom apartments,
 - Additional windows and doors,
 - 3 no. private amenity spaces in the form of balconies,

- A refuse storage area,
- A bicycle parking bay,
- Off-street parking.
- Demolition of a chimney breast will be demolished,
- Ancillary works necessary to facilitate the development will also be undertaken.

2.1.2. RETENTION Permission sought for the following (as described in public notices);

- the vehicular entrance (3.1m wide) along Sandymount Road.

3.0 Planning Authority Decision

3.1.1. **Dublin City Council** granted permission for the proposed development subject to 9 no. Conditions. Noted Conditions include:

C. 2. A development contribution of €3,793.92 shall be paid to the Planning Authority for public infrastructure and facilities benefiting development in the area, as per Dublin City Council's Section 48 Development Contribution Scheme.

C. 3. The development shall be revised as follows:

a) The driveway entrance on Sandymount Road shall be omitted. The existing entrance shall be reduced to at most 1.5m in width by extending the boundary wall and relocating the gate pillar. The entrance shall not have outward opening gates.

b) The proposed parking area shall be omitted and shall be developed as a landscaped amenity area for the apartments.

c) The proposed balconies and doors on the ground and first floor on the south elevation shall be omitted. The existing windows on the southern elevation shall be retained.

d) The chimney stack shall be retained.

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 orderly development and visual amenity of the residential conservation area.

3.2. **Planning Authority Report**

3.2.1. The key considerations of the Planning & Development Dept. report are summarised under the headings below.

3.2.2. Apartment Amenity

- The current development has 1 no. two-bedroom apartment, 2 no. one-bedroom studios, 1 no. two-bedroom apartment, and 1 no. three-bedroom apartment.
- The proposed new extension will provide 5 no. one-bedroom apartments within the development.
- The apartments are a generous size, ranging from 63 sq.m. to 91 sq.m. and meet or exceed the minimum size standards in the Design Standards for New Apartments.
- Three apartments are 1 sq.m. short of designated storage areas, but two of them have separate study rooms and the other has rooms that could accommodate additional storage.
- All of the apartments have adequate private open space in the form of terraces or balconies.
- No communal open space is proposed as the remainder of the site is taken over with parking.
- A refuse storage area is proposed behind the site boundary.

3.2.3. Surrounding Residential Amenity:

- The proposal comprises a two-storey extension at the rear of the site and on the boundary with No.50 Tritonville Road to improve the existing apartments.
- The lower ground floor of the extension will have a depth of c. 5.02 meters, while the upper ground floor depth will be reduced to approximately 3.42 meters.
- The upper ground floor will feature a 1.6-meter deep balcony with a side privacy screen wall on the boundary with No.50 Tritonville Road.

- Given the east orientation of the extension and the configuration of the existing dwelling, the proposal will not cause significant additional overshadowing of No.50.
- The balcony will not result in direct overlooking of the dwelling or significant overlooking of the garden of No.50.
- It is proposed to create two balconies on the southern elevation for apartment no. 3 and no. 5.
- The building is not a Protected Structure, but it's located on a prominent site in a residential conservation area.
- The balconies are appreciated for providing private amenity space but will have a negative impact on the building's character and should be omitted.
- Demolition of the building's chimney breast is proposed, which will impact the building's character and the residential conservation area.
- The retention of the chimney will not significantly affect the size or layout of the proposed apartments.
- Permission is sought for the retention of a 3m wide vehicular entrance and proposed parking area.
- The vehicular access is situated on the Sandymount Road frontage next to the junction of Tritonville Road, Sandymount Road, and Newbridge Avenue.
- The existing kerb is antique granite and has not been dishd.
- Historically, there were double yellow markings on Sandymount Road in front of the entrance that were removed during utility works but are expected to be reinstated.
- There are no current parking restrictions on Sandymount Road in front of the entrance.
- The entrance is located next to a mature street tree.
- Transportation Planning Division report noted which details the following;
 - The entrance width meets Development Plan standards and DCC's 'Parking Cars in Front Gardens' document.
 - Concerns about its positioning near a road junction and a blind corner.

- Safe access and egress cannot be provided, and sightlines have not been demonstrated.
- The proposed entrance is considered contrary to the Development Plan as safe access and egress have not been demonstrated.
- The required dishing would impact on the street tree root zone and is considered contrary to the Development Plan and the Dublin Tree Strategy.
- Transportation Planning Division is concerned about car parking layout as the layout doesn't appear to have been auto-tracked and reverse egress is proposed.
- Egress manoeuvring must be done in forward gear with sufficient turning arrangements.
- The Transportation Planning Division would accept zero parking in this location for the proposed development.
- The vehicular entrance has been present for several years, but its location is a serious concern.
- The site is easily accessible, and the loss of parking would be acceptable.
- The vehicular entrance should be removed by condition and replaced with a pedestrian entrance.
- The parking area should be developed as an amenity area for the apartments.
- Cycle parking is proposed under a balcony at the southern elevation. This aligns with the Apartment Guidelines.
- Cycle parking should be located in a sheltered and secure compound. This can be Conditioned.

3.3. Other Technical Reports

- 3.3.1. **Transportation Planning Division:** The comments in the Transportation Planning Division report are included in the Planning Authority above. The Transportation Planning Division concludes that it has no objection subject to the following Conditions;

1. The driveway entrance on Sandymount Road shall be omitted. The existing entrance shall be reduced to at most 1.5 m in width by extending the boundary wall and relocating the gate pillar. The entrance shall not have outward opening gates.
2. 7 no. cycle parking spaces shall be provided in a secure compound. Key/fob access should be required to the bicycle compound. Cycle parking shall be secure, conveniently located, sheltered and well lit. Electric bike charging facilities shall be provided. Revised cycle parking proposals shall be submitted prior to the commencement of the development for written agreement with the planning authority.
3. Prior to commencement of development, and on appointment of a main contractor, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including traffic management, hours of working, noise and dust management measures and offsite disposal of construction/demolition waste.
4. 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. 5. The developer shall be obliged to comply with the requirements set out in the Code of Practice.

3.3.2. **Drainage Division** No objection subject to Conditions.

4.0 **Planning History**

Subject Site

P.A. Ref. 0078/92 Permission granted in May 1922 for change of house type on already approved site at the rear.

P.A. Ref. 2158/91 Permission refused in Dec. 1991 for change of house type on already approved site at rear.

Adjoining site to the north – No. 50 Tritonville Road

P.A. Ref. 3901/21 Permission granted in March 2022 for the demolition of a rear extension, construction of a single and a two-storey rear extension with roof lights, provision of a window to the front, additional windows to the first-floor rear gable, internal reconfiguration, including lowering the existing lower ground floor, and all ancillary works necessary to facilitate the development.

5.0 Policy and Context

5.1. Development Plan

Dublin City Council Development Plan 2022-2028 is the statutory plan for the area. The following provisions are considered relevant:

Zoning: The site is zoned 'Zone Z2: Residential Neighbourhoods (Conservation Areas)' with the objective 'To protect and/or improve the amenities of residential conservation areas.', as detailed on Map F and Section 14.7.2 of the Development Plan.

Chapter 8 Sustainable Movement and Transport:

Policy SMT1 To continue to promote modal shift from private car use towards increased use of more sustainable forms of transport such as active mobility and public transport, and to work with the National Transport Authority (NTA), Transport Infrastructure Ireland (TII) and other transport agencies in progressing an integrated set of transport objectives to achieve compact growth.

Chapter 11 Built Heritage and Archaeology:

11.5.3 Built Heritage Assets of the City:

Policy BHA9: Conservation Areas

To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Enhancement opportunities may include:

1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.
2. Re-instatement of missing architectural detail or important features.
3. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.
4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.
5. The repair and retention of shop and pub fronts of architectural interest.
6. Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.
7. The return of buildings to residential use.

Changes of use will be acceptable where in compliance with the zoning objectives and where they make a positive contribution to the character, function and appearance of the Conservation Area and its setting. The Council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications, and will promote compatible uses which ensure future long-term viability.

Policy BHA11 Rehabilitation and Reuse of Existing Older Buildings:

- (a) To retain, where appropriate, and encourage the rehabilitation and suitable adaptive reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape, in preference to their demolition and redevelopment.
- (b) Encourage the retention and/or reinstatement of original fabric of our historic building stock such as windows, doors, roof coverings, shopfronts (including signage and associated features), pub fronts and other significant features.
- (c) Ensure that appropriate materials are used to carry out any repairs to the historic fabric.

Chapter 14 Land Use Zoning -

14.3 Permissible, Non-Permissible Uses and Unzoned Lands

14.7.2 Residential Neighbourhoods (Conservation Areas) – Zone Z2

Chapter 15 Development Standards

15.5.7 Materials and Finishes

- 15.9.8 Communal Amenity Space
- 15.9.13 Refuse Storage
- 15.9.16.1 Daylight and Sunlight
- 15.9.17 Separation Distances (Apartments)
- 15.9.18 Overlooking and Overbearance
- 15.10.1 Design Standards

Appendix 5 Transport and Mobility: Technical Requirements

- 2.0 Development Management
- 2.5 Car Parking and Cycle Management
- 3.0 Cycle Parking Standards
- 3.1 Bicycle Parking Standards for Various Land Uses
- 4.0 Car Parking Standards

5.2. Other Relevant Government Policy / Guidelines

Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE2011).
BRE' Site Layout Planning for Daylight and Sunlight' (2nd edition)
BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.
BS EN 17037:2018 'Daylight in Buildings'.
Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020)

5.3. Natural Heritage Designations

- 5.3.1. The nearest Natura 2000 European Sites to the appeal site are as follows:
- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approx. 600m east of the site.
 - The South Dublin Bay Special Area of Conservation (Site Code: 000210), approx. 600m east of the site.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment 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

A third-party appeal was received from Orla Brandon, who resides at No. 4 Sandymount Road, which is a mid-terraced house adjacent to the east of the appeal site. The main grounds of appeal are summarised under the headings below;

6.1.1. Overlooking and Overbearance

- The proposed east-facing extension with a balcony on the first floor does not meet the acceptable provisions for extensions outlined in the Dublin City Council Development Plan.
- Appendix 18 of the Development Plan states that extensions should not result in significant loss of privacy to residents of adjoining properties and that there will be a general presumption against the development of rear balconies and roof terraces.
- The plans for the proposed extension indicate that it will directly overlook the rear garden and private open space of No. 50 Tritonville Road and 2A Sandymount Road, which would negatively impact their privacy.
- A recent grant of permission for alterations to No. 50 Tritonville Road under P.A. Ref. 3901/21 established planning precedence to protect the privacy of neighbouring properties, including the omission of a proposed wrap-around window by way of Condition, to protect the privacy of No. 52 Tritonville Road.

- The proposed balcony would be c. 8m from the shared boundary with No. 2A Sandymount Road, which would overlook their private garden and negatively impact their privacy.
- The proposed extension would result in an unacceptable level of overlooking of private rear gardens of surrounding homes, including a lack of privacy in the dining room at No. 4 Sandymount Road, which has an elevation primarily constructed of glass and in direct line of sight of the proposed extension and its balcony.

6.1.2. Impact on daylight and sunlight to adjacent properties

- No daylight and sunlight impact assessment report was submitted with the planning application.
- The Dublin City Development plan stipulates that all apartment block planning applications, regardless of size and scale, must be accompanied by a daylight and sunlight assessment.
- The Appellant requests for a daylight and sunlight assessment to be prepared and considered for the impact of the two-story extension on adjacent properties.
- Precedence was set with a planning condition on No. 50 Tritonville Road under P.A. Ref. 3901/21, which stipulated that the height of their ground floor extension must not exceed 3.3m and sit behind the existing boundary wall to avoid overshadowing neighbouring properties.
- The proposed balcony at 4.6m high will extend well above the height of the boundary wall and will overshadow and have a negative impact on neighbouring properties.

6.2. Applicant Response

The Applicant did not respond to the grounds of appeal.

6.3. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **Assessment**

7.1.1. Having examined the application details and all other documentation on file, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows;

- Overlooking and Overbearing Impact
- Overshadowing and Impact on Daylight and Sunlight
- Appropriate Assessment

I am satisfied that all other issues were fully addressed by the Planning Authority and that no other substantive issues arise. Accordingly, the issues for consideration are addressed below.

7.2. **Overlooking and Overbearing Impact**

7.2.1. The Appellant objects to the proposed development on the grounds that the east-facing first-floor rear extension, along with its balcony, does not conform to the acceptable provisions for extensions as set out in the Dublin City Council Development Plan. Specifically, the Appellant points out that Appendix 18 of the Development Plan prohibits extensions that significantly compromise the privacy of residents in adjacent properties. In addition, the Appellant notes that there is a general presumption in the Development Plan against rear balconies and roof terraces. The Appellant maintains that the proposed extension will directly overlook the private open spaces and rear gardens of No. 50 Tritonville Road and 2A Sandymount Road, which would infringe on their privacy.

7.2.2. The Appellant highlights a recent permission granted for alterations to No. 50 Tritonville Road (under P.A. Ref. 3901/21), which established planning precedence to

protect the privacy of neighbouring properties. One such measure included the omission of a proposed wrap-around window through a Condition imposed to protect the privacy of No. 52 Tritonville Road.

- 7.2.3. The Appellant notes that the proposed balcony under the subject application will be c. 8 meters from the shared boundary with No. 2A Sandymount Road and will overlook their private garden, which would negatively affect their privacy. Moreover, the Appellant contends that the proposed extension would result in an unacceptable degree of overlooking of the private rear gardens of surrounding homes. The Appellant states that the proposed development would result in the loss of privacy of No. 4 Sandymount Road (the Appellant's dwelling house), which has a dining room rear elevation constructed primarily of glass and is in direct line of sight of the proposed extension and its balcony.
- 7.2.4. In its assessment, the Planning Authority observes that the upper ground floor of the proposed development will incorporate a 1.6-meter deep balcony, equipped with a side privacy screen wall at the boundary shared with No. 50 Tritonville Road. The Authority concludes that this balcony will not lead to direct overlooking of the dwelling or significant invasion of privacy in the garden of No. 50.
- 7.2.5. The Planning Authority acknowledges the proposal to construct two balconies on the southern elevation for apartments no. 3 and no. 5. The Planning Authority notes that although the building is not a Protected Structure, it occupies a prominent location within a residential conservation area. The Planning Authority recognises the value of the proposed balconies in offering private amenity spaces; however, it contends that these additions will adversely affect the building's character and should therefore be excluded. In light of this, the Planning Authority imposed Condition No. 3 (c), which requires the removal of the proposed balconies and doors on the ground and first floors of the southern elevation. Furthermore, it requires that the existing windows on the southern elevation be preserved. Additionally, Condition No. 3 (d) requires that the chimney stack be retained.
- 7.2.6. Having regard to the foregoing, the main issues that need to be addressed are (i) the impact of the proposed east-facing first-floor rear extension and its balcony on the privacy of adjacent properties, and (ii) the impact of the proposed balconies on the southern elevation of the building's character.

- 7.2.7. The proposed development provides for (inter alia) the reconfiguration and refurbishment of five existing apartments within the existing building, the construction of a two-storey rear extension and the provision of 3 no. private amenity spaces in the form of balconies.
- 7.2.8. The proposed two-storey rear extension extends along the northern boundary, shared with No. 50 Tritonville Road, for a total depth of 5 m at lower ground floor and ground floor level. The proposed two-storey rear extension has an overall height of 6.2m with a flat roof profile. At lower ground floor level, the proposed extension provides a living room for the full extent of the proposed extension. At ground floor level (as labelled on the drawings), the proposal provides a dining room for a depth of 3.4m, with the remaining footprint of the extension providing a balcony with a depth of 1.6m and width of 4.5m. A masonry wall c. 2m high defines the northern side elevation of the proposed balcony at ground floor level, and glass balustrades define the rear/eastern and southern sides of the proposed balcony. French doors are provided to the rear/eastern elevations of the proposed rear extension at lower ground floor and ground floor levels, respectively. A minimum separation distance of 7.3 metres would be maintained between the rear/eastern edge of the proposed balcony at ground floor level and the rear/ eastern boundary of the site. A tall mature deciduous tree and a single-storey mono-pitched roof shed are located at the north-eastern corner of the site, and a wall c. 2m high defines the eastern boundary shared with No. 2A Sandymount Road. The 2-storey rear elevation of No. 2A Sandymount Road faces in a north-easterly direction and the proposed rear extension faces in an easterly direction.
- 7.2.9. It is noted that the adjoining dwelling to the north, No. 50 Tritonville Road was granted permission under P.A. Ref. 3901/21 in March 2022 for the demolition of a rear extension and the construction of a single and a two-storey rear extension with roof lights, provision of a window to the front, additional windows to the first-floor rear gable, internal reconfiguration, including lowering the existing lower ground floor, and all ancillary works necessary to facilitate the development. Condition No. 4 (b) of this grant of permission requires the following;

Prior to commencement of development the Applicant shall make the following amendments:

b) The wrap around element of the proposed window proposed to the Master bedroom shall be omitted. The modifications set out above shall be submitted for the written agreement of the Planning Authority prior to commencement of development.

Reason: In the interests of visual amenity.

The stated 'wrap around element of the proposed window proposed to the Master bedroom' relates to a window of the proposal to the rear of the dwelling at ground floor level (above lower ground floor). As stated in the Planning Authority report, this was omitted to maintain the privacy of the adjoining properties.

7.2.10. Regarding extensions to dwellings, Section 15.9.17 of the Dublin City Council Development Plan 2022-2028 refers to 'Separation Distances (Apartments)' and states the following;

Traditionally a minimum distance of 22m is required between opposing first floor windows. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size, and design. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. Separation distances between buildings will be assessed on a case by case basis.

In all instances where the minimum separation distances are not met, each development will be assessed on a case by case basis having regard to the specific site constraints and the ability to comply with other standards set out within this chapter in terms of residential quality and amenity.

7.2.11. Section 15.9.18 refers to Overlooking and Overbearance and states the following;

'Overbearance' in a planning context is the extent to which a development impacts upon the outlook of the main habitable room in a home or the garden, yard or private open space service a home. In established residential developments, any significant changes to established context must be considered. Relocation or reduction in building bulk and height may be considered as measures to ameliorate overbearance.

Overlooking may be overcome by a variety of design tools, such as:

- Building configurations (bulk and massing).*

- *Elevational design/window placement.*
- *Using oblique windows.*
- *Using architectural features.*
- *Landscape and boundary treatments.*

7.2.12. Having reviewed the drawings submitted, it is my view that the proposed ground-floor balcony to the rear of the building would not result in direct overlooking of the neighbouring dwelling to the north No. 50 Tritonville Road by reason of the c. 2m high masonry wall provided along the northern side elevation of the proposed balcony.

7.2.13. Regarding the Appellant's concerns about overlooking and loss of privacy to the private garden of No. 2A Sandymount Road, the proposed two-storey rear extension will not overlook the opposing first-floor windows of No. 2A Sandymount Road by reason of the rear-facing orientation of both buildings. The proposed two-storey rear extension and ground floor balcony thereon will be separated from the rear/eastern boundary of the site by a minimum distance of 7.3 metres, increasing to c. 9.2m along the northern boundary. Having regard to the context of the site and the tall mature trees and shed at the north-eastern corner and the c. 2m high wall along the eastern boundary shared with No. 2A Sandymount Road, it is my view that these features would mitigate the potential of overlooking from the ground floor level balcony and thereby would not adversely impact the residential amenity of neighbouring dwelling No. 2A Sandymount Road and other dwellings further to the east by way of overlooking or loss of privacy. In any event, a separation distance of 8.8m – 10.8m would be maintained from the rear elevation of the proposed extension at ground floor level from the eastern side boundary, which is broadly compliant with the separation distance requirements of Section 15.9.17 of the Development Plan, as detailed above. The proposal would not have direct line of sight of the dining room to the rear of No. 4 Sandymount Road, as put forward by the Appellant.

7.2.14. Having regard to the drawings submitted under P.A. Ref. 3901/21, I note that adjoining dwelling No. 50 Tritonville Road has a two-storey extension to its rear along the boundary shared with the appeal site, with a stated depth of 5.7m at lower ground floor level and c. 2.5m at ground floor level. The window opes of this two-storey extension face in a northerly direction. A stone wall c. 2m high defines the shared boundary between the appeal site and No. 50 Tritonville Road. The two-storey rear extension

permitted under P.A. Ref. 3901/21 extends for a depth of 6.1m at lower ground floor level and 2.8m at ground floor level along the boundary shared with the appeal site.

- 7.2.15. Having regard to the scale, extent and height of the proposed extension and taking into consideration the existing two-storey extension to the rear of No. 50 Tritonville Road along the boundary shared with the appeal site and the scale and extent of the development recently permitted to the rear of No. 50 Tritonville Road under P.A. Ref. 3901/21, it is my view that the proposed development would not have an overbearing impact on No. 50 Tritonville Road. On this basis, I recommend that the proposed development should not be refused permission on the grounds of overlooking or overbearing impact.
- 7.2.16. While not raised in the grounds in the grounds of appeal, it is noted that the Planning Authority considered that the proposed 2 no. balconies on the southern elevation at ground and first-floor level and the demolition of the chimney breast would have a negative impact on the character of the building. The Planning Authority acknowledges that although the building is not a Protected Structure, it occupies a prominent location within a residential conservation area. On this basis, the Planning Authority imposed Condition No. 3 (c), which requires the removal of the proposed balconies and doors on the ground and first floors of the southern elevation and that the existing windows on the southern elevation be preserved. Furthermore, Condition No. 3 (d) requires that the chimney stack shall be retained.
- 7.2.17. The proposed balconies on the southern elevation at ground and lower ground floor level have a depth of c. 1.8m and a width of 5.7m., with glass balustrades provided on the balcony edges. Furthermore, the proposed works to the southern side elevation include removing 1 no. sash window at both ground and first-floor levels and replacing these with French doors. It is also proposed to remove the existing chimney breast and replace it with slates that match the existing material.
- 7.2.18. I observed during my site inspection that the neighbouring dwelling, No. 2A Sandymount Road, has a first-floor balcony to its front elevation. Given that (i) the existing building is not a Protected Structure, (ii) the neighbouring dwelling No. 2A Sandymount Road has a balcony to its front elevation, (iii) the proposed balconies are located on the recessed side elevation of the building (behind the 3-storey bay window), (iv) the balcony edges would comprise of glass railings, and (v) the size of

the proposed new French door window openings, it is my view that the proposed balconies, new French doors, and the removal of the chimney breast would not have a negative impact on the character or visual amenity of the subject building and the surrounding Residential Neighbourhood Conservation Area. On this basis, I recommend that the terms of Condition 3(c) and (d) imposed by the Planning Authority be omitted in the event of a grant of permission. The provision of these balconies would contribute positively to the residential amenity of the occupants of the reconfigured apartments within the building while respecting the character of the surrounding Z2 Residential Neighbourhood Conservation Area.

7.3. Overshadowing and Impact on Daylight and Sunlight

- 7.3.1. The Appellant objects to the proposed development, citing the absence of a daylight and sunlight impact assessment report within the planning application. The Appellant highlights that the Dublin City Development Plan necessitates such assessments for apartment block planning applications, regardless of the size or scale of the project. Consequently, the Appellant requests the preparation and consideration of a daylight and sunlight assessment to evaluate the impact of the two-storey extension on neighbouring properties. Moreover, the Appellant refers to a precedent established by a planning condition at No. 50 Tritonville Road under P.A. Ref. 3901/21, which stipulated that the ground floor extension's height should not exceed 3.3 meters in order to prevent overshadowing of adjacent properties. The Appellant contends that the proposed 4.6-meter high balcony wall along the eastern boundary will cause overshadowing and adverse effects on neighbouring property No. 50 Tritonville Road, as it extends considerably above the height of the boundary wall.
- 7.3.2. In its assessment, the Planning Authority observes that the proposed development entails a two-storey extension at the rear of the site, adjacent to No. 50 Tritonville Road, aimed at enhancing the existing apartments. The Authority outlines that the lower ground floor of the extension will have a depth of c. 5.02 meters, while the upper ground floor depth will be reduced to c. 3.42 meters. Additionally, the upper ground floor is set to include a 1.6-meter deep balcony, accompanied by a side privacy screen wall on the boundary shared with No. 50 Tritonville Road. Upon examination, the Planning Authority concludes that, given the eastward orientation of the extension and

the configuration of the existing dwelling, the proposal is unlikely to result in significant additional overshadowing of No. 50 Tritonville Road.

- 7.3.3. Regarding daylight and sunlight, Table 15-1 of the Dublin City Council Development Plan 2022-2028 refers to 'Thresholds for Planning Applications', which requires a Daylight and Sunlight Assessment for all apartment developments. A Daylight and Sunlight Assessment has not been submitted with the subject application. However, given that the proposal comprises the reconfiguration and refurbishment of five existing apartments and the construction of a two-storey rear extension, it is my view the mandatory submission of a Daylight and Sunlight Assessment is not required in this instance.
- 7.3.4. Appendix 16 of the Dublin City Council Development Plan 2022-2028 sets out guidance regarding Sunlight and Daylight. Section 3.5 thereunder states that 'appropriate and reasonable regard should be taken of government policies, including the Urban Development and Building Height Guidelines for Planning Authorities (2018) and the Sustainable Urban Housing: Design Standards for New Apartments (December 2020), in the completion of sunlight and daylight assessments.
- 7.3.5. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that 'appropriate and reasonable regard' should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified, and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and/or an effective urban design and streetscape solution.

7.3.6. The Sustainable Urban Housing Design Standards for New Apartments Guidelines (Dec. 2022) highlight the importance of the provision of acceptable levels of natural light in new apartment developments, which should be weighed up in the context of the overall quality of the design and layout of the scheme and the need to ensure an appropriate scale of urban residential development. Section 6.6 of the Guidelines states that planning authorities should

'have regard to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context, when undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision'.

Section 6.7 states that

'where an applicant cannot fully meet these daylight provisions, this must be clearly identified, and a rationale for any alternative, compensatory design solutions must be set out, which planning authorities should apply their discretion in accepting, taking account of its assessment of specific. This may arise due to design constraints associated with the site or location and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution'.

7.3.7. Appendix 18, Section 1.6 of the Dublin City Council Development Plan 2022-2028 refers to 'Daylight and Sunlight' in relation to extensions to dwellings and states the following;

Large single or two-storey rear extensions to semi-detached or terraced dwellings can, if they project too far from the main rear elevation, result in a loss of daylight to neighbouring houses. Furthermore, depending on orientation, such extensions can have a serious impact on the amount of sunlight received by adjoining properties. On the other hand, it is also recognised that the city is an urban context and some degree of overshadowing is inevitable and unavoidable. 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.

- 7.3.8. As detailed above, the proposed two-storey rear extension extends along the northern boundary, shared with No. 50 Tritonville Road, for a total depth of 5 meters at lower ground floor and ground floor level. At ground floor level the proposed extension has a depth of 3.4m, with the remaining footprint of the extension providing a balcony with a depth of 1.6m. As viewed on the proposed southern side elevation, the proposed two-storey rear extension has a height of 6.2m extending for a depth of 3.4m, reducing to a height of 4.6m for the remaining balcony depth of 1.6m. A masonry wall c. 2m high defines the northern side elevation of the proposed balcony at ground floor level.
- 7.3.9. Having regard to the drawings submitted under P.A. Ref. 3901/21, I note that adjoining dwelling No. 50 Tritonville Road has a two storey extension to its rear along the boundary shared with the appeal site, with a stated depth of 5.7m at lower ground floor level and c. 2.5m at ground floor level. The window opes of this two-storey extension face in a northerly direction. A stone wall c. 2m high defines the shared boundary between the appeal site and No. 50 Tritonville Road. The two-storey rear extension permitted under P.A. Ref. 3901/21 extends for a depth of 6.1m at lower ground floor level and 2.8m at ground floor level along the boundary shared with the appeal site.
- 7.3.10. The proposed site layout plan submitted under the subject application show that the proposed two-storey rear extension would extend c. 3.6m beyond the existing 2-storey extension to the rear of No. 50 Tritonville Road.
- 7.3.11. Having regard to the scale, extent and north-facing orientation of the 1.5 storey extension to the rear of No. 50 Tritonville Road along the common boundary shared with the appeal site, the scale and extent of the development permitted under P.A. Ref. 3901/21 and in consideration of the height, scale and extent of the proposed two-storey rear extension, I am satisfied that the proposed development would not adversely impact the residential amenity of No. 50 Tritonville Road by way of overshadowing or loss of daylight. Furthermore, the proposal would not cause significant overshadowing of the private amenity space to the rear of No. 50 Tritonville Road. I recommend, therefore, that the proposed development is not refused permission on these grounds of appeal.

8.0 Appropriate Assessment

- 8.1.1. Having regard to the nature and modest scale of the proposed development, to the location of the site within a fully serviced urban environment, and to the separation distance and absence of a clear direct pathway to any European site, no Appropriate Assessment issues arise, and 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.

9.0 Recommendation

- 9.1. I recommend that permission be granted, subject to conditions, for the reasons and considerations below.

10.0 Reasons and Considerations

- 10.1.1. Having regard to the scale, form and design of the proposed development, it is considered that, subject to compliance with the Conditions set out below, the proposed development would not adversely impact the residential amenity of neighbouring property or the character and visual amenity of the existing building and surrounding streetscape. The proposal would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>a) The driveway entrance on Sandymount Road shall be omitted. To improve road safety, the existing entrance shall be reduced in width to a maximum of 1.5m. This shall be achieved by extending the boundary wall and relocating the gate pillar accordingly. The revised entrance shall not have outward opening gates.</p> <p>b) The proposed parking area shall be omitted and shall be developed as a landscaped amenity area for the apartments.</p> <p>c) 7 no. cycle parking spaces shall be provided in a secure compound. Key/fob access shall be provided to the bicycle compound. The cycle parking shall be secure, conveniently located, sheltered and well lit. Electric bike charging facilities shall be provided.</p> <p>Details of the above requirements shall be submitted for the written agreement with the Planning Authority prior to the commencement of the development.</p> <p>Reason: In the interest of vehicular and pedestrian safety and residential amenity.</p>
3.	<p>All external finishes shall harmonise in colour and texture with the existing building on the site.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>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.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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 residential amenities of property in the vicinity.</p>
6.	<p>All necessary measures shall 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>
7.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including, noise / vibration and traffic management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
8.	<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</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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Brendan Coyne
Planning Inspector

05th April 2023