



An  
Bord  
Pleanála

## Inspector's Report ABP-306911-20.

---

<b>Development</b>	Permission for the demolition of garage and construction of extension and ancillary site works.
<b>Location</b>	2, Pairc Mhuire, Saggart, Co. Dublin.
<b>Planning Authority</b>	South Dublin County Council.
<b>Planning Authority Reg. Ref.</b>	SD19B/0289.
<b>Applicant(s)</b>	Daniel & Joanna Carney.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Daniel & Joanna Carney.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	28/05/2020.
<b>Inspector</b>	A. Considine.

## 1.0 Site Location and Description

- 1.1. The subject site is located to the east of the Boherboy Road in the village of Saggart, and approximately 1km to the south east of the N7 dual carriageway. The surrounding area comprises a variety of residential to the east and south, commercial uses to the west and St. Mary's National School lies approximately 50m to the south.
- 1.2. The subject site sits in a prominent location within Saggart Village and has a stated area of 0.036ha. It is currently occupied by a semi-detached two storey dwelling. There is an existing detached garage located within the site and to the north of the house.

## 2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for the demolition of existing single storey detached garage and construction of a two storey hipped roof extension to the front and side of existing two storey semi-detached dwelling with associated changes to all existing elevations; extension to consist of additional ground floor living space, toilet and bin stores and an additional first floor bedroom with ensuite toilet along with all ancillary site works, all at 2, Pairc Mhuire, Saggart, Co. Dublin.
- 2.2. The application included a number of supporting documents including as follows;
  - Plans, particulars and completed planning application form
  - Cover letter.
- 2.3. The cover letter submitted sets out the history of the site. It is submitted that as the family has grown since the applicants purchased the house, there is a need for additional living space and bedrooms. A design statement notes that the existing garage is unused and the 78m<sup>2</sup> rear garden will be retained as private open space. It is submitted that the extension has been designed to ensure that there is no overlooking and to minimise overshadowing of neighbouring properties.
- 2.4. The proposed development will result in an overall increase of floor area of 48.8m<sup>2</sup>, including 27.6m<sup>2</sup> at ground floor level and 21.2m<sup>2</sup> at first floor level.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority decided to refuse planning permission for the proposed development for the following stated reasons:

1. The proposed development, by reason of its scale and massing represents overdevelopment of the site and would be visually incongruous, overbearing, dominant and obtrusive. Thus, the proposed development would seriously injure the amenity of property in the vicinity and would be contrary to the zoning objective for the area which seeks 'to protect and/or improve residential amenity' and would therefore be contrary to the South Dublin County Development Plan 2016-2022 and the proper planning and sustainable development of the area.
2. Having regard to the design of the roof of the side extension, the development as proposed constitutes haphazard, non-integrated development which is contrary to the provisions of the 'House Extension Design Guide 2010', is out of character with the existing dwelling which is in a prominent location and would be seriously injurious to the visual amenities of the area.
3. The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the residential and visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

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

#### **3.2.1. Planning Reports**

The Planning report considered the proposed development in the context of the details submitted with the application, planning history and the County Development Plan policies and objectives. The report also includes an Appropriate Assessment Screening Section.

The initial Planning Report concludes that further information is required in relation to the development in terms of the visual impacts associated with the extent and

proximity of the extension and the differing site levels with the adjacent house. In addition, the PA requested the applicant to have regard to the House Extension Design Guide with regard to the architectural treatment of the front and gable elevations.

Following the submission of a response to the FI request, the final planning report concludes that proposed development is not acceptable. Planning Officer recommends that permission be refused for the proposed development, for reasons relating to visual impact, design of extension and precedent.

This Planning Report formed the basis of the Planning Authority's decision to refuse planning permission.

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

None.

### 3.2.3. **Prescribed Bodies**

None.

### 3.2.4. **Third Party Submissions**

None.

## 4.0 **Planning History**

The following is the relevant planning history pertaining to the subject site:

**PA ref: SD10B/0061:** Permission sought for the construction of a two storey extension to side, single storey extension to rear, Velux windows to front roof slope and new front porch (including demolition of kitchen return, front porch and shed). Following a request for further information, no response was submitted, and the application was deemed withdrawn.

Land to the north of the site:

**ABP ref PL06S.246384 (PA ref: SD16A/0008):** Permission was sought for the demolition of a former public house and the redevelopment of the site to include a commercial building and petrol station. The Board refused permission for the development for the following reason:

Having regard to the appeal site's prominent location in the historic Saggart Village at a cross roads with frontages to Main Street and Boherboy Road, to the provisions of the current South Dublin County Development Plan, to the planning history of the site and to the nature, extent, and location of the proposed development which represents a standardised approach to filling station design, it is considered that the proposed development would comprise an inadequate design response to this village centre site, would seriously injure the character of Saggart Village and would not generate the type of activity required to sustain the development of a vibrant village centre. Furthermore, the Board is not satisfied, particularly in the absence of a high quality scheme incorporating some elements of street frontage development, that the demolition of the former public house and the contribution it makes to the streetscape had been justified. The proposed development would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

**ABP ref 303270-18 (PA ref: SD18A/0202):** Permission was granted by SDCC for Mixed use development will consist of 29 residential units, an office unit (100sq.m), 2 retail units, private open space, communal and public open space; surface car parking and refurbishment, extension and change of use of public house.

The appeal to the Board related to a development contribution condition.

**ABP ref 303500-19 (PA VSL ref: Side ID 248):** Section 9 Appeal against a Section 7(3) Notice. The Board confirmed the notice.

## 5.0 Policy and Context

### 5.1. Development Plan

The South Dublin County Council Development Plan 2016 – 2022, is the relevant policy document relating to the subject site. The site is subject to the 'RES' zoning objective where it is the stated objective 'to protect and / or improve residential amenity'.

Section 2.4.0 of the Plan deals with Residential Consolidation – Infill, Backland, Subdivision & Corner Sites, while Section 2.4.1 deals with residential extensions.

The plan states that ‘Domestic extensions allow for the sustainable adaptation of the County’s existing housing stock. The South Dublin County Council House Extension Design Guide (2010) supplements the policies and guidance of the development plan’. The following policy and objective are relevant in this instance:

HOUSING (H) Policy 18 Residential Extensions:

It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.

H18 Objective 1:

To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

Chapter 11 of the Plan deals with Implementation and requires that the design of residential extensions should accord with the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

## **5.2. South Dublin County Council House Extension Design Guide, 2010.**

Section 4 of the Guidelines deals with Elements of Good Extension Design as follows:

- I: Respect the appearance and character of the house and local area
- II: Provide comfortable inside space and useful outside space
- III: Do not overlook, overshadow or have an overbearing affect on properties next door
- IV: Consider the type of extension that is appropriate and how to integrate it
- V: Incorporate energy efficient measures where possible

In the context of item I above, the Guidelines state that the Council

‘expects a high standard of design that complements the scale and style of both the property being extended and others nearby’. However the Council does not wish to prevent innovation and is willing to consider creative and

modern architectural approaches to design where they are of a high standard and is complementary to the house and its context.

In the context of item III above, the Guidelines note that:

'In designing an extension, it is important to ensure that not only do rooms in the new extension have good access to daylight and sunlight, but also that the extension itself through its location or height, will not significantly reduce the amount of daylight and sunlight enjoyed by neighbouring properties or severely overshadow them.

As well as blocking out light to a neighbouring property, a poorly located and bulky extension can also feel oppressive or overbearing when experienced from adjoining residential properties.

It is important to take account of any significant changes in site level between neighbouring properties, and the orientation of the properties and proposed extension, as these factors may increase or decrease the overbearing or overshadowing impact.

In addition to the above, the Guidelines provide a rule of thumb in terms of separation distances to be achieved, being 1m from a side boundary per 3m of height.

### **5.3. Natural Heritage Designations**

The site is not located within any designated site. The closest Natura 2000 site is the Glenasmole Valley SAC (&pNHA) (Site Code: 001209) which is located approximately 5.4km to the south east of the site. The Wicklow Mountains SAC (Site Code: 002122) is located approximately 6.6km to the south east of the site and the Poulaphuca Reservoir SPA (Site Code: 004063) which lies 11.4km to the south.

### **5.4. EIA Screening**

Having regard to nature and scale of the development, together with the brownfield nature of the site, 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

This is a First party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The issues raised are summarised as follows:

- A pre-planning consultation was submitted to the PA and the extension was designed to address the issues raised.
- The proposed extension is further away from the site boundary than the existing garage in order to allow access to the rear.
- Site levels and orientation, together with the proposed design will clearly distinguish from the original house.
- The further information submitted addressed the issues raised in terms of the original design including alterations to the overall roof form, height and design and provision of a gable.
- Attempts were made to discuss the matter with the PA prior to the submission of the FI response but no-one was available.
- It is considered that SDCC have unjustly refused permission in contravention of policy H18 and have greatly exaggerated the potential impact on neighbouring properties and surrounding area.
- In terms of the reasons for refusal the following is relevant:
  - Reason 1:
    - The combined footprint of the amended house will be down from 106m<sup>2</sup> (including the garage) to 103m<sup>2</sup>.
    - The amended design sets the extension back a further 0.8m from the front boundary wall (measurement taken from the actual site boundary wall and not the front wall of the house)

- There are a variety of designs and styles in the immediate vicinity of the site, including a large apartment development across the road from the site.
- Reason 2:
  - Strongly disagree that the design of the roof in the original submission or the further information submission is haphazard and non-integrated.
  - The design clearly differentiates between the original house and the proposed extension.
  - A review of SDCC Extension Design Guide clearly indicates several instances of similar extensions as being good practice.
  - The character of Pairc Mhuire and Saggart Village overall has grown and changed in the past 50 years.
  - Both submitted designs respond to the character of adjacent dwellings as well as creating a transitional element between the subject site and the lower level adjacent property.
- Reason 3:
  - In terms of precedent, there are many and varied house and extension styles in the area.
  - The proposed development is not harmful to the proper planning and sustainable development of the area, but improves the amenity of the area by removing the flat roof garage to the side of the house.

The appeal concludes that the decision by SDCC to refuse should be overturned. It is considered that the original hipped roof extension is the best solution for the site and is the applicants preference.

The appeal includes a number of enclosures, including photographs.

## **6.2. Planning Authority Response**

The Planning Authority submitted a response to the first party appeal confirming its decision.

## **6.3. Observations**

None.

## **7.0 Assessment**

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development
2. Visual & Residential Amenity Impacts
3. Other Issues
4. Appropriate Assessment

### **7.1. Principle of the development**

- 7.1.1. The development before the Board seeks to construct a domestic extension to the side of an existing semi-detached house on lands zoned 'RES' in the current South Dublin County Council Development Plan, 2016-2022. The principle of the proposed development is considered acceptable and would be in accordance with the general thrust of the CDP, subject to site specific and design issues.

### **7.2. Visual and Residential Amenity Impacts**

- 7.2.1. The primary concerns arising in relation to the proposed extension to the house relates to design and the potential impacts on the residential and visual amenities of the adjacent properties and the wider area.

- 7.2.2. The subject site lies across the road from the main centre in Saggart, which has been redeveloped to include a variety of commercial and residential uses, including apartments. The site is visible from the main crossroads in the Village, where Church Road and Mill Road cross and is located at the entrance to the wider Pairc Mhuire estate. The houses in Pairc Mhuire comprise primarily two storey semi-detached houses with A roofs. The house which lies to the south of the subject site – beyond the attached semi – is a single storey house with a full hipped roof. In this regard, there is a variety of roof types and residential styles in the vicinity.
- 7.2.3. One of the main concerns arising in the PAs refusal of permission for the proposed extension relates to the overall design, and in particular, the roof design. Having amended the design of the extension, following a request for further information, the PA remained concerned and concluded that the extension did not accord with the provision of the House Extension Guide 2010, and would be out of character with the existing dwelling. Concern was also noted in relation to the prominent location of the subject site.

Original proposal:

- 7.2.4. The original, and appellants preferred, proposal sought permission for a hipped roofed extension with a large dormer window in the front elevation to serve the new master bedroom at first floor level. The design proposes that the extension will extend in front of the existing house building line with a hipped roof feature extending to the south to include a small covered porch and to the north to include a covered bin store area.
- 7.2.5. The design of the extension also seeks to address the shape of the site and follows the site boundaries seeking to maintain a distance between the proposed extension and the house to the north. The information submitted, also includes a shadow survey which indicates that the existing development on the site already casts a shadow over most of the existing rear open space area of adjacent houses.

Amended Proposal:

- 7.2.6. Following a request for further information, the applicant / appellant submitted a revised design which provided for a gabled extension. The front of the extension again, is proposed to extend beyond the front line of the existing house, reduced from approximately 1.95m to 1.375m. The extension to the front has a lower eaves

level than that to the rear which results in a large roof space to the front. The amended proposal also includes an extended roof element to create a covered porch, but excludes the covered bin store and thereby reducing the width of the extension, and increasing the distance between the extension and the site boundary to the front. The shadow study submitted with the amended proposal suggests that there will be a greater shadow cast over the existing houses to the north.

- 7.2.7. In the context of the two extensions presented, I would agree with the Planning Authority in terms of the overall design features of the original proposal. The introduction of a hipped roof and a large dormer window to the front would impact upon the existing visual amenities of the wider area and would not respect the existing character of the house on the site, or houses in the wider Pairc Mhuire estate.
- 7.2.8. As such, I propose to consider the amended extension in terms of the requirements of the House Extension Guide 2010. I am satisfied that the amended proposal would better respect the appearance and character of the house and the local area, and would better respect the amenities of the existing adjacent properties to the north, in principle. However, the House Extension Guide, when discussing side extensions, suggests that ancillary extensions should be recessed behind the building line of the existing house and extension should avoid being dominant or over-large in relation to the scale of the existing house.
- 7.2.9. In terms of the above, I would have no objection to the proposed ground floor element of the extension projecting in front of the existing house as proposed in the amended proposal in principle. However, I would have a concern that the proposed roof to the front of the proposed extension, including the 4 roof lights, dominates the existing house. The side / norther elevation is also a concern in this regard, and if permitted as proposes, would visually incongruous in this area. In addition, the location of the proposed extension to the front of the house, may extend the shadowing over the adjacent house to the north. The Board will also note the difference in site levels between the subject site and the houses to the north, which is also a factor in this regard.
- 7.2.10. The issues raised above might be overcome through the raising of the eaves to the front and setting the front wall of the extension back from the existing front wall of the

house. The gable of the extension should reflect the angle and form of the existing gable to ensure the extension complements the existing house, from a visual view point. Should the Board consider it appropriate, further information could be sought from the applicant to address these concerns in advance of a decision issuing. An amended shadow survey should also be submitted for a simplified design.

- 7.2.11. However, based on the information currently before the Board, I consider that the development, if permitted, would represent a visually incongruous and dominant roof element which would be obtrusive in the streetscape, contrary to the provisions of the South Dublin County Council House Extension Design Guide 2010, and would therefore, be contrary to the proper planning and sustainable development of the area.

### **7.3. Other Issues**

#### **7.3.1. Roads & Traffic**

I am satisfied that the nature of the proposed development will not give rise to any additional traffic movements at the site. There is no objection to the proposed extension in this regard.

#### **7.3.2. Water Services**

I am satisfied that, having regard to the nature and scale of the proposed development there is no objection to the proposed extension in terms of water services.

#### **7.3.3. Development Contribution**

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

### **7.4. Appropriate Assessment**

The site is not located within any designated site. The closest Natura 2000 site is the Glenasmole Valley SAC (&pNHA) (Site Code: 001209) which is located approximately 5.4km to the south east of the site. The Wicklow Mountains SAC (Site

Code: 002122) is located approximately 6.6km to the south east of the site and the Poulaphuca Reservoir SPA (Site Code: 004063) which lies 11.4km to the south.

Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

## **8.0 Recommendation**

I recommend that planning permission be Refused for the proposed development for the following stated reason and subject to the following stated conditions.

## **9.0 Reasons and Considerations**

1. Having regard to the information submitted, together with the design of the proposed extension, including both the original and amended designs, it is considered that the amended development whos layout and design is preferable, if permitted, would represent a visually incongruous and dominant roof element which would be obtrusive in the streetscape, contrary to the provisions of the South Dublin County Council House Extension Design Guide 2010, and would therefore, be contrary to the proper planning and sustainable development of the area.

---

A. Considine

Planning Inspector

06<sup>th</sup> July, 2020