



An
Bord
Pleanála

Inspector's Report

ABP-306195-19

Development	House Extension
Location	21 Whitebarn Road, Churchtown, Dublin 14
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D19A/0722
Applicant(s)	Joe & Silke Ryan
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Joe & Silke Ryan
Observer(s)	None
Date of Site Inspection	27 th February 2020
Inspector	Mary Crowley

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1.0 Site Location and Description

1.1. The appeal site with a stated area of 0.0536 ha is located on the southern side of Whitebarn Road. The existing house is a semi-detached dwelling with a front and rear garden and provision for off-street car parking to the front. Churchtown is a mature residential suburb of Dublin and the area is characterised by detached and semi-detached homes built circa 1940 and onwards. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail.

2.0 Proposed Development

2.1. Permission is sought for a development consisting of the following:

- demolition of existing single storey extension to rear (11sqm), removal of existing garden shed to rear garden of existing semi-detached 2 storey dormer style dwelling
- construction of a new two storey part single storey extension to rear and front (258sqm)
- internal alterations to include new staircase and conversion of existing attic space to provide habitable accommodation with new dormer and Velux roof lights to front and rear of new replacement roof
- replacement/modification of existing windows and doors including new single storey bay windows and porch to front elevation, new insulated concrete ground floor, new drainage works and
- all associated landscaping to front and rear gardens.

2.2. The application was accompanied by a detailed cover letter outlining the reasons for the extension.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. DLRCC issued a notification of decision to refuse permission for the following reason:

The proposed development, in particular the introduction of a two-storey gable element that projects above the existing ridge, is considered to be visually obtrusive and at odds with the character of the main dwelling and the surrounding properties in the area. The proposed development would appear dominant in the street scene as well as having an overbearing impact on neighbouring properties and would, therefore, fail to accord with the County Development Plan Section 8.2.3.4 (i). The proposed works would seriously injure the amenities of property in the vicinity, seriously detract from the area in terms of visual amenity, set an undesirable precedent for similar type development and 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 **Case Planner** states that there are generally no concerns with the addition of a dormer to the front elevation and the hip to gable alteration to the roof profile. It is stated that the visual harm is caused by the introduction of the two-storey gable and its projection above the ridge line; and that the modest scale of the dwelling as viewed from the street is lost with the extensive works to the front. The Case Planner recommended that permission be refused for 1 no reason. The notification of decision to refuse permission issued by DLRCC reflects this recommendation

3.2.2. Other Technical Reports

- **Transportation Planning** – No objection
- **Drainage Planning** – No objection subject to conditions relating to surface water

3.3. Prescribed Bodies

- No reports recorded on the appeal file.

3.4. Third Party Observations

3.4.1. There are no observations recorded on the planning file.

4.0 Planning History

4.1. There is no evidence of any previous planning application or subsequent appeal on this site.

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative Development Plan is the **Dun Laoghaire Rathdown County Development Plan 2016-2022**. The site is zoned **Objective A** where the objective is *to protect and/or improve residential amenity*. Section 8.2.3.4 deals with **Additional Accommodation in Existing Built-up Areas** and **Section 8.2.3.4(i)** sets out the following:

(i) Extensions to Dwellings

First floor rear extensions will be considered on their merits, noting that they can often 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.*

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.

Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and impacts on residential amenity. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable, though in certain cases a set-back of

an extension's front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing.

Any planning application submitted in relation to extensions shall clearly indicate on all drawings the extent of demolition/wall removal required to facilitate the proposed development and a structural report may be required to determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties. This requirement should be ascertained at pre-planning stage. A structural report must be submitted in all instances where a basement or new first/upper floor level is proposed within the envelope of an existing dwelling.

Side gable, protruding parapet walls at eaves/gutter level of hip-roofs are not encouraged.

The proposed construction of new building structures directly onto the boundary with the public realm (including footpaths/open space/roads etc) is not acceptable and it will be required that they are set within the existing boundary on site. The provision of windows (particularly at first floor level) within the side elevation of extensions adjacent to public open space will be encouraged in order to promote passive surveillance.

Roof alterations/expansions to main roof profiles - changing the hip-end roof of a semi-detached house to a gable/'A' frame end or 'half-hip' for example – will be assessed against a number of criteria including:

- *Careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.*
- *Existing roof variations on the streetscape.*
- *Distance/contrast/visibility of proposed roof end.*
- *Harmony with the rest of the structure, adjacent structures and prominence.*

Dormer extensions to roofs will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions shall be set back from the eaves, gables and/or party boundaries.

The proposed quality of materials/finishes for dormers will be considered carefully as this can greatly improve their appearance. The level and type of glazing within a dormer structure should have regard to existing window treatments and fenestration of the dwelling.

Particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties. Excessive overlooking of adjacent properties should be avoided unless support by the neighbours affected can be demonstrated.

More innovative design responses will be encouraged, particularly within sites where there may be difficulty adhering to the above guidance and where objectives of habitability and energy conservation are at stake.

5.2. Natural Heritage Designations

5.2.1. The site is not located within a designated Natura 2000 site.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the proposed development in an established urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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

6.1.1. The first party appeal against the decision to refuse permission has been prepared and submitted by the applicant, Joe & Silke Ryan and may be summarised as follows:

- This has been the applicant's family home since 2009 but is now too small to meet the applicant's needs. In response to positive feedback from DLRCC in July 2019 the applicant discussed the proposal with neighbours who were supportive of the scheme. No observations or objections were made against the application.
- Whitebarn Road and the surrounding neighbourhood is an eclectic development of 1940s detached and semi-detached bungalows and of two storey terraced properties. Many of these properties have been subject to development changed over their lifetime. Whitebarn Road and the surrounding roads contains single storey and two storey properties. Drawing of previously granted extensions attached.
- The architectural design has been careful to keep the "cottage look" to the property and acknowledges the contextual consideration of neighbouring properties. It also utilises clever use of space so to retain the large rear garden aspect and respect the privacy separation to neighbouring properties.
- Planning for similar developments has already been granted by the Council to neighbouring properties on Nugent Road, Whitehall Road, Churchtown Road Upper and Oakdown Road some of which incorporate gable elevations.
- Reference is made to the redevelopment of the former Hazelbrook Dairy site on Whitehall Road and Whitebarn Road with a mix development of 5 storey apartment blocks and large 2/3 storey house units all looking over the single storey developments on Nugent Road and Whitebarn Road.
- It is inaccurate to state that the entire roof is to be replaced. Almost 50% of the original roof is being retained to the front elevation. The replacement of the existing hip roof with a gable roof allows the existing ridge line to be carried through to adjacent properties and is in keeping with planning precedence allowed on surrounding properties.
- The addition of a dormer window is in keeping with a precedence granted on surrounding properties e.g Nos 32 and 34 Nugent Road.
- The reference to a two-storey bay is misleading as the elevation is in effect a dormer gable within the existing roof height. The introduction of cedarlan cladding to the elevation visually reduces the elevation to be in keeping with the adjacent

roof finishes and is also in keeping with the cottage look of the property. Whilst this may be a new feature in the aspect of Whitebarn Road, it is respectful of the surrounding properties

- The increased ridge height is less than the precedent approved on Numbers 3 and 5 Nugent Road which was granted a height increase of 1m above the existing ridge.
- The reference to the increased ridge height being viewed from the side elevation is acknowledged. The precedent to allow gable roofs provides similar aspects for side elevations and the extra 0.8m will not be significant from the street elevations or approach views.

6.1.2. The appeal was accompanied by the following:

- Case Planners Report
- Pre-planning details and response
- Planning application
- Notification of Decision
- Additional drawings referencing previously granted precedence and general aspect layout

6.2. **Planning Authority Response**

6.2.1. No response from DLRCC is recorded on the appeal file.

6.3. **Observations**

6.3.1. There are no observations recorded on the appeal file.

6.4. **Further Responses**

6.4.1. There are no further responses recorded on the appeal file.

7.0 **Assessment**

7.1.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the

key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Visual Amenity
- Appropriate Assessment
- Other Issues

7.2. Principle

- 7.2.1. Under the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022 the site is wholly contained within an area zoned Objective A where residential developments are considered a permissible use. Accordingly, the principle of the proposed presential extension is acceptable at this location subject to subject to compliance, with the relevant policies, standards and requirements set out in plan.

7.3. Visual Amenity

- 7.3.1. DLRCC is their decision refused permission for reasons of visual amenity as the introduction of a two-storey gable element that projects above the existing ridge, is considered to be visually obtrusive and at odds with the character of the main dwelling and the surrounding properties in the area and would fail to accord with the County Development Plan Section 8.2.3.4 (i).
- 7.3.2. Section 8.2.3.4(i) Extensions to Dwellings states that 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. In determining such applications there are a number of factors that are relevant to the assessment of this scheme (as set out in Section 5.1.1 above). Having regard to these requirements and I consider that:
- Having regard to the nature, location and design of the proposed residential extension together with use of obscure glazing at first floor gable level I am satisfied that there will be no significant overbearing, overlooking or overshadowing of adjoining properties.

- The remaining rear private open space, in terms of size, orientation and usability is acceptable.
- The rear extension extends along the shared boundary to the east and is set back from the western boundary. It follows the established line of the existing side walls of the parent house. The front extension is set back from the shared boundary to the east. The overall extension is set within the site boundaries and removed from the boundary with the public realm. The location and set back of the scheme having regard to the depth of the scheme at this suburban location is acceptable.
- The external finishes comprising inter alia render, cedar cladding and zinc will complement the building and are acceptable.
- Further vehicular access and existing off-street car parking is not affected.

7.3.3. While the proposed dormer extension will increase the overall height of the roof I do not consider the design, dimensions and bulk of the scheme relative to the overall size of the dwelling and gardens to be so significant that it would detract from the scale and character of the main house or the streetscape. Overall I consider the proposal to be well considered, balanced and respectful of the overall architectural form of the existing dwelling and I am satisfied that there is no significant negative impacts on surrounding residential or visual amenities. Recommended that permission is granted.

7.4. **Appropriate Assessment**

7.4.1. Having regard to the nature and scale of the proposed development and its distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.5. **Other Issues**

7.5.1. **Development Contributions** – Dun-laoghaire Rathdown County Council has adopted a Development Contribution Scheme under Section 48 of the Planning and Development Act 2000 (as amended) and is in place since 14th December 2015. Under Section 10 (Exemptions and Reductions) of the scheme the first 40sqm of any residential extension will be exempted from the contribution scheme. The proposed

extension has a stated area of 258 sqm. The proposed development does not fall under the exemptions listed in the scheme and it is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

8.0 Recommendation

- 8.1. It is recommended that permission be **GRANTED** subject to the reasons and considerations set out below

9.0 Reasons and Considerations

- 9.1. Having regard to the site's location on serviced urban lands and the policy and objective provisions in the Dun Laoghaire Rathdown County Development Plan 2016-2022 in respect of residential development, the nature, scale and design of the proposed development, to the pattern of existing and permitted development in the area, 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 and would be acceptable in terms of traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

10.0 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. Details of the materials, colours and textures of all the external finishes and boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Drainage arrangements, including the attenuation and 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. The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health

5. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity

6. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays and Public Holidays. Deviation from these times will 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 adjoining property in the vicinity

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the

Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

8. 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, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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

Mary Crowley

Senior Planning Inspector

24th March 2020