



An
Bord
Pleanála

Inspector's Report

ABP-318810-24

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| Development | Extension to side and rear of existing dwelling and all associated site and landscaping works. |
| Location | 14 Deanstown Green, Finglas, Dublin 11, D11 V2X2 |
| Planning Authority | Dublin City Council North |
| Planning Authority Reg. Ref. | WEB1341/23 |
| Applicant | Eugen Talmacel |
| Type of Application | Permission |
| Planning Authority Decision | Grant |
| Type of Appeal | Third Party |
| Appellant | Anne O'Rourke and Paul Doolan |
| Observer(s) | None |
| Date of Site Inspection | 17 th February 2024 |
| Inspector | Rachel Gleave O'Connor |

1.0 Site Location and Description

- 1.1. The subject site is situated to the north of Deastown Green road and forms the end of a terrace of 2 storey residential dwellings. It is attached to attached to 16 Deanstown Green to the west and shares a boundary with 12 Deanstown Green to the east.

2.0 Proposed Development

- 2.1. The appeal relates to planning permission sought for the following:
- (i) Construction of a new two storey extension to the side of existing dwelling with pitched roof and Velux rooflight to the rear;
 - (ii) The construction of a new part single storey part two storey extension to the rear of existing dwelling with flat roof and all associated site and landscaping works necessary to facilitate the development.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. Following a request for further information dated 19th June 2023, the planning authority issued a notification of decision to grant permission on 14th December 2023, subject to 10 conditions.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The following comments are included in the planner's report:

- The site is zoned Z1 'To protect, provide and improve residential amenities'. The proposal is acceptable in principle under the zoning.
- Third party comments with respect to overcrowding are noted, however the grant of planning permission does not relieve the development from requirements under other codes.

- The submitted drawings show the extension built entirely within the applicant's site. The third party comments regarding the impossibility of erecting scaffolding on their property are noted. Boundary issues are a civil matter.
- Regarding visual amenity, the extension matches the house and is acceptable.
- There would be no undue residential amenity impacts on daylight to the closest first floor window and while there would be additional overshadowing, this would not be undue, and gardens would remain well sunlit.
- There may be some impacts on daylight to the first floor gable window, the glazed door to 12 Deanstown Green (the front door to these houses is in the side gable), and the glazed door to the porch to the side extension; however, as these serve circulation spaces, rather than habitable rooms, the impacts would be acceptable. There would be additional overshadowing from the first floor extension, but this would mostly fall on the roof of the rear extension of 12 Deanstown Green, and it would not cause undue overshadowing of the garden, or of habitable rooms.
- No undue privacy impacts.
- Request for further information is appropriate with respect to lack of a drainage drawing.
- Following the request for further information dated 19th June 2023, on the 10th November 2023, the applicant submitted a revised drainage plan, calculations for rainwater planters and correspondence from the Council's Drainage Division.
- Following receipt of the further information response, the Drainage Division had no objection subject to standard conditions and the incorporation of SuDS.

3.3.2. Other Technical Reports

- Drainage Division: No objections raised subject to conditions.

3.4. Prescribed Bodies

- Uisce Éireann: No response.

3.5. Third Party Observations

- Two observations received in objection to the proposed development. Matters raised relate to potential for overcrowding, overspill parking, the extension being too close to the neighbouring boundary wall, no permission for scaffolding on the neighbours side and loss of light/views to 12 Deanstown Green.

4.0 Planning History

- 4.1. None of relevance.

5.0 Policy Context

- 5.1. Local Planning Policy is set out in the Dublin City Development Plan 2022-2028.

- 5.2. The site is zoned 'Z1 – Sustainable Residential Neighbourhoods' – 'To protect, provide and improve residential amenities'.

- 5.3. Appendix 18 'Ancillary Residential Accommodation' sets out guidance on additions and alterations to existing housing stock. Below are the relevant sections of appendix 18:

- Section 1.1 General Design Principles sets out considerations in the assessment of residential extensions.
- Section 1.2 Extensions to Rear outlines the parameters to be considered for rear extensions.
- Section 1.3 Extensions to Side outlines the parameters to be considered for side extensions.
- Section 1.4 concerns Privacy and Amenity and section 1.6 concerns Daylight and Sunlight. Section 1.7 concerns Appearance and Materials.
- Sections 4.0 and 5.0 address roof level/attic alterations/extensions.

5.4. Section 15.9.16 of the Development Plan written statement addresses daylight and sunlight standards for residential development. Appendix 16: Sunlight and Daylight expands on requirements.

5.5. **Natural Heritage Designations**

5.6. The subject site is located over 6km to the north west of North Dublin Bay SAC, pNHA, (000206) and North Bull Island SPA (004006). There is no connection to any European (Natura 2000) sites and no pathways.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The appeal submissions are formed of a copy of correspondence with the Councils Planning Enforcement Division and a copy of the objection to the planning application noting the following points:

- The extension is being built on the boundary line to the front of the property resulting in the protrusion of the roof over property at 12 Deanstown Green.
- Permission will not be given by 12 Deanstown Green for scaffolding to be erected to facilitate the proposed works.
- The extension should be a minimum of 1m from the boundary wall.
Concerned that the rear extension is longer than the existing extension.
- Concerned the existing extension will not be able to carry the weight of the proposed upper bedrooms.
- Other concerns include overdevelopment, loss of light, loss of view to 12 Deanstown Green.
- Applicant is a developer of properties for multi room rentals which would lead to overcrowding.

6.2. Planning Authority Response

- The planning authority request that the Bord uphold their decision, however if permission is granted, request a condition requiring the payment of s48 development contribution.

6.3. Observations

- None received.

7.0 Assessment

7.1. I propose to assess the appeal under the following headings:

- Principle of development;
- Amenity impacts; and
- Other Matters.

7.2. Principle of development

- 7.2.1. The subject site is zoned Z1 'Sustainable Residential Neighbourhoods' with the associated objective 'To provide, protect and improve residential amenities'.
- 7.2.2. The proposed development for the extension of an existing residential dwelling is therefore acceptable in principle, where all other relevant considerations under the Development Plan are satisfied.
- 7.2.3. I note that the appeal grounds raise concern regarding potential overcrowding associated with potential use of the property for multiple lets.
- 7.2.4. The proposed development is for an extension to a single residential dwelling. The submitted plans illustrate a living room, office, utility and kitchen / diningroom at ground floor with three bedrooms at first floor and a converted attic space in the roof. There is nothing to suggest in the application that the intention is for multiple tenancy occupation. There are however separate legislative requirements and regulations with respect to multiple occupation that would be triggered in the event that such occupation was intended at the property.

- 7.2.5. The proposed development is not overdevelopment of the site and there is nothing inherent in the design as submitted that would lead to overcrowded occupation. The proposed development reflects the level of accommodation that can be associated with use as a family home.

7.3. Amenity impacts

- 7.3.1. The appeal grounds raise concerns with respect to the size of the extension and associated adverse amenity impact with respect to loss of light and loss of view to no.12 Deanstown Green.
- 7.3.2. Section 15.11 'House Development' of the Development Plan states that for guidance and standards related to residential extensions, appendix 18 of the plan applies. Appendix 18 'Ancillary Residential Accommodation' of the plan, sets out the principles that should be adhered to in the design of extensions to existing dwellings and includes considerations of potential adverse impact upon the amenities of adjoining occupiers, in terms of privacy, outlook and access to daylight and sunlight.
- 7.3.3. Overshadowing
- 7.3.4. The proposed extension would increase the width of the existing house by approximately 2.7m, projecting at the side and situated on the shared boundary with no.12 Deanstown Green. This proposed side extension would project for the extent of the existing dwelling depth on the plot (7.5m approx.). The proposed rear extension alters an existing ground floor extension at the property increasing its width where it meets the main dwelling house, but otherwise it remains the same proportions as existing. The proposed extension to the rear of the property is set in from the boundary by approximately 2m. At first floor, the proposed extension projects for a depth of approximately 3m and would be situated over the proposed augmented portion of the rear ground floor extension.
- 7.3.5. While the proposed extensions would alter the extent of overshadowing associated with the dwelling on the plot, I am satisfied that the extent of alteration would not be significantly harmful to the amenities of adjacent occupiers. The proposed side extension is situated on the same front and rear building line as the original house on the plot, and broadly reflects the building lines for no.12 Deanstown Green. No.12 Deanstown Green has an existing side extension with porch entrance situated on the boundary with the subject site. There are no habitable room windows to the side

elevation of no.12 that would be unduly overshadowed by the proposed side extension, with only an existing single first floor window to non-habitable space. To the rear, the proposed extension would not significantly alter impact at ground level as it broadly reflects the proportions of the existing extension at the property and is set in c.2m from the boundary with no.12. At first floor, the proposed extension would project for c.3m and is situated c.2m from the boundary with no.12. There will be limited increased overshadowing associated with this part of the proposal, however as the rear gardens are north facing, most overshadowing will be associated with houses on their own individual plots. I am satisfied that the proposed extensions would not unacceptably increase overshadowing of adjacent properties and that the proposed extensions are a proportional and acceptable addition to the existing dwelling on the site.

7.3.6. View

7.3.7. I note that the appeal grounds outline concern with respect to the view from no.12 Deanstown Green being blocked.

7.3.8. Page 420, section 1.5 of the Development Plan states:

7.3.9. "...The planning system does not give neighbours 'a right to a view' and does not always prevent people's view from being blocked. However, extensions should be designed so as not to dominate or appear unduly overbearing when viewed from adjoining properties."

7.3.10. I have described above with respect to overshadowing the relevant separation to the adjacent plot at no.12 and I am satisfied that the proposed extension would not overdominate or appear unduly overbearing with reference to separation to the boundary line and the proportions of the extensions proposed.

7.4. **Other matters**

7.4.1. The appeal grounds raise concern at the location of the proposed extension on the shared boundary with no.12 Deanstown Green and highlights that permission would not be granted to facilitate construction of the proposed extension via that adjoining land.

7.4.2. As addressed in the Local Authority Planner's Report, boundary disputes are a civil matter. The submitted drawings do not indicate any projection over the boundary.

Party wall agreements are covered under separate legislation and are not a matter for the Board.

7.4.3. The appeal grounds raise concern that the existing ground floor extension at the property would not be able to carry the weight of the proposed upper bedrooms.

7.4.4. I note that section 1.3 page 419 of the Development Plan states:

“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...”

7.4.5. At first floor, the proposed extension is situated partly over the existing rear ground floor extension and partly over the proposed new augmented section at ground floor. Building Regulations address structural soundness which would be determined by a structural engineer. The new structure proposed at ground floor will assist in supporting the proposed first floor. I am satisfied that there is no further requirement to be met with respect to a planning assessment of the current application subject to this appeal.

7.4.6. I note that the appeal grounds enclosed correspondence with the Planning Enforcement unit at the Local Authority. I also observed during my visit to the site that preparation works may be underway to the subject property, however the existing property appeared as detailed in the submitted drawings. In any case, enforcement matters are not for the Board and are within the remit of the Local Authority.

8.0 Recommendation

8.1. Having regard to the above, I recommend that permission be GRANTED for the development, subject to conditions, for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to:

- (1) the zoning of the site under Objective 'Z1' 'Sustainable Residential Neighbourhoods' with the associated objective 'To provide, protect and improve residential amenities',
- (2) planning policies and objectives under the Dublin City Development Plan 2022-2028,
- (3) the nature, scale and design of the development,
- (4) the existing pattern of development in the vicinity, and
- (5) the planning history of the site,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously, or disproportionately, injure the amenities of the area or of property in the vicinity, would otherwise be acceptable in terms of pedestrian and traffic safety and convenience, and therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

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| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the Further Information received on 17 November 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p> |
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| 2. | <p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p> |
| 3. | <p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management</p> |
| 4. | <p>The attic space hereby approved shall not be used as a habitable room unless it complies with the current building regulations.</p> <p>Reason: To provide for an adequate standard of development.</p> |
| 5. | <p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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> |

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| | <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p> |
| 6. | <p>Works to be carried out in compliance with British Standard 5228 'Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedure for noise control.' Works should be carried out in a manner to ensure that adjoining street(s) are kept clear of debris, soil and other material and with cleaning carried out at the developers expense if required.</p> <p>Reason: To ensure that the a satisfactory standard of development and to keep adjoining roadways clean and safe.</p> |
| 7. | <p>No flat roof shall be used as a balcony or terrace, unless authorised by a prior grant of planning permission.</p> <p>Reason: In the interest of residential amenities.</p> |

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.

Rachel Gleave O'Connor
Senior Planning Inspector

19th February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

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| An Bord Pleanála Case Reference | 318810-24 | | | |
| Proposed Development Summary | Extension to side and rear of existing dwelling and all associated site and landscaping works | | | |
| Development Address | 14 Deanstown Green, Finglas, Dublin 11 | | | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings) | | Yes | <input checked="" type="checkbox"/> | |
| | | No | No further action required | |
| 2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class? | | | | |
| Yes | <input type="checkbox"/> | Class..... | EIA Mandatory EIAR required | |
| No | <input checked="" type="checkbox"/> | | Proceed to Q.3 | |
| 3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]? | | | | |
| | | Threshold | Comment (if relevant) | Conclusion |
| No | <input checked="" type="checkbox"/> | | | No EIAR or Preliminary Examination required |
| Yes | <input type="checkbox"/> | | | Proceed to Q.4 |

4. Has Schedule 7A information been submitted?

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| No | | Preliminary Examination required |
| Yes | | Screening Determination required |

Inspector: _____ **Date:** _____