



An  
Bord  
Pleanála

## Inspector's Report ABP320706-24

<b>Development</b>	Demolition of two storey return and construction of new rear extension.
<b>Location</b>	77 Brighton Square, Terenure, Dublin 6.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	3418/24.
<b>Applicant(s)</b>	Michael and Margaret Griffin.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant permission subject to conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Celeste Freeney.
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	4 November 2024.
<b>Inspector</b>	Brendan Wyse.

## **1.0 Site Location and Description**

- 1.1. No.77 is a two storey end of terrace brick fronted house located on the southern side of Brighton Square. The house likely dates from the mid 19<sup>th</sup> Century. It forms part of a short terrace of just three houses with numbers 75 and 76. The latter, No.76, the middle house, is the house of the appellant. All of the houses feature two storey returns to the rear. A narrow lane runs along the side (east) of No.77 and appears to provide rear access to each of the houses.
- 1.2. The area is predominantly residential. Rathgar Methodist Church and other institutional/educational uses are located immediately to the south. The entrance to the latter is located adjacent to No.77.

## **2.0 Proposed Development**

- 2.1. The proposal is to demolish the existing two storey return (stated to be structurally unsound) and single storey annex and to replace these with a largely two storey extension, incorporating a small single storey element and small courtyard at the shared boundary with No.76. The development would include new windows at ground and first floor levels on the eastern elevation and rooflights to both the two storey and single storey roofs (both being flat roofs).
- 2.2. Following a request for further information the proposed development was amended to include:
  - Reduction in the height of the two storey element by 1m to below eaves level of the main house.
  - Obscure glazing to all east and west facing windows.
  - Rooflights to new single storey element removed.
  - Ground floor windows to east elevation to be inward opening.

The submission includes revised drawings and a solicitors letter clarifying the applicants legal interest in the side passage/lane.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The decision to grant permission is subject to 7 standard conditions. Condition 1 requires the development to be carried out as amended in accordance with the further information submitted.

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

##### **3.2.1. Planning Reports (13 May and 31 July 2024)**

Basis for planning authority decision. Include:

- Concerns about the bulk and height of the rear extension, and potential impacts on the adjoining No.76 in particular, gave rise to the request for further information.
- It was considered that the proposed amendments satisfactorily addressed the concerns raised.

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

Drainage Division – recommended standard conditions.

### **4.0 Observations to Planning Authority**

- 4.1.1. Two submissions were lodged, one from the appellant and one from Aideen Waters and Tony Foley with an address at 73 Brighton Road, located east of the appeal property. The submissions were lodged in relation to the application as originally proposed. Both submissions raise issues relating to overshadowing and overlooking and in relation to the scale of the proposal, considered inappropriate in the context of the prevailing pattern of rear returns in Brighton Square. They suggest amendments some of which were provided for in the applicants further information submission to the planning authority.

### **5.0 Planning History**

**PA Ref. 0365/23**

November 2023 Declaration of exempted development in respect of the following works to the house:

- Reconstruction of the structurally unsafe front parapet.
- Localised repointing of brickwork to front façade.
- Re-slating of roof.

**PA Ref. 1729/99**

1999 grant of permission for a two storey and single storey extension. This does not appear to have been carried out.

## **6.0 Policy and Context**

### **6.1. Development Plan**

Dublin City Development Plan 2022-2028.

The area is zoned Z2. Objective: *To protect and/or improve the amenities of residential conservation areas.*

Policy BHA9: Conservation Areas – to protect the special interest and character of such areas.

Appendix 18 includes general design principles for residential extensions.

Section 1.2 deals with rear extensions. It includes the following:

Ground floor extensions will be considered in terms of their length, height and proximity to mutual boundaries and the amount of usable rear open space remaining.

First floor extensions will only be permitted where there will be no significant negative impacts on surrounding residential amenities. Factors to be taken into account include; overshadowing/overbearing/overlooking and degree of setback from mutual side boundaries.

### **6.2. Natural Heritage Designations**

None relevant.

### **6.3. EIA Screening**

- 6.4. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for EIA screening or EIA does not arise.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

The appeal is lodged by Celeste Freeney, 76 Brighton Square. This is the adjoining house. The main grounds of appeal can be summarised as follows:

- The proposed single storey extension would overshadow the appellants property and give rise to a feeling of being hemmed in. There is already a lack of available light to the property.
- The appellants rear patio, between the return and the common boundary wall varies from 147cms to 127cms. The proposed single storey extension will result in loss of light to the appellants kitchen, breakfast room and rear living room and be detrimental to the enjoyment of the patio.
- The proposed courtyard will not have any impact on the appellants property.
- If the proposed brick finish is dark in colour this could further darken the patio area.
- The proposed flue does not appear to be fixed to No.77 raising concerns that it could blow over to the appellants property. It would also cast a shadow over the appellants house.
- No roof drainage is indicated for the single storey extension raising concerns that it may drain to the appellants property.
- Currently both houses have an interdependent drainage system and there is no indication of how the new drainage system will impact this.
- Query raised in relation to the proposed removal of an internal structural wall and replacement supports.

- Query raised in relation to the proposed location of the kitchen along the party wall with the appellants living room and the risk of odour and water seepage.
- The submission includes drawings and photographs.

## **7.2. Applicant Response**

None received.

## **7.3. Planning Authority Response**

None received.

## **7.4. Observations**

None.

## **8.0 Assessment**

8.1. 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 issues can be addressed under the following headings:

- Impacts on Adjacent Property, No.76
- Appropriate Assessment

### **8.2. Impacts on Adjacent Property, No. 76**

8.2.1. I note that the appeal is focussed on the single storey element of the proposed extension and that no specific issue is raised with the two storey element (as amended). However, in my view, a proper resolution in this case does require reference to both elements.

8.2.2. Clearly the houses in this terrace are narrow in plan and have quite deep returns so that there is already an issue in terms of access to light for the rooms to the rear, notwithstanding the southerly orientation. This is particularly the case for the appellants house, being the mid-terrace property, and where its return 'faces' that of No.77 along its eastern flank. The existing lack of light is reasonably referred to in the appellants submission and illustrated in the photographs provided.

- 8.2.3. While the amended plans, whereby the heights of both the two storey and single storey elements of the extension are reduced, do represent an improvement on the original, I am of the view that the proposed extension as a whole still remains excessive and that it would impact unduly on the appellants property. In this regard I consider that the overshadowing effects referred to by the appellant, and the feeling of being hemmed in, would result at least as much, if not more, from the two storey element of the extension than the single storey element. A further amendment to the single storey element alone, therefore, would not ameliorate the situation.
- 8.2.4. The Board will note that the pre-existing return was only partly two storey, the outer end being single storey (already demolished). The return was 6370mm in length and approximately 3100mm in width. The two storey element was just 3855mm in length. The proposed replacement extension comprises a fully two storey structure extending to 7040mm in length and 3540mm in width (over most of its length), with the ground floor element extending the full width of the property (4535mm, over most of the length). As well as the additional length the upper level of the proposed extension would be approximately 1100mm (over the great majority of its length) from the common boundary with No.76 compared to the existing return at 1685mm from that boundary.
- 8.2.5. I consider that the upper floor of the proposed extension should be reduced in width so as to approximate to the width of the upper floor of the existing return. At upper floor level, therefore, the western flanking wall would run straight from the rear wall of the main house. This should relieve the effects on the appellants property to a reasonable extent. While the amended single storey element of the proposed extension would still introduce some change for the appellant I do not consider that the effects would be unduly onerous. The combination of all these amendments should result in an extension that does not unreasonably affect the amenities of the adjoining property while also allowing for the upgrading and extension of the subject property in accordance with the residential conservation zoning objective for the area and having regard to the relevant development plan guidelines .
- 8.2.6. I agree with the appellant that the proposed brick finish to the extension should not be in a dark colour. A light colour can be required by condition in order to maximise the dispersal of light.

8.2.7. The issues raised in relation to the proposed flue, an internal structural wall and potential leakage of kitchen smells are not matters to be considered from a planning perspective.

8.2.8. The issues raised in relation to drainage will be addressed within the scope of the relevant standard condition. No roof drainage will be permitted to an adjoining property.

### **8.3. Appropriate Assessment Screening**

8.4. Having regard to the nature and small scale of the proposed development, the nature of the receiving environment as a built up urban area and the distance from any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an AA at an initial stage.

## **9.0 Recommendation**

9.1. I recommend that permission be granted subject to conditions.

9.2. It should be noted that I have reviewed the planning authority conditions and I am satisfied that the conditions recommended below, drawn from the Board's standard conditions, are sufficient in this case. In particular, the planning authority conditions 2, 3, 6 and 7 are not considered necessary.

## **10.0 Reasons and Considerations**

11.0 It is considered that the proposed extension and refurbishment of the house is in accordance with the residential conservation zoning objective for the area as provided for in the current development plan. Subject to compliance with the following conditions, the proposed extension would not injure the residential amenities of properties in the vicinity and would be in accordance with the proper planning and sustainable development of the area.



## 12.0 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 10th day of July 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>Reason: In the interest of clarity.</p>
2.	<p>The width of the upper level of the rear extension shall be reduced so as to approximate to the width of the existing return. The western flanking wall shall run straight, for its entire length, from the rear wall of the main house structure. The brick finish to this wall shall be in a light colour.</p> <p>Revised drawings illustrating these amendments shall be submitted to the planning authority for written agreement prior to the commencement of the development.</p> <p>Reason: To protect the residential amenities of the adjoining property.</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>Site development and building works shall be carried out between the hours of 7.00am and 6.00pm Mondays to Fridays, between 8.00am and 2.00pm on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p> <p><b>Reason:</b> To safeguard the amenity of property in the vicinity.</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.

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Brendan Wyse  
Planning Inspector

7 November 2024