



An
Bord
Pleanála

Inspector's Report ABP-319616-24

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| Development | Demolition of rear walls on ground floor and internal walls for the construction of a new single storey flat roof extension and a two-storey extension with pitched roof, together with all associated site works. |
| Location | 121 New Ireland Road, Rialto, Dublin 8, D08 V29R |
| Planning Authority | Dublin City Council South |
| Planning Authority Reg. Ref. | 3149/24 |
| Applicant(s) | Vincent Vendramini |
| Type of Application | Permission |
| Planning Authority Decision | Grant |
| Type of Appeal | First Party |
| Appellant(s) | Vincent Vendramini |
| Observer(s) | None |
| Date of Site Inspection | 15 th November 2024 |

Inspector

Frank O'Donnell

1.0 Site Location and Description

- 1.1. The subject appeal site is located at no. 121 New Ireland Road, Rialto, Dublin 8. The appeal site contains a two-storey three-bedroom terrace dwelling with a single storey rear extension and has a stated site area of 220 sqm.
- 1.2. The Grand Canal pNHA (Natural Heritage Area) lies to the rear of the subject appeal site.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Demolition of the existing ground floor external rear walls. This includes the existing external walls of the original dwelling and the side and part of the external rear wall of the existing kitchen extension. Demolition of the existing first floor rear bathroom wall. Demolition of internal walls to allow for new internal layout on both floors.
 - Permission for the erection of a part single storey flat roof extension on the ground floor and a part two storey pitched roof extension on the first floor. The proposed internal measurements for the ground floor extension are shown as 4.0 metres by 5.7 metres which equates to a proposed ground floor area of 22.8 sqm. The proposed internal measurements for the upper floor are shown as 4.0 metres by 2.3 which equates to a proposed floor area of 9.2 sqm. The overall combined floor area is therefore estimated to measure 32 sqm.
 - The extension has an overall width of 6.16 metres and is proposed to extend beyond the existing rear elevation by 4.3 metres. The ground floor single storey element is shown to have a parapet level height of 3.3 metres. The overall height of the second-floor element is shown to have a pitched roof level of 6.0 metres. The ridge height of the existing dwelling is shown to have a roof level of 7.2 metres.
 - The proposals also include:

- The installation of a pyramidal roof light over the proposed ground floor extension and 2 no. roof lights on either side of the proposed pitched roof plain at first floor level.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Local Authority issued a Notification of Decision to Grant permission on 2nd April 2024 subject to 10 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Local Authority Planner** considered that the proposed depth (4.3 metres) of the extension and the height (6.08 metres) of the first-floor element to be excessive and may result in undue overshadowing and, which is likely to present an overbearing appearance when viewed from the rear amenity space of the adjoining property. This would lead to a loss of sunlight to the rear windows of no. 123, in particular. The Local Authority Planner considered that a flat roof extension would be more appropriate.

3.2.2. Other Technical Reports

- The **Drainage Department** raise no objection to the proposed development subject to 2 no. standard conditions.

3.2.3. Conditions

- The following bespoke condition is attached to the Local Authority Notification of Decision to Grant Permission:
 - Condition no. 2 reads as follows:

'2. Amendments

The development shall be revised as follows:

a. The depth of the first-floor extension shall not extend more than 3.5 metres to the rear building line.

b. The proposed pitched roof to the first-floor extension shall be replaced with a flat roof.

c. The first floor east facing window shall be omitted.

d. All remaining windows on the west and southern elevation shall be fitted with obscure glazing and permanently maintained as such.

Revised plans reflecting the above amendments shall be submitted for the written agreement of the Planning Authority, prior to commencement of development.

Reason: To protect the amenities of the adjoining properties.'

3.3. Prescribed Bodies

- **Uisce Eireann:** No Response.

3.4. Third Party Observations

- None.

4.0 Planning History

4.1.1. Planning History on the subject appeal site

- **WEB1049/19:** Permission for a new vehicular entrance to the property. Permission was GRANTED on 2nd May 2019 subject to 7 no. conditions.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Under the provisions of the Dublin City Development Plan policy the site is in an area zoned Z1 (Sustainable Residential Neighbourhoods). The relevant zoning objective is *'to protect, provide and improve residential amenities'*.

5.1.2. Chapter 15 of the Plan relates to Development Standards.

5.1.3. Appendix 18 of the Plan relates to Ancillary Residential Accommodation and includes the following relevant Sections:

- Section 1.0: Residential Extensions
 - 1.1 General Design Principles,
 - 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*
 - 1.4 Privacy and Amenity, 1.5 Separation Distances, 1.6 Daylight and Sunlight, 1.7 Appearance and Materials

5.2. Natural Heritage Designations

5.2.1. The site is not located within or adjacent to a Natura 2000 site. The nearest Natura 2000 sites are as follows:

- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), c. 5.9 km to the east;
- South Dublin Bay SAC (Site Code: 000210), c. 5.9 km to the east.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area and outside of any protected site or heritage designation, the nature of the receiving environment, the existing pattern of development in the vicinity, and the separation distance from the nearest sensitive location, 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

- The Grounds of Appeal can be summarised as follows:

Amendment (Condition 2 a))

- Condition no. 2 a) requires that the depth of the first-floor extension shall not extend more than 3.5 metres to the rear building line. The current ground floor extension is 4.3 metres. A first-floor extension to 4.3 metres would be more aesthetically pleasing and would result in a more harmonious architectural design.
- The south-west orientation of no. 123 New Ireland Road limits the impact on light to the late hours of the day.

- 123 New Ireland road has a ground floor extension which is greater than 4.3 metres. The impact is therefore mainly on the first-floor windows which are traditionally bedroom and bathroom.
- Owing to the mitigation in place at No., 123 New Ireland road, any potential increase in overshadowing caused by the proposed extension would be minimal and unlikely to have a significant impact whilst still preserving the uniformity of the building.

Amendment (Condition 2 b))

- Condition no. 2 b) requires that the pitched roof to the first-floor extension shall be replaced with a flat roof.
- First floor extensions visible from the canal are pitched roof. Therefore, the proposed pitched roof will harmonise the house within its surroundings. The Applicant refers to Attachment no's 1 & 2 which show pitched roof extensions to the rear of house no's 95 and 131 New Ireland Road.
- The subject dwelling already has a pitched roof and therefore a pitched roof extension will appear less imposing than a flat roof.
- In order to minimise the impact, the Applicant proposes to lower the pitched roof ridge to a measurement which An Bord Pleanála deem appropriate.

Other Matters

- The site is visible from the canal.
- The house extension would be a box on a box.
- The proposal is in keeping with other exiting house appearance in the area and is more aesthetically pleasing, while still minimising the impact on the adjoining properties.
- No observations were made in respect of the proposed extension.

6.2. Planning Authority Response

- None.

6.3. Observations

- None.

6.4. Further Responses

- None

7.0 Assessment

7.1. Introduction

- 7.1.1. I consider that the substantive issues in this case relate to specific changes to the design of the approved extension as imposed under Condition no's. 2 a) and 2 b) of the Notification of the Local Authority decision to Grant permission. I am satisfied that de novo consideration is not warranted in this case, and I restrict my assessment to the conditions subject of the appeal.

7.2. Condition 2 a)

- 7.2.1. I note there is an existing single storey extension to the rear of the adjacent dwelling to the immediate west, (no. 119 New Ireland Road). This said extension extends 5.1 metres from the rear elevation of no. 119. The existing single storey rear ground floor extension, which is proposed to be demolished as part of the proposed works, extends beyond the rear elevation of the subject property by 4.3 metres. On the adjacent site to east (no. 123 New Ireland Road) there is an existing stepped single storey ground floor extension which extends beyond the rear elevation of the said dwelling by a maximum of c. 5.9 metres.
- 7.2.2. Condition no. 2 a) does not refer or relate to the ground floor but solely to the upper floor. I would have no concern as to the proposed extent of the ground floor extension at 4.3 metres in terms of its potential impact upon adjacent properties.
- 7.2.3. I note the assessment of the Local Authority Planner regarding the proposed first floor rear extension and the extent of same. In addition to the omission of the pitched roof, as stipulated under condition 2 b), the Local Authority Planner considered that a reduction of the extent of the first floor to 3.5 metres, together with the omission of the pitched roof, would serve to address the issue of potential excessive

overshadowing and the overbearing nature of the overall design when viewed from the rear amenity space of the adjacent property to the east, no. 123 New Ireland Road.

- *Daylight and Overshadowing*

7.2.4. I note the guidance set out in Section 1.6 (Daylight and Sunlight) of Appendix 18 (Ancillary Residential Accommodation) of the Development Plan.

7.2.5. I note the orientation of the site and the position and arrangement of windows serving the adjacent property to the east, no. 123 New Ireland Road. The southernmost ground floor window of the adjacent dwelling to the east (no. 123) is positioned 1.5 metres further south of the existing ground floor extension on the appeal site and both the proposed ground and upper floor extensions as presented. Owing to the position of this said window, forward of the proposed rear building line, I would have no concern as to any potential impacts to this said window in terms of loss of Daylight or Overshadowing.

7.2.6. The remaining ground floor windows of no. 123, positioned further to the east, are set back a further 3.0 metres and 5.8 metres respectively. Section 2.0 of the BRE 209 Guidelines, Site Layout Planning for Daylight and Sunlight, a Guide to Good Practice (BR 209, 2022) (3rd Edition), relates to 'Light from Sky' and includes the 45° principle for domestic extensions. Having regard to this said 45° principle, I am satisfied that the proposed development, as presented, will not serve to further significantly reduce the extent of available daylight entering these said windows or indeed serve to overshadow to any significant degree the existing amenity space to the rear of that said dwelling.

7.2.7. The proposed development is therefore, in my opinion, acceptable in terms of Daylight and Overshadowing impacts.

- *Overbearance*

7.2.8. I note the issue of overbearance is raised in the Local Authority Planners' Assessment. In order to address such overbearance 2 no. distinct measures are imposed namely, the set back of the proposed first floor extension to a maximum of 3.5 metres, as per Condition no. 2 a), and the omission of the pitched roof element, as per Condition no. 2 b). Condition no. 2 b) is discussed further below.

- 7.2.9. I note the proposed rear extension at first floor level is proposed to be positioned immediately adjacent to the side party wall with no. 123 and that there is no setback distance observed at this location from the mutual side boundary.
- 7.2.10. I further note the existing dwelling has a stated depth of 7.8 metres. The proposed rear extension at first floor level measures 4.3 metres in depth. This distance is more than 50% of the depth of the dwelling. I would have a concern that in the absence of the stipulated 3.5 metre restriction imposed under condition 2 a), the proposed development would not read as being sufficiently subservient to the main dwelling structure and may appear overbearing. In this regard, I do not agree with the Applicant that a first-floor extension to 4.3 metres would be more aesthetically pleasing and would result in a more harmonious architectural design.
- 7.2.11. I consider the imposition of a restricted first floor depth of 3.5 metres to be reasonable in the circumstances.
- 7.3. Condition 2 b)
- 7.3.1. Condition 2 b) requires the replacement of the proposed pitched roof with a flat roof. The justification for the attachment of this restriction appears to be based on the overall overbearing impact of the proposal. Guidance set out in Section 1.6 of Appendix 17 of the Development Plan is of relevance in this regard and states: *‘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.’*
- 7.3.2. I note the case presented by the Applicant regarding the presence of existing first floor pitched roof extensions in the area and the opinion that such a pitched roof design will serve to harmonise the house with its surroundings. I also note the 2 no. specific cases referenced by the Applicant where rear first floor pitched roof extensions are in place at no’s 95 and 131 New Ireland Road. In both of the referenced cases, the rear first floor extensions relate to properties at the end of a terrace as opposed to a mid-terrace property as in the subject case. I am satisfied therefore that the referenced cases do not share the same circumstances to that of the subject case. I do not agree with the Applicants opinion that a pitched roof extension will appear less imposing than a flat roof extension.
- 7.3.3. I am satisfied that a flat roof first floor extension is appropriate in this instance.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site is located in an urban area. South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and South Dublin Bay SAC (Site Code: 000210), are the closest Natura 2000 sites located c. 5.9 km to the east.
- 8.3. The proposed development comprises an extension to an existing dwelling.
- 8.4. No nature conservation concerns were raised in the planning appeal.
- 8.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- Small scale and nature of the development
 - Location-distance from nearest European site and lack of connections
 - Taking into account the AA Screening determination by the Planning Authority
- 8.6. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.7. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

- 9.1. I recommend that Condition no's 2 a) and 2 b) be attached without modification.

10.0 Reasons and Considerations

- 10.1. Having regard to the Z1 zoning of the subject site, the relevant zoning objective for which is *'to protect, provide and improve residential amenities'*, the pattern of development in the area and in the vicinity of the subject appeal site, it is considered that the first floor extension needs to be amended by Condition 2 a) and 2 b), to ensure it reads as subservient to the existing dwelling and is not overbearing on

surrounding properties. On this basis, the proposed development proposal would accord with the proper planning and sustainable development of the area.

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.

Frank O'Donnell
Planning Inspector

22nd November 2024

Form 1

EIA Pre-Screening

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| An Bord Pleanála Case Reference | 319616-24 | | |
| Proposed Development Summary | Demolition of rear walls on ground floor and internal walls for the construction of a new single storey flat roof extension and a two-storey extension with pitched roof, together with all associated site works. | | |
| Development Address | | | |
| 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 | X |
| | | No | |
| 2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)? | | | |
| Yes | X | Part 2, Class 10 b) (iv) Urban Development | Proceed to Q3. |
| No | | | |
| 3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class? | | | |
| Yes | | | EIA Mandatory EIAR required |
| No | X | Part 2, Class 10 b) (iv) Urban Development. | Proceed to Q4 |

| 4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]? | | | |
|---|---|---|---|
| Yes | X | Class 10 b) (iv) Urban Development. (Threshold is Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.) | Preliminary examination required (Form 2) |

| 5. Has Schedule 7A information been submitted? | | |
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| No | X | Screening determination remains as above (Q1 to Q4) |
| Yes | | Screening Determination required |

Inspector: _____ Date: _____