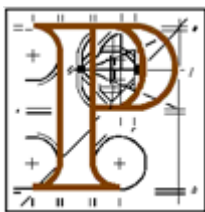


# An Bord Pleanála



## Inspector's Report

**Appeal Reference No:** PL06D.246272  
**Development:** Extension to dwelling  
**Location:** No. 40 Nutgrove Park, Clonskeagh, Dublin 14.

### Planning Application

Planning Authority: Dun Laoghaire Rathdown County Council  
Planning Authority Reg. Ref.: D15B/0457  
Applicant: Richard Casey  
Planning Authority Decision: Grant permission

### Planning Appeal

Appellant: Muireann O'Muircheartaigh  
Type of Appeal: Third party  
Date of Site Inspection: 2/6/2016  
**Inspector:** Siobhan Carroll

## **1.0 SITE LOCATION AND DESCRIPTION**

- 1.0.1 The appeal site is located at no. 40 Nutgrove Park, Clonskeagh, Dublin 14. The site has an area of 0.0411 hectares. The site extends for back for circa 47m and has a width of circa 9.5m. It is part the established residential area of Clonskeagh.
- 1.0.2 The property on site is a two-storey semi-detached dwelling which was constructed in the 1950's. The area is characterised by housing of similar scale and character. The property is served by a gated vehicular entrance and driveway.

## **2.0 PROPOSED DEVELOPMENT**

Permission is sought for a two-storey extension to the rear at No. 40 Nutgrove Park, Clonskeagh, Dublin 14. Features of scheme include;

- Site area – 0.0411 hectares,
- Area of proposed extension 38sq m.

## **3.0 PLANNING HISTORY**

Reg. Ref. D10A/0127 & PL06D.236830 – Permission was granted for the demolition of existing extensions to house and construction of two-storey extensions to the front side and rear at no. 41 Nutgrove Park. The permitted development did not take place.

## **4.0 PLANNING AUTHORITY DECISION**

### **4.1 Planning and technical reports**

#### **Internal Reports:**

Drainage Planning: No objection subject to condition.

#### **External Reports:**

Irish Water: No objection subject to conditions.

## **Submissions**

The Planning Authority received one submission in relation to the planning application. The issues raised are similar to those set out in the appeal.

### **4.2 Planning Authority Decision**

The Planning Authority granted permission subject to 8 no. conditions.

## **5.0 GROUNDS OF APPEAL**

A third party appeal was submitted by Muireann O'Muircheartaigh on the 10<sup>th</sup> of March 2016. The content of the appeal submission can be summarised as follows;

- Section 16.3.4 of the Dun Laoghaire-Rathdown Development Plan 2010-2016 refers to two-storey rear extensions to dwellings. It is stated that there is no presumption of the acceptability of two-storey extensions.
- The contents of this section of the Plan are cited in particular it is noted that *'first floor extensions will be considered on their merits'* and that factors including *'Overshadowing, overbearing and overlooking, along with proximity, height and length along mutual boundaries.'*
- The appellant notes the following aspects of the proposal;
  - i. A 6m high wall is proposed along the party boundary for 4.6m. It would be located less than 3 feet from a ground floor south facing window.
  - ii. The proposed wall would cause overshadowing and overbearing.
  - iii. Along 3.8m of the wall there is no set back from the party boundary.
- The appellants were advised in their pre-planning consultation that the matter of overshadowing on the northern boundary.
- The report of the Planning Officer stated that the overshadowing was assessed and that it was not significant. The appellant disputes this and states that the proposed development would result in obvious major overshadowing and overbearing of the living area of her property.
- The applicant's Architect cited three properties in the area no's 41, 26 and 44 where rear extensions have been developed. The appellant states that there are no precedents for two-storey rear extensions.
- It is reiterated that the proposed two-storey extension would have an overbearing impact upon the appellant's property.

- The appellant questioned the accuracy of the submitted shadow diagrams.

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

A response to the third party appeal has been submitted by Doyle Kent Planning Partnership Ltd on behalf of the applicants Richard Casey and Deirdre Fahy on the 7<sup>th</sup> of April 2016. The main issues raised concern the following;

- The proposed development has been designed having regard to the provisions of Section 16.3.4 of the previous Development Plan and Section 8.2.4 of the current Development Plan as it relates to additional accommodation in existing built up areas.
- The proposed extension projects out 2m less than the rear extension to no. 41. The line of the new build section follows the line of the existing single storey building to the rear of no. 40 to a point beyond 0.8m. The rear most part at the boundary is to be set back by 1.7m to reduce the impact. The roof along the boundary is stepped down to below the soffit of the eaves to further reduce the impact.
- The decision of the Board to grant permission for extensions to the appellant's property no. 41 Nutgrove Park is noted. It is considered that the proposed development would have no more impact than that permitted extension.
- The scale of the permitted extension at no. 42 Nutgrove Park granted under Reg. Ref. D04A/1392 is also noted.
- The appellant states that there will be a loss of southern light currently enjoyed in her extension. It is noted that there are large windows/patio doors at the rear extension which provide natural light to the extension.
- Regarding the issue of overshadowing the applicant's Planning Consultants do not accept that there would be major overshadowing and overbearing impacts from the proposed extension.
- A shadow study was submitted with the application and the Planning Authority were satisfied that no detrimental overshadowing of the neighbouring property would occur. Due to the 3.2m height of the extension to no. 41 and the existing single storey building within the curtilage of no. 40 and the projection of no. 41 beyond the rear line of no. 40 it is not considered that overshadowing impact would be significant.

- Regarding the issue of overbearing, it is considered that the proposal is respectful of the neighbouring property. The set back of the line of the extension reduces the impact of the development on the amenity of the adjoining property.
- The applicants have indicated that they are amenable to set back the first floor extension by 0.8m from the site boundary from the line where no. 41's first floor extension ends to reduce the perceived impact should the Board consider this appropriate.

## **6.1 Planning Authority response**

- The Planning Authority submitted a response to the Board on the 24<sup>th</sup> of March 2016 and advised that they had no further comments in relation to the appeal.
- The Board were advised to refer to planning officer's report.

## **7.0 POLICY CONTEXT**

### **Dun Laoghaire-Rathdown Development Plan 2016-2022**

The subject site at No. 40 Nutgrove Park, Clonskeagh, Dublin is located on Map 1 of the Dun Laoghaire Rathdown Development Plan and is identified as being Zoned Objective A 'to protect and/or improve residential amenity'.

- Chapter 8 – Principles of Development
- Section 8.2.3.4(i) refers Extensions to Dwellings

## **8.0 ASSESSMENT**

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Principle of development
- Impact on amenity
- Appropriate Assessment

## **8.1 Principle of Development**

- 8.1.1 The appeal site is located in an area zoned Objective 'A', which aims to protect and/or improve residential amenity'. In this zone residential extensions and alterations to an existing dwelling for residential purposes are considered an acceptable development in principle. Section 8.2.3.4(i) of the Dun Laoghaire Rathdown Development Plan 2016-2022 refers to extensions to dwellings.
- 8.1.2 There are a number of specific criteria set out in Section 8.2.3.4(i) which relate to first floor rear extensions. It is set out that first floor rear extensions will be considered on their merits 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. The factors which are taken into consideration in determining proposals for first floor extensions include, overshadowing, overbearing, overlooking, proximity, height and length along mutual boundaries. Accordingly, it is Council policy that the design of extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy.

### **8.2.1 Impact on amenity**

- 8.2.1 The currently proposed two-storey extension to the rear of the dwelling has a stated floor area of 38sq m. There is a ground floor utility room to the rear of the kitchen which adjoins the northern party wall. This extends for 3m. The structure is connected to the dwelling with a Perspex roof. It is proposed to demolish this and construct a kitchen/dining room at ground floor. The existing kitchen is proposed to be reconfigured to provide a pantry and W.C. The proposed ground floor extension has a depth of 4.8m from the main rear building line. It would extend out a further 1.8m from the existing rear wall of the utility.
- 8.2.2 It is also proposed to construct a rear extension at first floor level. This section of the extension has an area of circa 15sq m and would provide for a master bedroom. The first floor extension would project out a maximum distance of 4.9m from the existing building line and 3.8m along the northern party boundary. A hipped roof is proposed to the extension. The appellant has expressed concern in relation to the impact of the first floor rear extension on their property. Specifically the appellant has raised concern that the extension would cause overshadowing and loss of light to the ground floor window in the southern side elevation which serves their kitchen and that the extension would have an overbearing impact.
- 8.2.3 In relation to the design of the first floor extension, while I note that the rear most part at the boundary is to be set back by 1.7m the two-storey element

runs along the boundary wall for circa 3.8m and it is directly opposite the appellant's ground floor kitchen window in the southern side elevation. Having regard to the proximity of the proposed development from the window i.e. 800mm, I consider that it would proposed first floor extension would have an overbearing impact. Accordingly, I recommend that should the Bord grant permission for the proposal that a condition be attached requiring that the first floor rear extension be inset 500mm from the northern party boundary.

8.2.4 Regarding the matter of overshadowing the applicant submitted a Shadow Analysis with the application. The Shadow Analysis indicated the impacts of shadows cast by existing walls and structures and by the proposed development on the 21<sup>st</sup> of December, March and June at 12.00pm. The appellants expressed concern that increased shadowing of their property would occur. Having reviewed the Shadow Analysis, inspected the site and having regard to the depth of the proposed two-storey extension and proposal to construct it along the northern party boundary I consider that it would result in some overshadowing of the rear of the appellant's dwelling including the southern kitchen window.

8.2.5 While I note that the applicants have indicated that they are amenable to setting back the first floor extension by 0.8m from the site boundary from the line where no. 41's first floor extension ends, this I consider would marginally reduce the impact of the first floor extension. However, as I have recommended in relation to the matter of overbearing I consider that it would be more appropriate to setback the northern side wall of the first floor by 500mm in order to reduce the overbearing impact and also reduce potential overshadowing of the appellant's kitchen window.

8.2.6 The Planning Authority in their grant of permission attached 8 no. conditions. Condition no. 2 required that the glass blocks and first floor window in the southern side elevation of the extension be omitted. I would concur with the Planning Authority in relation to this matter as the omission of these windows would protect the residential amenity of the adjoining property to the south. Under condition no. 2 the Planning Authority also required that first floor windows serving the master bedroom and bathroom on the rear elevation be reduced in height and length to match the existing fenestration. Having regard to the design character of the dwelling, I would agree with the Planning Authority that the height and design of these windows should be revised to match the existing. Therefore, should the Board decide to grant permission, I would recommend the attachment of a similarly worded condition.

8.2.7 The response to the appeal notes the permitted extension at no. 41 the appellant's property. The Board grant permission under PL06D.236830 for the demolition of existing extensions to house and construction of two-storey extensions to the front, side and rear. This development did not take place. Having reviewed the permitted plans I note that the first floor extension only

extended beyond the existing first floor rear building line by 2.4m over a very limited area and it is therefore not directly comparable to the current proposal.

### **8.3 Appropriate Assessment**

8.3.1 In relation to the matter of appropriate assessment, I consider that having regard to the nature of the proposal an extension to a dwelling and the nature of the receiving environment, namely a suburban and fully serviced location that no appropriate assessment issues arise.

## **9.0 CONCLUSIONS AND RECOMMENDATION**

9.0.1 I have read the submissions on file and visited the site. Having due regard to the provisions of the Development Plan, together with all other issues arising, I recommended that permission be granted for the following reasons and considerations.

### **REASONS AND CONSIDERATIONS**

Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, specifically Section 8.2.3.4(i) which provides guidance in relation to proposals for extensions, the pattern of existing development in the area and the design and scale of the proposed extension, 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. 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 in accordance with the agreed particulars.

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



2. The proposed development shall be amended as follows:

- a) The first floor rear extension shall be inset 500mm from the northern party boundary.
- b) The first floor window and glass blocks to the southern side elevation shall be omitted.
- c) The first floor windows serving the master bedroom and bathroom on the rear elevation shall be reduced in height and length to match the existing fenestration.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. The external finishes shall harmonise in colour and texture with the existing finishes on the house.

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

4. Water supply and drainage arrangements, including the disposal of surface water, shall be in accordance with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

5. The site and building works associated with the proposed development shall only be carried out between 0700 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays. No development works shall take place on Sundays, Bank or Public Holidays.

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

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**Siobhan Carroll,**  
**Inspectorate**  
**8<sup>th</sup> of June 2016**