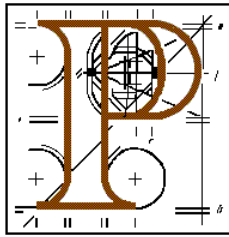


An Bord Pleanála



Inspector's Report

Appeal Reference No: 29S.245820

Development: Single storey and two storey extension to existing house with all associated site works.

Location: 15, Lea Road, Sandymount, Dublin 4.

Planning Application

Planning Authority: Dublin City Council

Planning Authority Reg. Ref.: 3612/15

Applicant: Peter and Bennary Horgan

Planning Authority Decision: Grant Permission

Planning Appeal

Appellant(s): David Reddy
Kathy and Paddy Herbert
Finola Cassidy
David Mee

Type of Appeal: Third Party

Date of Site Inspection: 17th February and 22nd February, 2016

Inspector: Stephen Kay

1.0 SITE LOCATION AND DESCRIPTION

The appeal site is located on Lea Road in Sandymount, an area characterised by two storey predominately semi detached dwellings. The site is occupied by a semi-detached dwelling located on a site of 416 sq. metres. The shape of the site is such that it splays out to the rear with a wide rear garden area.

The existing dwelling on the site has a stated area of 116 sq. metres and accommodates four bedrooms. The dwelling to the north (No.16 Lea Road) is attached to that on the appeal site. To the south, is located a pair of semi-detached dwellings, Nos. 13 and 14.

The existing dwelling has vehicular gates located at the southern end of the frontage and a car port is located to the south of the dwelling. This car port structure extends out to the boundary of the site with No.14.

2.0 PROPOSED DEVELOPMENT

The proposed development comprises the demolition of the existing kitchen located at the rear of the dwelling on the ground floor and the construction of a part single storey and part two storey extension which incorporates the following elements:

- At ground floor level the development proposes a courtyard at the northern side of the site with a U shaped plan playroom, kitchen/dining and living room. To the side of the dwelling in the place of the current car port a utility room is proposed. At the northern side, the development is proposed to be out to the boundary with the adjoining property, No.16 Lea Road. On the southern side, the floorplan is staggered with the development proposed to come within between 840mm and 1310mm of the southern site boundary.
- At first floor level a master bedroom and en suite bathroom is proposed to be constructed above the kitchen area. This first floor element is proposed to project 6.06 metres beyond the rear building line of the dwelling and has internal dimensions of 5.52 by 5.7 metres. The extension is proposed to be set back 3.875 metres from the northern boundary with No.16 and by a minimum of 4.8 metres from the southern site boundary.

- The roof profile of the extensions has a pitched roof to the first floor extension that is hipped into the existing main roof. The single storey elements are proposed to be flat roofed or very low pitch roofs.
- Access to a new attic floor level is proposed via a new extension of the existing staircase. Storage is proposed at attic level and this area is proposed to be served by a new dormer window of c. 2.5 metres in width located on the northern side of the roof slope. A new roof light is also proposed in the southern side of the rear roof slope which would light the staircase to the attic area.
- It is proposed to widen the existing vehicular access to the site from the current 2.18 metres to 3.5 metres.

3.0 PLANNING HISTORY

There is no recent planning history relating to the appeal site.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

Planning Officer - The report of the Planning Officer notes the objections received relating to scale of development, impact on residential amenity, precedent, over development, flooding and extent of glazing. The objections submitted include one from the residents of the dwelling immediately to the north of the appeal site (No.16 Lea Road) which states that they have had discussions with the applicants resulting in changes to the design. They retain concerns regarding the scale of the single storey element adjoining their property and the impact of this on residential amenity. The report considers that the development would not have a significant negative impact on residential amenity due to the separation to site boundaries. Some concern is expressed regarding the extent of glazing in the rear elevation. A grant of permission consistent with the notification of decision which issued is recommended.

Drainage Division – No objection subject to conditions.

Roads Division – No objection subject to conditions.

4.2 Planning Authority Decision

A Notification of decision to Grant Permission was issued by the Planning Authority subject to 9 no. which are general standard in nature and scope. Condition No. 7 specifies that the permitted attic space shall only be used for storage. Condition No.9 requires the reduction in width of the first floor window to 2.5 metres (from the originally proposed 3.5 metres).

5.0 GROUNDS OF APPEAL

Four third party appeal submissions were received. It is noted that none of these submissions are from the owners / occupants of the dwellings immediately adjoining the appeal site. The following is a summary of the main issues raised in these appeal submissions:

- That the reference to the 5 metre projection of the extension is incorrect, it projects 6.06 metres from the existing house.
- That the statement in the planner's report that the development '*will not impact on adjoining properties*' is not understood. There has to be an impact.
- That the statement that there will not be an impact on adjoining properties due to overshadowing or overlooking cannot be substantiated as there are no shadow projection diagrams.
- The development will cast a shadow over the rear garden of No.16 Lea Road.
- That the development is contrary to the guidelines for extensions given in Appendix 25 of the development plan with regard to the scale of development and its impact in terms of visual dominance, loss of daylight and sunlight and a sub ordinate approach to development.
- That the location and orientation of the courtyard is not optimal.
- That delivery traffic will be an issue due to the restricted width of the road. A requirement for a hoarding around the site is sought.
- That Lea Road is prone to flooding and that surface water levels are very high. The development of this scale and potentially other similar developments will significantly reduce the available soft spaces for soakaway of water. (Photograph of the rear garden of No.22 Lea Road flooded is attached).
- That the requirements regarding drainage (Condition No.8 are confusing as it states that surface water be directed to the combined sewer but also states that soakaway be constructed in accordance with BRE standards.
- That the Planning Authority should be well aware of the flooding events in this area.

- That the whole area is unsuitable for soakaways due to the high water levels and impact of sea water and tidal rise and fall. That section 1.5.8.1 of the DoE Building Regulations regarding soakaways state that they should not be used where the water table reaches the bottom of the soakaway at any time of the year.
- Regarding the BRE standard for soakaways, a 5 metre separation to buildings is not feasible and the minimum 2 metre depth specified would reach salt water.
- That the development would set a very undesirable precedent for other similar developments. The road would be changed for ever if extensions in excess of 100 percent are permitted.
- That experience of other developments on the road indicate that standard conditions are not adhered to and that there is no recourse for residents.

6.0 RESPONSES / OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority Response

No response on file.

6.2 First Party Response

The following is a summary of the main issues raised in the first party response to the grounds of appeal:

- That a SUDS and drainage drawing was submitted with the application and no viable alternative. No empirical evidence that further flooding would be caused by the development has been presented.
- That none of the appellants are directly affected by the proposed development in terms of overlooking or overshadowing.
- That shadow projection diagrams were presented to the residents of No.16 at pre planning stage and this party did not appeal against the decision.
- That traffic is not a planning related issue.
- That every effort will be made to control dirt and disruption and to comply with the conditions attached to any permission.

7.0 POLICY CONTEXT

The appeal site is located on lands that are zoned Objective Z1 ‘*to protect, provide and improve residential amenities*’ under the provisions of the *Dublin City Development Plan, 2011-2017*.

Policy on extensions is set out at 17.9.8 of the plan and states that applications for permission to extend dwellings will be granted provided the development has no adverse impact on the scale and character of the dwelling and no unacceptable effect on the amenities of the occupants of adjacent buildings.

Appendix 25 of the Plan relates to residential extensions. The guidelines give a number of general principles to be followed as well as more detailed guidance regarding daylight and sunlight, amenity issues and design. The general principles cited are that the proposal would not have an adverse impact on the scale and character of the dwelling and secondly that there would be no unacceptable effect on the amenities enjoyed by occupants of the adjacent buildings in terms of privacy and access to daylight and sunlight. Finally, it is stated that the design should be of a high quality.

8.0 ASSESSMENT

The following are the main issues arising in the assessment of the subject appeal:

- Principle of Development
- Impact on Residential Amenity
- Design and Visual Impact
- Drainage and Other Issues

8.1 Principle of Development

8.1.1 The appeal site is located in an area that is zoned Objective Z1 ‘*to protect, provide and improve residential amenity*’ under the provisions of the *Dublin City Development Plan, 2011-2017*. Residential development is identified as a Permissible use on lands that are zoned for residential use and the principle of an extension of the existing residential use on the site is therefore permissible.

8.1.2 The property on the appeal site is not a protected structure and the site is not located within any form of conservation area or conservation designation. There is not therefore any basis on which permission should be refused for

reasons of impacting negatively on a conservation area or protected structure.

8.1.3 The third party appellants have raised issues with regard to the precedent which a grant of permission in this case would set for other similarly scaled developments in the area and how the granting of permission would lead to a significant change in the character of the area. Proposals for extensions have to be assessed in the context of each specific site and the potential impact that they are likely to have on residential and visual amenity. It is not the case that just because an extension of a certain scale or layout is permitted in one location that a development of the same scale would necessarily be acceptable on sites with a different orientation or context. The following sections will give an appraisal of the impact of the proposed development on residential amenity in the circumstances of this site.

8.1.4 Regarding the scale of development proposed, the appellants make the point that the proposed development would result in a doubling of the original floor area of the dwelling and contend that such a scale of development is excessive. I would agree that the scale of development proposed is significant, particularly in the context of the relatively modest scale of the original dwelling on the site. I would also however note the fact that the appeal site is of a significant scale and that while large, the proposed extension would not exceed the original floor area of the dwelling. The proposed development would not therefore be contrary to section 8 of Appendix 25 of the development plan which recommends that in general an extension should be no larger or higher than the existing structure.

8.2 Impact on Residential Amenity

8.2.1 The third parties contend that the proposed development would have an adverse impact on residential amenity, primarily by virtue of overshadowing and loss of sunlight to the adjoining property to the north, No.16 Lea Road. The first party note that the occupants of No.16 Lea Road have not appealed against the decision of the Planning Authority to grant permission. It is however noted that the residents of No.16 made a submission to the Planning Authority in which they state that while they have had contact with the applicant and some amendments to the design were made that they retain concerns regarding the impact on light and sunlight of the single storey element adjoining the boundary.

8.2.2 The first party state that shadow projection diagrams were prepared and shown to the occupants of No.16 prior to the submission of the application to the Planning Authority. It is regrettable that these diagrams have not been made available with the application.

- 8.2.3 In assessing the impact of the proposed development on the residential amenity of No. 16 it is noted that No.16 has been extended to the rear with the addition of a single storey extension which runs the full width of the rear of the house. This single storey extension projects c. 4.2 metres beyond the original rear building line of the dwelling. The proposed extension on the northern side of the appeal site comprises a single storey element that is c. 4.4 metres in depth. This single storey element is separated from the existing rear building line by a courtyard that is 2.34 in depth with the result that the single storey element would project c.6.75 metres beyond the original rear building line of the dwelling or c. 2.55 metres beyond the line of the extension to No. 16. The low height of the boundary wall is noted as is the orientation of the dwellings very slightly north of due west however the impact of the proposed development on the residential amenity of No.16 by virtue of overshadowing would in my opinion be limited.
- 8.2.4 With regard to the main two storey element of the proposed extension, this is proposed to be set back by 3.875 metres from the northern site boundary and project marginally over 6 metres beyond the rear boundary of the dwelling. Given the set back from the northern site boundary and the existing extension to No.16 I do not consider that this two storey element would have a significant adverse impact on the residential amenity of No.16 either due to loss of daylight, sunlight or visual intrusion. To the south, the two storey element of the extension would be set back by between 4.9 and 7.0 metres from the boundary with No.14. Given this degree of set back and the design of the extension incorporating a hipped roof I do not consider that the proposed two storey element would have a this two storey element would have a significant adverse impact on the residential amenity of No.14 either due to loss of daylight, sunlight or visual intrusion.
- 8.2.5 To the south west of the existing footprint of the dwelling a very significant single storey extension is proposed which extends from approximately the centre of the south facing side gable of No.15 and runs c. 13.5 metres west. The development in this part of the site is proposed to have a stepped floorplan reflecting the splayed boundary wall with No.14 to the south and the separation between the extension and the southern site boundary varies between 840mm and 1.31 metres. The 840mm separation point is at the side of the dwelling and would not impact on the visual amenity of No.14. The single storey extension in this part of the site would extend c.10 metres beyond the original rear building line. It is acknowledged that the angle of the boundary wall and the relative angle of the two properties (Nos. 14 and 15) are such that the visual impact of this depth of extension would be mitigated to some degree however I consider that in its current form the length of the extension is such that it would be visually obtrusive when viewed from No.14 Lea Road. To mitigate this impact, it is recommended

that the width of the proposed living room at the south west corner of the floorplan would be reduced by 1200mm to increase the separation to the boundary and simplify this elevation.

8.3 Design and Visual Impact

8.3.1 The basic design and use of materials proposed in the development are considered to be acceptable. Materials are indicated as being such as to match with the existing dwelling. The impact of the proposed development on the appearance of the dwelling from the street is similarly considered to be acceptable and the side extension would be set back by c.3.5 metres from the front building line of the dwelling.

8.3.2 The assessment of the Planning Officer stated that the scale of the window at first floor level in the rear elevation was excessively large and such that it would have an adverse effect on residential and visual amenity. I would agree with this assessment. Despite being over 9 metres from the rear boundary of the site and in excess of 30 metres from the rear of the dwellings on Durham Road to the west (No. 25 Durham Road is 32 metres from the proposed two storey element on the appeal site) I consider that the scale of the window at first floor level should be reduced from the proposed width of 3.5 metres to a maximum of 2.5 metres. Given the separation between the appeal site and the dwellings to the west and having regard to its scale and design I consider that the proposed dormer extension is acceptable.

8.4 Drainage and Other Issues

8.4.1 The issue of drainage and surface water disposal has been raised by the appellants with the location of the site close to the sea, the shallow depth to the water table and the influence of the tidal regime on these water levels noted as well as the history of flooding in the area. The appellants have even submitted evidence of the inundation of gardens in the vicinity of the appeal site in the form of photographs. The appeal submission of Mr Reddy also cites a number of provisions of the building regulations and the BRE guidance document, particularly regarding inadequate separation between the proposed on site soakaway and buildings and depth to the water table. On the basis of the information presented in the appeals I would have significant concerns regarding the appropriateness of the use of a soakaway to dispose of surface water from the development.

8.4.2 In the absence of the use of a soakaway, surface water would have to discharge solely to the surface water drainage network. Such an approach

would be contrary to the SuDS principles of on-site attenuation and disposal and is a potential issue given the scale of the development proposed in terms of additional building footprint and the potential cumulative effects of similar developments in the general area.

8.4.3 The proposed widening of the access to the dwelling is considered to be acceptable and the proposed width of 3.5 metres is not objected to by the Planning Authority.

8.4.4 The application is not accompanied by a screening assessment for appropriate assessment and no reference is made to appropriate assessment in the report of the planning officer. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

9.0 CONCLUSIONS AND RECOMMENDATION

It is considered that the proposed development should be granted for the reasons and considerations hereunder.

REASONS AND CONSIDERATIONS

Having regard to the residential zoning objective for the area and the layout and orientation of the site, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would not be prejudicial to public health. 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 width of the single storey extension at the south west corner of the floorplan, titled 'Living Room' on the submitted plans shall be reduced in width by 1200mm such that the southern elevation is flush with the adjoining part of the extension.
- (b) The width of the window in the first floor rear extension shall be reduced in width to a maximum of 2.5 metres.
- (c) Surface water from the site shall be drained to the public sewer and the proposed soakaway shall not be installed.

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 interests of residential amenity.

3. The external finishes of the proposed extension including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall be erected within the rear garden area, without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling.

5. Subject to the requirement of Condition 2(c) above, water supply and drainage arrangements, shall comply with the detailed requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 property in the vicinity.

7. The developer shall pay to the planning authority a financial contribution of €4,320 (four thousand three hundred and twenty euro) 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. The application of any indexation required by this condition 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.

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.

Stephen Kay
Inspectorate