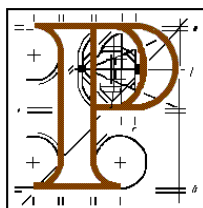


An Bord Pleanála



Inspector's Report

Appeal Reference No: 06D.245821

Development: Retention permission for 31.9m² single storey rear flat roof extension at 35 Hillcourt Road, Glenageary, Co. Dublin.

Planning Application

Planning Authority: Dun Laoghaire Rathdown Co. Co.

Planning Authority Reg. Ref.: D15B/0348

Applicant: Rachel and Brian Spollen

Planning Authority Decision: Grant permission

Planning Appeal

Appellant(s): John and Mai Rooney

Type of Appeal: Third Party

Observers: None

Date of Site Inspection: 28th January 2016

Inspector: Emer Doyle

1.0 SITE LOCATION AND DESCRIPTION

The appeal site is located at No. 35 Hillcourt Road, Glenageary, Co. Dublin. The site is within an established residential area and has a stated area of 0.626 hectares.

The existing dwelling on the site is a semi-detached property with an exceptionally long rear garden of c. 38 metres in length. To the northeast and southwest, the property is bounded by No. 33 and No. 37 Hillcourt Road, whilst the rear garden of No. 28 Bellevue Road bounds the site to the east.

A set of photographs of the site and its environs taken during the course of the site inspection is attached.

2.0 PROPOSED DEVELOPMENT

Permission is sought for the retention of a ground floor extension to the rear of the existing dwelling. The stated floor area of the development is 31.9m².

3.0 PLANNING HISTORY

PA D14B/0139

Permission granted for attic conversion to include 2 No. velux type windows to the front and 1 No. dormer type window to the rear of the house, together with stairs to the attic from the first floor.

ENF. 138/14

Enforcement file in relation to 'the construction of an extension to the rear of the property, which may not comply with Condition and Limitation 2(a) of Class 1 Exempt Development in that the garage conversion already carried out, taken together with the new rear extension, may exceed the 40m² allowed.'

PA 99/14

The Planning Authority issued a declaration of exempted development for the single storey extension at this location under Section 5 of the Planning and Development Act 2000 (as amended).

4.0 PLANNING AUTHORITY DECISION

4.1 TECHNICAL REPORTS

Planning Report

The planner's report noted that one submission was received. It considered that due to the size, layout and design of the extension, the rear extension would not have negative impact on the character of the house, or seriously injure the residential or visual amenities of the area.

Drainage planning

No objection subject to one standard condition.

4.2 Planning Authority Decision

Dun Laoghaire Rathdown issued a notification of decision to grant permission for retention of the extension subject to 3 No. standard conditions.

5.0 GROUNDS OF APPEAL

A third party appeal against the Council's decision was submitted by John and Mai Rooney. The grounds of appeal and main points raised in the submission can be summarised as follows:

- Very detailed comments in relation to procedural issues are submitted.
- Impact on residential amenity by reason of loss of daylight, overshadowing and fumes caused by chimney.
- Design is overbearing and out of scale and presents a bulky appearance.
- The extension wall closest to the appellant's boundary is unfinished.
- There is no chimney pipe shown on the drawings.
- The development sets a poor precedent for the area.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority Response

The Planning Authority response has no further comments.

6.2 First Party Response

A First Party Response has been submitted which can be summarised as follows:

- The planning history in relation to the file is outlined.
- The location of the extension is considered to be appropriate.
- The design of the extension is single storey and flat roofed specifically to minimise any impact on the amenities of adjoining properties and has been considered in line with the requirements of the Development Plan.
- There is an established two storey extension at the appellant's property.
- The stove is noted on the ground floor drawing.
- The builder approached the appellants during the construction period and offered to complete the rendering to a satisfactory level, however the appellants rejected this offer.
- The concerns in relation to light deprivation and overshadowing are unfounded.

6.3 Observations

None.

7.0 POLICY CONTEXT

The Dun Laoghaire Rathdown Development Plan 2010 - 2016 is the operative County Development Plan for the area.

Zoning

The site is located within an area zoned as Objective A 'To protect or improve residential amenity.'

Section 16.3.4 of the Development Plan refers to residential extensions.

ASSESSMENT

Having examined the file and having visited the site I consider that the main issues in this case relate to:

1. Principle of Proposed Development
2. Impact on Residential Amenity
3. Design and Impact on Visual Amenity
4. Other Matters

Principle of Proposed Development

The subject site is located within lands zoned 'Objective A' of the operative County Development Plan, which seeks to protect and/or improve residential amenity and where residential development is permitted in principle subject to compliance with the relevant policies, standards and requirements set out in the plan. Accordingly the principle of the retention of an extension is acceptable at this location.

Impact on Residential Amenity

The main issues raised in the appeal with regard to residential amenity relate to light deprivation, and overshadowing. It is stated by the appellants that their kitchen/ living room and sitting room are their prime amenity rooms and since the building was erected, these rooms have lost significant daylight and sunlight, particularly evident from early October to the end of March.

The development to be retained provides for a single storey rear extension with a length of 5.7m adjacent to the boundary with the appellant's property. The design of the extension provides for a flat roof. I note that the appellants have constructed a two storey extension at this location which is located approximately 3.9m from the party wall. The rear garden measures c. 32m in length from the rear wall of the extension or c. 38m in total and has a width of c. 10.9m. The rear garden of the appellant's property has similar dimensions.

The response to the appeal calculates that the area most likely to be affected is the area adjacent to the party wall which measures c. 22m². The total area of the rear garden is approximately 420m². It is stated that the area potentially affected is about 5.4% which falls significantly below the 25% threshold suggested by the BRE Guidelines.

Having regard to the layout and orientation of the site, the modest scale and design of the proposed flat roofed single storey, the generous rear garden size, and existing and permitted development in the area, I do not consider that the proposed extension will have a detrimental impact on

residential amenities at this location. As such, I am satisfied that the design proposed respects the amenities of the neighbouring properties and that it will not result in any undue overshadowing or loss of light.

Design and Impact on Visual Amenity

The main issue raised with regard to design relates to the positioning of the extension in close proximity to the party wall and the impacts of same. It is stated that extension wall is unsightly and unfinished and can't be maintained. It is also stated that 'to the best of our knowledge, rear extensions constructed on Hillcourt Road and nearby roads have been built out from the party wall, avoiding negative impacts on neighbouring houses' and that this would set a bad precedent. Concern is also expressed regarding the overbearing nature of the extension.

I refer the Board to the photographs attached to the appeal which demonstrate the impact of the extension from the appellant's property.

It is stated in the appeal response that constraints on the site relating to drainage determined that the extension was located in its present location. Furthermore, it is stated that the builders approached the owners of No. 33 Hillcourt Road and offered to complete the rendering to a satisfactory level, however the appellant rejected this offer.

I have no objection to the design or location of the single storey flat roofed extension. I am of the view that the scale and size of the extension is acceptable. I am satisfied that it is built away from the party wall and is not overhanging the adjacent property. In my view, the extension is in accordance with the policy set out in Section 16.3.4 of the Development Plan and I do not consider that the development would cause any detriment in terms of visual amenity.

Other Matters

Procedural Issues

I note the detailed and lengthy submissions on file in relation to procedural issues. These issues are a matter for the Planning Authority and the Board have no role in this matter.

Drawings

The appellant refers to the fact that there is no chimney pipe shown on the drawings submitted with the retention application. There is a standalone wood burning stove installed in the extension. The Board may wish to seek revised drawings in this regard from the applicant. I note that the appellant express concerns in relation to fumes and smoke from the chimney, however I inspected same on the day of inspection and the stove in question is a very small domestic stove and any smoke or fumes associated with same would be typical in a residential area.

Appropriate Assessment

Having regard to the nature and scale of the development and proximity to the nearest Natura 2000 site, I am satisfied that the proposed development either individually or in combination with other plans and projects would not be likely to have a significant effect on any designated Natura 2000 site and should not be subject to appropriate assessment.

RECOMMENDATION

Based on the above assessment, I recommend that permission be granted for the existing development for the reasons and considerations set out below:

REASONS AND CONSIDERATIONS

Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2010-2016, to the pattern of existing development in the area and to the design and scale of the extension, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic safety and convenience. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained 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.

Reason: In the interest of clarity.

2. Water supply and 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.

Emer Doyle
Inspector
25th February 2016