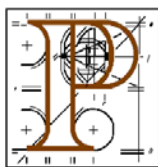


An Bord Pleanála



Inspector's Report

Appeal Reference No: PL 06S.245565

Development: Two-storey and single storey extension to the rear of existing dwelling, single storey extension to the front, widening of existing vehicular access and all associated works. 47 Esker Lawns, Lucan, Co. Dublin.

Planning Application

Planning Authority: South Dublin County Council

Planning Authority Reg. Ref.: SD15B/0244

Applicant: Cathal and Grainne O'Donnell

Planning Authority Decision: Grant Permission

Planning Appeal

Appellant(s): Philip Long and Joanna Tuffy

Type of Appeal: Third Party v Permission

Observers: None on File

Date of Site Inspection: 6th January 2016

Inspector: Sarah Moran

1.0 SITE LOCATION AND DESCRIPTION

1.1 The site, which has a stated area of 0.49 hectares, is a semi-detached house of traditional design in the established suburban area of Lucan, Co. Dublin. Esker Lawns is located to the south east of Lucan Village and to the north of the N4. This is an outer suburban area characterised by predominantly 2 storey semi-detached residential accommodation. It is bound by other 2 storey semi-detached houses to the north and south and by a local road to the rear. The house occupies a wedge shaped site as it faces a crescent within the estate. There is a carport to the front and an existing flat roofed single storey extension to the side of the house. There are mature trees along the rear site boundary and hedging along the western site boundary, which is that shared with the appellant (46A Esker Lawns). There is a block wall and some vegetation along the eastern rear garden boundary.

2.0 PROPOSED DEVELOPMENT

2.1 The proposed development involves:

- Removal of existing side extension and construction of a 2 storey extension to the side and rear, extending as far as the side boundary of the property (shared with that of the appellant) and projecting c. 4.5m from the rear elevation of the existing house.
- Single storey extension extending c. 5.5m from the existing rear elevation.
- The existing house has a stated floor area of 117 m² and the proposed extensions have a combined total floor area of 78 m².
- Widening of existing vehicular access from Esker Lawns.
- Development to connect to the existing public water supply and sewer.

3.0 PLANNING HISTORY

3.1 None on file.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and Technical Reports

4.1.1 The following technical reports are on file:

- Roads report dated 31st August 2015. No objection.
- Water Services report dated 28th July 2015, recommends additional information request for revised drainage design.
- Irish Water 31st July 2015. Further information for revised drainage design.

4.1.2 I note that third party submissions were received from the residents of 48A Esker Lawns and 46A Esker Lawns (appellant). These objected to the proposed development on grounds relating to visual obtrusion, overshadowing, proximity to other residential properties, overdevelopment of

site, misleading description of development in notices, concerns about drainage of rear garden, applicants own other property in the area.

4.1.3 The planning report on file dated 9th September 2015 recommends permission subject to conditions.

4.2 Planning Authority Decision

4.2.1 The PA granted permission subject to 7 no. conditions. Condition no. 4 requires a revised drainage plan to the satisfaction of the Council's Water Services section and Irish Water. The remaining conditions imposed are considered standard for this type of development.

5.0 GROUNDS OF APPEAL

5.1 The appeal is submitted by the residents of No. 46A Esker Lawns, the adjoining property to the immediate west of the development site. The main points made may be summarised as follows:

- The development description is misleading as the bulk of the proposed extension, i.e. the 2 storey element, is to the side of the existing house rather than to the rear.
- The proposed extension would extend c. 4.4m beyond the main rear building line. The 2 storey element is 7.01m high.
- The 2 storey element of the scheme would overshadow the appellants' property and would be visually overbearing.
- The appeal is accompanied by sketches of the proposed development to illustrate potential effects on the appellants' property.
- It is submitted that the additional accommodation could easily be provided in a redesigned scheme so as to reduce its overall length and significantly reduce impacts on the appellants' property.
- The appeal suggests a condition requiring a revised design where the 2 storey element is set back from the shared boundary and the projection beyond the rear building line is reduced <3.2m, if the Board is minded to grant permission.
- The appeal notes that the applicants were advised to set the proposed development back from the shared boundary during pre-planning discussions with the PA.
- The corner of the proposed 2 storey element encroaches directly over the party boundary line and appears to rely on this for architectural stability. This is unacceptable. The Board is requested to seek clarification from the applicants on this matter.
- The appeal notes that the development is set back 300mm from the adjoining property on the other side.
- The design includes a large side window at ground floor level facing the appellants' property. Concerns that this would have adverse impacts on

their ability to secure planning permission for a future extension of their property.

- There is a discrepancy in the submitted drawings as the front elevation shows a hipped roof and the side elevation shows a gable end to the two storey element.
- There was a recent application for a similar proposal at No. 75 Esker Lawns, ref. SD15B/0244. There may be some confusion between the subject proposal and that scheme. The appeal refers to comments in the planning report on file, copies of the planning report and application form for that case are submitted.
- The appeal is also accompanied by a copy of a third party comment submitted in relation to the subject application by the resident of No. 48A Esker Lawns, also a recent sales brochure for the subject property.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority Response

6.1.1 The PA response refers to the comments made in the appeal about a possible confusion with recent planning application SD15B/0226 at No. 75 Esker Lawns. It states that a number of clerical errors were noted in the planners report and a revised Manager's Order has been issued. The submission also states that all correct procedures were followed in the assessment of the subject planning application, ref. SD15B/0244.

6.2 First Party Response

6.2.1 The applicant's response to the appeal makes the following main points:

- The applicants and their 3 children currently live in rented accommodation as the subject site requires extensive renovation and refurbishment. They have a child with special needs and plan to avail of services local to the site from the end of December. They request that the appeal is processed as expeditiously as possible.
- There have been various extensions and alterations carried out to houses within the Esker Lawns estate, including 2 storey extensions at a semi-detached house across from the development site and recently permitted at no. 75 Esker Lawns.
- There is an existing car port and store to the front of the house, which abut the boundary shared with the appellants' property. Until recently, a side extension at no. 46A also abutted the shared boundary, an aerial photograph illustrating same is submitted. The neighbouring extension was recently altered to provide an external side passage to the rear of no. 46A. The neighbouring dwellings on both sides) have single storey extensions to the rear.
- Condition no. 3 of the permission required no overhang or encroach onto neighbouring property. A set of revised drawings is submitted for the

Board's consideration. These indicate a revised layout with the extension set back from the shared boundary with no. 46A and its overall width reduced by 0.45m. The revised extension is 256mm from the party boundary wall. It is submitted that this revised proposal addresses the requirements of condition no. 3 and the issues raised in the grounds of appeal.

- The submission confirms that the proposed development has a hipped roof to the side, drawings are submitted indicating same to clarify.
- The development site is oriented at an angle to no. 46A and there are no first floor windows in the side elevation.
- The model sketches submitted with the grounds of appeal do not indicate the existing extensions to the rear of no. 46A.
- The ground floor window in the side elevation of the proposal would not impact on any future proposals submitted by the appellants to develop their property. There are windows in the side and rear of the extensions to the rear of the appellants' property. Any future proposal to extend that property would be assessed on its merits.
- The planning report on file considered that the development would have minimal overshadowing or overbearing impact and would not result in loss of privacy of adjacent properties, it also would not be visually prominent. It is evident from the planning report that the proposed development was accurately described and the key planning considerations were fully and properly assessed. The inaccuracies noted are trivial in nature and relate to the other file rather than the subject application.

6.3 Additional Third Party Submission

6.3.1 The appellant submitted further comments. The following points are noted:

- There is in fact only one window in the ground floor of the extension to the rear of the appellants' property.
- The submission repeats points made in relation to confusion with a similar application made to the PA, ref. SD15B/0226.

7.0 POLICY CONTEXT

7.1 The site has the zoning objective 'A', '*To protect and/or improve residential amenity*'. Relevant policy on housing extensions is set out in section 1.2 of the South Dublin County Development Plan 2010-2016.

7.2 Relevant policy on housing extensions is set out in section 1.2.27 of the South Dublin County Development Plan 2010-2016, also the *House Extension Design Guide* contained in Appendix 5 of the plan. Development plan policy H16, *Extensions to Dwelling Houses*, states:

It is the policy of the Council to support the extension of existing dwelling houses in principle subject to safeguards contained within this Plan and

within the House Extension Design Guide document contained as Appendix 5.

8.0 ASSESSMENT

- 8.1 No. 47 Esker Lawns is a semi-detached dwelling of traditional design within a mature residential area. Whilst extensions and alterations to the existing dwelling are acceptable in principle, there is an obligation to reconcile the need to meet the requirements of the applicants seeking to maximise accommodation with the need to protect the residential amenities of adjoining properties whilst maintaining the visual amenities, scale and architectural character of the parent building and wider area.
- 8.2 The appellants' comments regarding discrepancies in the planning report and drawings on file are noted. With regard to the planning report, the Board is to consider the subject application *de novo*. All of the relevant documentation is on file and the proposal is to be assessed on its merits. With regard to the discrepancy in the drawings of the roof profile, I note that the applicant has submitted a revised proposal in response to the appeal, which clarifies this matter. The following assessment is based on the drawings submitted to the Board with that response.
- 8.3 It is my opinion that the substantive matter arising in the case is the potential impact of the proposed rear extension on the amenities of the attached property to the west (No. 46A, the appellant's property). It is considered that the proposed demolition of the existing carport and structure to the side of the house to facilitate a new extension are acceptable and complement the existing pattern of development. The proposed alterations to the front elevation are minor in scale and in keeping with the existing house. The widening of the vehicular entrance accords and is acceptable, I note that the Roads Department of the PA has no objection to same.
- 8.4 The element at issue is the two storey extension to the side/rear, projecting c. 4m from the existing rear building line. This structure is immediately adjacent to the appellant's dwelling. However, it does not project far beyond the footprint of the existing single storey extension to the rear of no. 46A Esker Lawns. It is considered on this basis that the development would not result in significant additional overshadowing of that property. With regard to visual impact, it is noted that the revised design features a hipped roof to the 2 storey element, with a lower ridge height than that of the existing house. These measures reduce the overall bulk of the structure. It does not overwhelm or dominate the original form or appearance of the house. The design is simple, relatively modest and in keeping with the character of this residential area. I do not accept that it would be unduly obtrusive or overbearing when viewed from adjacent properties, including that of the appellant. There are no windows in the first floor side elevations, therefore no significant additional overlooking to the east or west. I note that windows serving habitable rooms already overlook the appellant's garden. This is the

norm in such suburban locations. Given the modest design and the setback from the shared boundary, I do not consider that the development would have a significant adverse impact on the development potential of no. 46A Esker Lawns. Any such future proposal would be considered on its merits in any case.

8.5 In summary I consider that the proposal would not contravene the relevant development plan provisions in terms of house extensions. It would not have significant adverse impacts on visual or residential amenities.

8.6 *AA – Screening*

Having regard to the nature and scale of the development within a fully serviced suburban location, 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.

9.0 CONCLUSION AND RECOMMENDATION

In conclusion, I do not consider that the proposed development will adversely impact on the residential amenities of adjoining property, would not adversely affect the character of the area and would not set an undesirable precedent for similar type development. I therefore recommend that planning permission be granted for the proposed development for the following reasons and considerations subject to the conditions.

REASONS AND CONSIDERATIONS

Having regard to the residential land use zoning for the area, the objective for which is to protect and provide for residential uses, to the pattern of development in the area and to the scale, nature and design 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 amenities of the area or of property in the vicinity and would 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, as amended by the further plans and particulars received by An Bord Pleanála on the 30th day of October, 2015, 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. 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 and to ensure a proper standard of development.

3. 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. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Sarah Moran,
Senior Planning Inspector
13th January 2016