

An  
Bord  
Pleanála

## Inspector's Report ABP319048-24

<b>Development</b>	Single-storey extension to the rear of the property.
<b>Location</b>	71 Derrynane Gardens, Sandymount, Dublin 4, D04NH02
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	WEB 1718/23.
<b>Applicant(s)</b>	Irene Richardson.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse permission.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Irene Richardson.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	17/04/2024
<b>Inspector</b>	Anthony Abbott King.



## **1.0 Site Location and Description**

- 1.1. No. 71 Derrynane Gardens is located on the east side of the street on a corner site at the entrance to Derrynane Gardens at the junction with Bath Avenue.
- 1.2. No. 71 Derrynane Gardens is an end of terrace two-storey two-bay house with a large single storey extension extending the terrace to the south. The single-storey extension articulates the Derrynane Gardens / Bath Avenue corner.
- 1.3. Site area is given as 325sqm.

## **2.0 Proposed Development**

- 2.1. Single-storey extension to the rear of the property.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Refuse permission for the following reason:

*(1) The proposed extension to the rear of the existing extended house, would visually obtrusive and it would break the predominant building line on Bath Avenue, and would be visually overbearing when viewed from neighbouring properties on Bath Avenue. The extension due to its design and location would have an adverse impact on the scale and character of the existing dwelling and would have an adverse effect on the amenities enjoyed by the occupants of adjacent building in terms of outlook, as it does not achieve a high quality of design and would not make a positive contribution to the streetscape. The proposed extension would also be detrimental to the residential amenities of the future occupants of the building due to a poor internal layout and quality of open space provision. As such, the proposed development would be contrary to Appendix 18 of the Dublin City Development Plan 2022-2028, would devalue property in the vicinity and would set an undesirable precedent for similar type development. The*



*proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The decision of the CEO of Dublin City Council reflects the recommendation of the planning case officer.

It is noted Further Information was requested on the 23/11/ 2023, which is detailed below:

*The planning authority has concerns regarding the proposed rear extension, its location, layout and design and the resultant lack of private open space provision for a 6 person home. The applicant is requested to revisit the proposed design of the extension to address these issues. The applicant should consider a first floor extension over the existing side extension which could provide additional accommodation, while still retaining a bedroom at ground floor level which is accessible and also maintaining the family bathroom accessible off the hall. This would also maintain a more useable amount of private open space to the rear of the property, and would reduce the impact of the extension on the adjoining neighbours.*

#### Further Information Response

Kevin Tiernan, Planning Consultant Architectural Designer, responded on behalf of the applicant, on 05/01/2024 stating that the dept and height of the proposed rear extension are modest in comparison of other developments in the area. A number of precedents nearby are cited. The new sloped roof design addresses concerns about the overshadowing at 72 Bath Avenue. There is no overlooking of adjoining properties.

#### **3.2.2. Other Technical Reports**

No objection subject to condition.



## 4.0 Planning History

The following planning history is relevant:

- Under Register Ref: WEB1298/23 planning permission was refused for a single storey extension to the rear and side of the property with two roof windows for the following reason:  
  
*(1) The proposed extension to the side and rear of the existing extended house, would significantly break the predominant building line on Bath Avenue and would be visually overbearing when viewed from neighbouring properties on Bath Avenue. The extension due to its design and prominent location on this corner site would have an adverse impact on the scale and character of the existing dwelling and would have an adverse effect on the amenities enjoyed by the occupants of adjacent building in terms of outlook, it does not achieve a high quality design and would not make a positive contribution to the streetscape. As such, the proposed development would be contrary to Appendix 18 of the Dublin City Development Plan 2022-2028 and would set an undesirable precedent for similar development elsewhere. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
- Under Register Ref: WEB2082/22 planning permission was refused for single storey extension to rear and side of the property with two roof windows.
- Under Register Ref: WEB2283/13 planning permission granted for single storey extension to the side and rear of existing dwelling together with the demolition of existing garage on site.
- Under Register Ref: WEB2082/12 planning permission refused for a single storey rear extension to existing dwelling.

## 5.0 Policy and Context

### 5.1. Development Plan

The following policy objectives of the Dublin City Development Plan 2022-2028 are relevant:



## Zoning

The zoning objective is 'Z1'(Map E): *'to protect, provide and improve residential amenities'*.

Residential is a permissible use.

## Residential Extensions

Chapter 15 (Development Standards), Section 15.11 is relevant and states for guidance and standards *inter alia* for residential extensions see Appendix 18.

- Appendix 18, (Ancillary Residential Accommodation) Section 1 (Residential Extensions) is relevant. Section 1.1 (General Design Principles) *inter alia* states:

*The design of residential extensions should have regard to the amenities of adjoining properties and in particular, the need for light and privacy. In addition, the form of the existing building should be respected, and the development should integrate with the existing building through the use of similar or contrasting materials and finishes.*

- Section 1.1 (General Design Principles) provides the following assessment criteria for applications for extensions to existing residential units, which should:
  - *Not have an adverse impact on the scale and character of the existing dwelling;*
  - *Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight;*
  - *Achieve a high quality of design;*
  - *Make a positive contribution to the streetscape (front extensions).*

## **5.2. EIA Screening**

- 5.3. The proposed development is not within a class where EIA would apply.



## 6.0 The Appeal

### 6.1. Grounds of Appeal

The appeal statement is prepared by Kevin Tiernan Planning Consultant Architectural Designer on behalf of the appellant. The grounds of appeal are summarised below.

- The refusal of permission is disappointing given the successful approval of similar extensions in the surrounding area. The precedents cited have not been given due consideration by the planning authority. The Board is requested to thoroughly assess the established precedents notably at no. 52 Derrynane Gardens and to reconsider the decision to refuse permission.
- In the matter of the additional “bed” space and access to the family bathroom in the house, it is not intended as a permanent bedroom but as a room with a sofa bed to cater to the household needs particularly for those with mobility issues.
- In the matter of the history of refusal on site for single-storey side and rear extension, the development proposal incorporates substantial modifications to the original extension design(s) refused including: changes to the roof profile introducing a sloped roof with a reduced height of 2.1m (from 3.6m) closest to the shared property boundary with no. 72 Bath Avenue. The proposed rear extension dimensions both in depth and height are notably modest in comparison to other developments in the vicinity. The modifications align the extension harmoniously with the prevailing development patterns in the estate and adjoining areas. The slope roof eliminates potential overshadowing and overlooking of neighbouring properties.
- In the matter of open space, the proposed development retains over 30sqm. of private amenity space to the rear meeting the stipulated standards in urban settings (inner city) where a 5-8 sqm. private open space per bed-space development plan standard usually applies. Furthermore, space to the side of the property supplements the provision of private open space.



- In the matter of the building line on Bath Avenue, the new extension will be set back from the boundary on Bath Avenue maintaining the existing building line. The fact that the proposal respects the existing building line addresses concerns from previous refusals.
- In the matter of the planning authority requirement to clarify the slope of the roof profile by way of a section drawing, sections for the redesigned roof profile have been provided (see site layout plan). It is claimed that the planner overlooked this critical information and represents an inaccuracy in the planning authority decision making process.

## **6.2. Planning Authority Response**

The planning authority request the Board to uphold the decision to refuse planning permission. A condition requiring the payment of a Section 48 financial contribution is requested in the event of a grant of planning permission.

## **6.3. Observations**

None recorded.

## **7.0 Assessment**

- 7.1. The following assessment covers the points made in the appeal submission, the reason for refusal and encapsulates my overall consideration of the application. It is noted there are no new substantive matters for consideration
- 7.2. No. 71 Derrynane Gardens is located on a corner site and bookends the east terrace streetscape on Derrynane Gardens. The applicant proposes to construct a single-storey extension to the rear and side (given as 25 sqm.) of an existing dwelling house (given as 140 sqm.). There is an existing single-storey extension extending the Derrynane Gardens terrace to the south and elevating onto both Derrynane Gardens and Bath Avenue. The proposed extension would be located immediately to the rear and east of the existing single-storey extension between the rear of the extended terrace house and the shared property boundary with no. 72 Bath Avenue. The extension would accommodate a bedroom with bathroom facilities.



- 7.3. The extension would elevate onto Bath Avenue and would extend the single-storey elevation of the subject house along the Bath Avenue frontage. There is a history of extension refusal on site. The visibility of an extension of the subject property, given the site configuration comprising the corner site location and the proximity of the Bath Avenue frontage, has been a significant consideration in the reasons for refusal to date.
- 7.4. The planning authority refused the current iteration for the extension of no. 71 Derrynane Gardens by reason of its location and design, which *inter alia* would be visually obtrusive on Bath Avenue, would have an overbearing impact when viewed from neighbouring properties, would adversely impact the amenities enjoyed by the occupants of adjacent buildings and, would have an adverse impact on the existing dwelling in terms of scale, character and internal arrangement (principally access to the family bathroom).
- 7.5. The appellant claims that additional accommodation on site is justified by family requirements. The appellant clarifies that the additional room is not intended as a permanent bedroom but as a room with a sofa bed to cater to the household needs particularly for those with mobility issues. The appellant cites precedent in the immediate area for the approval of similar domestic extensions. Furthermore, the house would retain circa. 30sqm. of private amenity space to the rear meeting the stipulated standard.
- 7.6. The appellant claims that the overall design of the proposed extension would now incorporate a substantial modification to the design previous refused and would not break the building line on Bath Avenue. The current application provides for an amended roof profile incorporating a sloped roof with reducing height to 2100mm (from 360mm) on the property boundary with no. 72 Bath Avenue. It is claimed that the slope of the proposed roof would eliminate potential overshadowing and overlooking of neighbouring properties.
- 7.7. Appendix 18, Section 1.1 (General Design Principles) of the Dublin City Development Plan 2022-2028 provides assessment criteria for extension of existing dwelling houses. The criteria include the following, which I will assess individually below:



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

#### 7.8. Overshadowing, overbearing and overlooking

The pattern of development in the immediate area is characterised by terraced two-storey houses with single-storey extensions in instances. For example no. 1 Derrynane Gardens opposite the subject house also has a single-storey extension to the side of the house.

The proposal is for a single-storey extension. As such the potential for overshadowing, overbearing and overlooking impacts are limited. There are no window openings proposed in the east elevation of the extension. I do not consider that there would be significant overshadowing, overbearing and overlooking impacts resulting from the extension of the subject dwelling house to the side and rear.

#### 7.9. Proximity, height, and length along mutual boundaries.

The proposal would be located on the shared property boundary with no. 72 Bath Avenue to the east. The proposed extension would extend the Bath Avenue elevation of no. 71 Derrynane Gardens to the property boundary. The two-storey building line on Bath Avenue is recessed behind the single-storey building line of the existing single-storey element of no. 71 Derrynane Gardens. The height of the existing single-storey extension to ridge height is 3936mm. I consider that the location and single-storey height of the proposed extension reducing to 2100mm at the closest point to the shared property boundary would be acceptable in principle.

#### 7.10. Residual private open space

The footprint of the extension measured externally would be approximately 30 sqm. (5145mm x 5740mm). The extension would have a large patio door (4000mm in width) located in the north elevation opening into the private rear amenity space of the subject house. The residual private open space to the rear of no. 71 Derrynane Gardens would measure approximately 28 sqm. (5500mm x 5145mm).



Section 15.11.3 (Private Open Space) of the Dublin City Development Plan 2022-2028 requires a normally applied standard of 5–8 sqm. of private open space per bedspace for house(s) within the inner city. The standard may be relaxed on a case by case basis subject to a qualitative analysis of the development. The subject dwelling house has 4 existing bedrooms and additional bedroom accommodation is proposed.

A rigid application of bedspace numbers to open space provision would indicate that a larger private amenity space than the residual 28sqm. would be required in terms of quantity. However, the residual rear garden would be a dedicated private area insulated from the public street by the volume of the main house to the west and the single storey volume of the extension to the south. I consider that the residential open space in qualitative terms would provide an adequate private amenity area for the occupants of the subject dwelling.

7.11. Degree of set-back from mutual boundaries

The extension would extend to the shared property boundary with no. 72 Bath Avenue. No. 72 Bath Avenue is set back from the street and is framed by a front garden and vehicular access on street. There is a significant separation distance between the two-storey gable elevation of no. 72 Bath Avenue and the shared property boundary with no. 71 Derrynane Gardens.

I consider that the location of the proposed extension to the front of the rear building line of no. 72 Bath Avenue, the separation distance from the two-storey gable of no. 72 Bath Avenue and the single-storey height of the extension are significant mitigating factors in the assessment of the potential impact on the adjoining property to the east. I do not consider that there would be a significant adverse impact on the residential amenity of no. 72 Bath Avenue.

7.12. External finishes and design, which shall generally be in harmony with the existing

The proposed extension would follow the building line on Bath Avenue established by the existing single-storey extension to no. 71 Derrynane Gardens. I consider that the location of the extension would be appropriate given the single-storey height of the extension and the merit of continuing the Bath Avenue frontage of no. 71 Derrynane Gardens using the established building line.



The extension would harmonise with the existing in terms of elevation finish and fenestration.

- 7.13. In conclusion, the proposed extension would be single-storey in height, would incorporate a sloped roof profile reducing in height toward the shared property boundary with no. 72 Bath Avenue, would continue the building line on Bath Avenue established by the existing single-storey extension to no. 71 Derrynane Gardens, would provide a reasonable standard of accommodation on site, would be consistent with Appendix 18 (Ancillary Residential Accommodation), Section 1.1 (General Design Principles Residential Extensions) of the Dublin City Development Plan 2022-2028 and, as such, would be consistent with the proper planning and sustainable development of the area.

**7.14. Appropriate Assessment Screening**

The proposed development comprises a domestic extension in an established urban area.

Having regard to the nature and scale of the proposed development it is possible to screen out the requirement for the submission of an NIS

**8.0 Recommendation**

- 8.1. I recommend a grant of planning permission for the reasons and considerations set out below.

**9.0 Reasons and Considerations**

Having regard to the grounds of appeal, the reason for refusal, the residential zoning objective, the pattern of development in the area, which is characterised by terraced two-storey houses with extensions in instances single-storey extensions to the side, It is considered that the proposed development, subject to condition, would provide a reasonable standard of accommodation on site, would not have an adverse impact on the existing residential amenities of the subject dwelling house and neighbouring properties, would be consistent with Appendix 18 (Ancillary Residential Accommodation), Section 1.1 (General Design Principles Residential Extensions) of



the Dublin City Development Plan 2022-2028 and, as such, would be consistent with the proper planning and sustainable development of the area.

## 10.0 Conditions

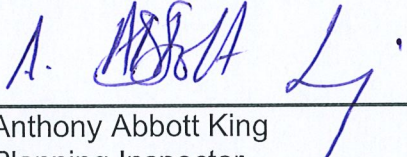
1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 05 day of January 2024, except as may otherwise be required in order to comply with the following conditions. 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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
3.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p><b>Reason:</b> In the interest of public health.</p>
4.	<p>Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
5.	<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. The contribution shall be paid prior to the commencement of development or in such phased payments as the</p>



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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

  
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Anthony Abbott King  
Planning Inspector

19 April 2024