



An
Bord
Pleanála

Inspector's Report

ABP-316085-23

Development	Refurbishment of dwelling. reconstruction of extension and all associated site work
Location	3, Geraldine Terrace, Milltown Road, Milltown, Dublin 6, D06 R3W8
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB2138/22
Applicant(s)	Rana Al Darnin.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party versus grant of permission.
Appellant(s)	Melina Fenelon.
Observer(s)	Martin Shivnen and Susan Shivnen.
Date of Site Inspection	5 June 2023.
Inspector	Stephen Rhys Thomas

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1.0 Site Location and Description

- 1.1. The appeal site is located on Milltown Road, opposite the Saint Brocs Apartment block, in the Milltown suburb of south Dublin city. The site is located at the end of a two storey terrace of three houses that all have large front gardens that back on to the Milltown Road. The rear yards of the terrace are very narrow and most the open space associated with these houses is to the west along Milltown Road.
- 1.2. 1-3 Geraldine Terrace are located a distance back from the road, with large front gardens. 4-7 Geraldine Terrace are positioned closer to the Road and are noticeably forward of the building line made by 1-3 Geraldine Terrace. There is a private car park to the rear of Geraldine Terrace and this in turns opens out onto a public car park.

2.0 Proposed Development

- 2.1. The proposed development comprises:
 - Refurbishment of a two storey dwelling,
 - new roof light to rear roof pitch,
 - demolition of existing single storey front extension and the construction of a two storey extension to the side and front of the existing house.
 - Single storey extension to the front of house.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to grant permission subject to nine conditions, most are standard and technical in nature, condition 2 sets out the following:
 - Reduce width of ground floor extension by 1 metre.
 - Remove roof terrace.
 - Reduce length of bedroom 3 to a maximum of 3.7 metres.
 - Indicate screening details for first floor winter garden.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

3.2.2. The Planning Authority decided to grant permission subject to nine conditions, the basis of their decision can be summarised as follows:

- Extensions to the front of houses is generally problematic, however, given the configuration of the terrace, a front extension is visually acceptable. Subject to minor amendments the proposal is acceptable.

3.2.3. Other Technical Reports

1. Drainage: No objections subject to conditions.

2. Traffic Planning Department: No objections subject to conditions.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

Four submissions were received, security, overlooking and loss of daylight were expressed as concerns. The design will be visually different, and no consultation was provided.

4.0 **Planning History**

4.1.1. Site:

None.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2022-2028.

The subject site is governed by zoning objective Z1 Sustainable Residential Neighbourhoods, with the objective to protect, provide and improve residential amenities.

Ancillary Residential Accommodation - Appendix 18

1.2 Extensions to Rear

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.

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. 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

1.3 Extension to Side

Ground floor side extensions will be evaluated against proximity to boundaries, size, and visual harmony with existing (especially front elevation) and impacts on adjoining residential amenity. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable.

However, in certain cases a set-back of an extension's front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape, and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing.

Any planning application submitted in relation to extensions, basements or new first/ upper floor level within the envelope of the existing building, shall clearly indicate on all drawings the extent of demolition/ wall removal required to facilitate the proposed development and a structural report, prepared by a competent and suitably qualified engineer, may be required to determine the integrity of walls/ structures to be retained and outline potential impacts on adjoining properties. This requirement should be ascertained at pre-planning stage. Side gable, protruding parapet walls at eaves/ gutter level of hip-roofs are not encouraged.

The proposed construction of new building structures directly onto the boundary with the public realm (including footpaths/ open space/ roads etc.), is not acceptable and it will be required that the development is set within the existing boundary on site and shall not form the boundary wall. The provision of windows (particularly at first floor level) within the side elevation of extensions adjacent to public open space will be encouraged in order to promote passive surveillance, and to break up the bulk/ extent of the side gable as viewed from the public realm.

5.2. Natural Heritage Designations

5.2.1. None relevant to this site.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the proposed development, comprising a domestic extension, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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

6.1.1. A third party appellant, Melina Fenelon of 4 Geraldine Terrace has appealed the decision of the planning authority to grant permission, the grounds of appeal can be summarised as follows:

- Loss of daylight and sunlight – no analysis has been carried out to determine the impact of the development. The loss of light will affect the amenity of garden, kitchen area and landing.
- Overbearing appearance – the development will present an overbearing appearance, the reductions recommended by condition are welcomed,
- Loss of privacy – windows will overlook the back garden and this will impact upon privacy. Windows will also overlook a private parking area.
- Security – the development will allow access to a flat roof.
- There is no clarity as to what walls will be affected by the works proposed, no consent is given to demolish walls in my property.
- Concern about the extent of building works and the disruption that will be caused.

The appeal is supported by photographs that illustrate the nature of the appellant's dwelling and neighbouring dwelling.

6.2. Applicant Response

6.2.1. The applicant has prepared revised drawings, illustrations, photographs and a written response, that can be summarised as follows.

- The living room is reduced by 1 metre in width to limit overshadowing of 2 Geraldine Terrace.
- First floor roof terrace omitted to limit overlooking.
- The proposed bedroom at the front of the house has been reduced to 3.7 metres in depth.
- First floor winter garden omitted, first floor bedroom window to be located on the existing gable wall (south).
- No impacts of loss of sunlight/daylight would be expected to be experienced at 4 Geraldine Terrace, however, the design has been delivered to limit any impacts.

- Loss of privacy, car park overlooking is already in place by the gable window of 3 Geraldine Terrace.
- Access to flat roofs – there are no openings that would allow access to flat roofs. The development will eliminate current issues of overlooking from flat roofs used as terraces.
- There will be no impact upon boundary walls as all development will occur within the site bounds.

6.3. **Planning Authority Response**

6.3.1. Apply a section 48 condition.

6.4. **Observations**

6.4.1. A single observation has been received from the occupants of 7 Geraldine Terrace and similar concerns as those raised by the appellant are reiterated.

6.5. **Further Responses**

6.5.1. Further responses were received by the Board in relation to the applicant's revised drawings and commentary about the proposed development. The responses can be summarised as follows:

6.5.2. The Appellant

- Acknowledges and welcomes the omission of the rear window and wintergarden at first floor level, this will reduce overlooking.
- The clarity that all building works will take place within the site boundaries, is welcomed and will ensure the integrity of boundary/party walls.
- Opaque glazing in the wintergarden area would be preferable and allow for greater privacy.
- Clarity is provided with relation to the difference between the private car parking area and the Corporation parking area. Access to the private car parking area is not available to the applicant and so the provision of a ground floor window would allow access to builders and this is not favoured.

- Concerns about loss of daylight are reiterated however, the reduction in eaves and the fact that all works will take place within the boundary alleviates some worries.

6.5.3. The Observer

- Concerns remain about the wintergarden and removal of a boundary wall. This would facilitate construction and deliveries, through a private car park area and this would be inconvenient if not managed.
- Concern that the ground floor wintergarden window could become a door at some point in the future and allow access the private car park.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Residential Amenity
- Security
- Construction
- Other Matters
- Appropriate Assessment

7.2. **Residential Amenity**

7.2.1. The appellant resides at 4 Geraldine Terrace, directly south of the appeal site. The appellant has concerns that their access to daylight will be reduced by the development and that overshadowing will occur. In addition, the scale of works proposed will present an overbearing appearance, as viewed from the appellant's back garden and privacy will be impacted upon by overlooking windows. The planning authority noted these concerns and sought to mitigate all these impacts by a reduction in width of the ground floor extension by 1 metre, removal of a roof terrace, a reduction in the length of bedroom 3 to a maximum of 3.7 metres and screening to the first floor winter garden, condition 2 refers. In response to the grounds of appeal the applicant has submitted revised drawings that take account of condition 2 and offers the following improvements: the winter garden will be removed and a window to bedroom 2 on its southern stepped back elevation.

7.2.2. In my assessment I have had regard to both the initial drawings submitted with the application and the revised drawings that take into account condition 2 set out by the planning authority and the additional concessions offered by the applicant. I note that the appellant and observer were offered the opportunity to respond to these revised plans and they are broadly welcomed with some reservations. I am satisfied that the drawings submitted with the appeal take into account the requirements of the

planning authority and the additional amendments offered by the applicant are supportive of the concerns advanced by the appellant and observer.

- 7.2.3. Sunlight/daylight/overshadowing – the proposed development lies to the north of 4 Geraldine Terrace (property of the appellant). Number 3 Geraldine Terrace is a two storey terraced house and steps back from the building line with number 4 to the south. Even without any detailed analysis it is unlikely that any perceptible level of overshadowing will result to the rear garden of number 4 Geraldine Terrace. If any property were to be impacted upon with regard to overshadowing, I would anticipate that number 2 Geraldine Terrace would be concerned, it lies to the north of the appeal site and could be affected. Even so, the design and massing of the proposed extensions are set against the northern gable of 4 Geraldine Terrace and away from number 2, therefore I am satisfied that no adverse levels of overshadowing would result to any neighbouring property. As for the appellant's property, as it lies to the south and the side extension to number 3 is moderate in scale, I anticipate no undue levels of overshadowing to result.
- 7.2.4. In terms of daylight/sunlight, there are quite technical studies that can be undertaken to understand the level of direct sunlight and ambient daylight that would be lost because of new development. However, given the limited scale of the development proposed, the existing urban condition and the southern orientation of the appellant's property, I do not have any concerns that the level of light lost would be perceptible to the occupants of 4 Geraldine Terrace or other properties in the vicinity. In this instance a full sunlight/daylight analysis is not necessary. Lastly, I note the clarity that the applicant's amended drawings provided with reference to the overall design of the scheme and that all works will remain inside the boundaries, as is the norm. I note that the appellant acknowledges this clarity and their concerns about loss of daylight have receded.
- 7.2.5. Overbearing appearance – the appellant is concerned that the side extension to 3 Geraldine Terrace would result in an overbearing impact as viewed from their rear elevation and rear garden. At present, number 3 Geraldine Terrace already presents a two storey gable slightly off the appellant's property. The two storey side elevation will be increased up to the boundary, for a distance of 8 metres in length and 2 metres in width. This will be a noticeable addition to the appeal site when viewed from the rear gardens of Geraldine Terrace to the south. However, I am satisfied that

given the urban and terrace context and the fact that other dwellings along Geraldine Terrace have been altered by two storey extensions in the past, that the proposed development would not be out of character and result in any undue overbearing appearance.

7.2.6. Overlooking – the appellant is concerned that overlooking of their property will result. I note that the gable end of the appeal site already contains a window at first floor level and the proposed development will provide a new first floor gable that will deflect views. The prospect of any significant overlooking and loss of privacy from the proposed development will actually be improved in my opinion. As for the remainder of the southern elevation, no other windows are proposed at first floor and so no prospect of overlooking would result.

7.2.7. The appellant and observer, still have concerns about a ground floor window that faces across a private car park. The concerns mainly revolve around construction access and the prospect of a doorway at some point in the future. However, with reference to loss privacy, I am not concerned that this will be the case, as the window will look across a car parking area and not a communal or even private amenity space. I see no reason to omit this ground floor window to address loss of privacy.

7.3. **Security**

7.3.1. The appellant is concerned that access to flat roofs could result from the development as proposed. I see that the planning authority sought to omit a roof terrace and that the applicant has prepared revised drawings as a response to the appeal. The revised drawings show no first floor roof terraces or winter garden. The only access to the flat roof over the sitting room will be from the window of bedroom 3, and this will not provide any further access to other roofs in the vicinity. I am satisfied that the development as amended by the drawings submitted to the Board, will not result in any loss of privacy for neighbouring property.

7.4. **Construction**

7.4.1. Both the appellant and observer are concerned about the construction phase of the development and that access will be limited as a result of ongoing works. The appellant is particularly concerned about the integrity of their boundary walls and any encroachment. The appellant has set out the entire development will be carried out

within their boundaries and this is common practice with any urban development. I am satisfied that the development as proposed falls within the boundaries of the site and any other forms of consent with regard to access across a private car park for construction purposes falls to be agreed with the relevant parties when and if construction begins.

7.5. Other Matters

- 7.5.1. Development Contribution – I note that the planning authority made a submission and requested the addition of a condition with reference to the Council's section 48 Development Contribution Scheme. This is a reasonable request, and it is entirely satisfactory to attach such a condition.

7.6. Appropriate Assessment.

- 7.6.1. Having regard to the minor nature and scale of the development under consideration, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

- 8.1. Having regard to the above assessment, and based on the following reasons and considerations, it is recommended that permission be granted subject to conditions.

9.0 Reasons and Considerations

Having regard to the pattern and character of existing development in the area, the design and scale of the development proposed, and the provisions of the Dublin City Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in accordance with the zoning objective for the site, would not detract from the visual

amenity of the area, and would not seriously injure the residential amenity of surrounding properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 13th day of April, 2023, 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.

Reason: In the interest of clarity.

2. 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.

Reason: In the interest of public health.

3. Site development and building works shall be carried out only between the hours of 0700 and 1800 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

4. All necessary measures shall be taken by the Developer and Contractor to avoid conflict between construction traffic/activities and traffic/road users, particularly pedestrians, during construction works.

Reason: In the interest of the proper planning and sustainable development of the area.

5. 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. 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Stephen Rhys Thomas

Senior Planning Inspector

6 June 2023