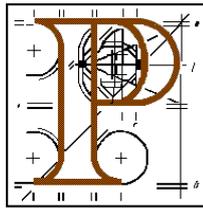


# An Bord Pleanála



## Inspector's Report

**Appeal Reference No:** 06D.245356

**Development:** Permission for alterations to existing single storey extension to rear of dwelling, a new single storey extension to the rear of the existing dwelling, new porch to the front elevation and all associated internal modifications and site works at No. 163 Mulvey Park, Dundrum, Dublin 14.

### Planning Application

Planning Authority: Dun Laoghaire Rathdown Co. Co.  
Planning Authority Reg. Ref.: D15B/0207  
Applicant: Aoife Feeney  
Planning Authority Decision: Refuse permission

### Planning Appeal

Appellant(s): Aoife Feeney  
Type of Appeal: First Party  
Observers: None  
Date of Site Inspection: 15<sup>th</sup> October 2015

**Inspector:** Emer Doyle

## **1.0 SITE LOCATION AND DESCRIPTION**

The appeal site is located at No. 163 Mulvey Park, Dundrum, Dublin. The site is within an established residential area and has a stated area of 0.272 hectares.

The existing dwelling on the site is a mid-terrace two bedroom property with a stated floor area of c. 75 square metres. The property is a two storey dwelling with a single storey extension to the rear.

A set of photographs of the site and its environs taken during the course of the site inspection is attached.

## **2.0 PROPOSED DEVELOPMENT**

The proposed development comprises of the following:

- Extension at ground floor level comprising of an extended kitchen/ living area and utility room.
- Extension at first floor level comprising of an additional bedroom.
- Porch to front of existing dwelling.
- Internal modifications.

## **3.0 PLANNING HISTORY**

### **Pre-planning PAC138/15**

Pre-planning advice indicated that the impact of the proposed development on the adjacent properties on both sides by reason of overshadowing was a concern of the Planning Authority. It advised the applicant to demonstrate the overshadowing impact of the proposed development.

### **PA D09A/0033**

Permission granted for vehicular access to existing dwelling.

## **4.0 PLANNING AUTHORITY DECISION**

### **4.1 TECHNICAL REPORTS**

#### **Planning Report**

The planners' report noted that no submissions were received. It expressed concern that the proposed development would have an

overbearing impact on both adjoining properties. It also considered that overshadowing may be a significant concern and noted that no contiguous rear elevation had been submitted as recommended by a pre-planning meeting.

### **Drainage planning**

This section required an alternative proposal for the disposal of surface water that demonstrates that a reasonable effort has been made to incorporate SuDS measures.

## **4.2 Planning Authority Decision**

Dun Laoghaire Rathdown issued a notification of decision to refuse permission for one reason only as follows:

*'The development provides for a part single storey and part two storey extension to the rear of the existing dwelling. Chapter 16.3.4 (i) (Extensions to Dwellings) of the Dun Laoghaire-Rathdown County Development Plan 2010-2016 states that the first floor rear extensions will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential amenities and ground floor rear extensions will be considered in terms of their length and height. It is considered that the proposed development would appear overbearing in scale and would result in undue overshadowing to adjacent properties. Therefore, the development would contravene the provisions of Chapter 16.3.4 (i) (Extensions to Dwellings) of the Dun Laoghaire-Rathdown County Development Plan, 2010-2016, would seriously injure the amenities or depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.'*

## **5.0 GROUNDS OF APPEAL**

A first party appeal against the Council's decision was submitted by Aoife Feeney. The grounds of appeal and main points raised in the submission can be summarised as follows:

- Alternative design options were considered by the applicant.
- Shadow analysis submitted with appeal of both existing and proposed development,
- Neither neighbour objected to the proposal.
- There is a precedent in the area for similar types of development.

## **6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL**

### **6.1 Planning Authority Response**

The Planning Authority response can be summarised as follows:

- Notwithstanding the overshadowing issue, the applicant has made no reference to the overbearing impact on No. 162 at ground floor level which is equally significant.
- The Planning Authority considers that the decision to refuse permission is the appropriate decision.

### **6.2 Observations**

None.

## **7.0 POLICY CONTEXT**

The Dun Laoghaire Rathdown Development Plan 2010 - 2016 is the operative County Development Plan for the area.

### Zoning

The site is located within an area zoned as Objective A 'To protect or improve residential amenity.'

Section 16.3.4 of the Development Plan refers to residential extensions.

## **ASSESSMENT**

Having examined the file and having visited the site I consider that the main issues in this case relate to:

1. Principle of Proposed Development
2. Impact on Residential Amenity
3. Appropriate Assessment

### **Principle of Proposed Development**

The subject site is located within lands zoned 'Objective A' of the operative County Development Plan, which seeks to protect and/or improve residential amenity and where residential development is permitted in principle subject to compliance with the relevant policies,

standards and requirements set out in the plan. Accordingly the principle of an extension is acceptable at this location.

### **Impact on Residential Amenity**

The main issues raised in the reason for refusal by the Planning Authority related to impacts on residential amenities and in particular overbearing and overshadowing impacts.

The site is a mid-terrace two bedroom property of limited size (c. 75 square metres). The rear garden varies between c. 34 and c. 31 metres in length and the width is c. 5 metres. The rear garden is north facing.

The proposed extension has an overall area of c. 31.5 square metres. It is stated in the appeal that the existing accommodation does not suit the current family needs. There is an office development to the rear of the property and having regard to the length of the garden and the office development, there are no overlooking issues.

Shadow analysis drawings were submitted at application stage of both the existing and the proposed development. Additional shadow analysis drawings showing contiguous rear elevations for both the existing and proposed development have been submitted with the appeal. In my view, these drawings demonstrate that the proposed extension would have a minimal impact on the residential amenities of the area.

Having regard to the layout and orientation of the site, the modest scale and design of the proposed extension at both ground and first floor levels, the generous rear garden size, existing and permitted development in the area, and the shadow analysis drawings submitted with the application and appeal, I do not consider that the proposed extension will have a detrimental impact on residential amenities at this location. As such, I am satisfied that the design proposed respects the amenities of the neighbouring properties and that it will not result in any undue overshadowing or have an overbearing impact.

### **Appropriate Assessment**

Having regard to the nature and scale of the development and proximity to the nearest Natura 2000 site, I am satisfied that the proposed development either individually or in combination with other plans and projects would not be likely to have a significant effect on any designated Natura 2000 site and should not be subject to appropriate assessment.

## **RECOMMENDATION**

Based on the above assessment, I recommend that permission be granted for the proposed development for the reasons and considerations set out below:

## **REASONS AND CONSIDERATIONS**

Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2010-2016, to the pattern of existing development in the area and to the design and scale of the proposed extensions, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **CONDITIONS**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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 out in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The external finishes of the proposed development shall match those of the existing dwelling in respect of colour and texture.

**Reason:** In the interest of visual amenity.

3. 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.

4. Site development and building works shall be carried out only between 0800 hours and 1900 hours from Mondays to Fridays

inclusive, between 0800 hours and 1400 hours on Saturdays and not at all on Sundays, Bank or Public Holidays. Deviation from these times shall 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.

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Emer Doyle  
Inspector  
10<sup>th</sup> November 2015