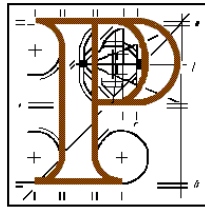


An Bord Pleanála



Inspector's Report

PL06D.246018

DEVELOPMENT:-

Permission sought for conversion of a garage, construction of two-storey extension to side, single and part two-storey extension to rear and alterations to existing house at 25 Rosmeen Park, Dun Laoghaire, County Dublin.

PLANNING APPLICATION

Planning Authority: Dun Laoghaire Rathdown County Council
Planning Authority Reg. No: D15A/0301
Applicant: Des & Mary-Kate Ryan
Application Type: Permission
Planning Authority Decision: Grant

APPEAL

Appellant: (1) Carol Fox
(2) Des & Mary-Kate Ryan

Type of Appeal: 3rd-V-Grant
1st-v-Condition

DATE OF SITE INSPECTION: 22nd March 2016

Inspector: Colin McBride

1. SITE DESCRIPTION

- 1.1 The appeal site, which has a stated area of 0.0391 hectares, is located to the south east of Dun Laoghaire and north of Glenageary. The site is located on the eastern side of Rosmeen Park, which is a residential cul-de-sac forming a junction with Summerhill Road to the north. The appeal site is occupied by a two-storey, semi-detached dwelling. To the south is no. 24, which is the other semi-detached dwelling of the pair. To the north is no. 26, which is also a two-storey, semi-detached dwelling. To the east of the site is Sandycove Dart station.

2. PROPOSED DEVELOPMENT

- 2.1 Permission is sought for conversion of a garage, construction of two-storey extension to side, single and part two-storey extension to rear and alterations to existing house. The proposed extension is a part single-storey, part two-storey extension to the side and rear of the existing dwelling. It is also proposed to install a dormer window extension on side of the hipped roof plane serving the converted the attic. The proposal entails an extension of the dwelling by 79sqm including the garage conversion.
- 2.2 The proposal was revised to reduce the floor area of the first floor portion the extension to the side of the dwelling and a condition was attached requiring the first floor portion to the side to be stepped back 500mm.

3. LOCAL AND EXTERNAL AUTHORITY REPORTS

3.1

- (a) Water Services (26/08/15): No objection subject to conditions.
- (b) Planning Report (11/09/15): Further information required to clarify separation distances in relation to the party boundary shared with no. 26 and measures to have regard to the adjoining residential amenity, measures to deal with concerns regarding the height of the extension, submission of contextual elevations and clarification of the scale of the site plan.
- (c) Planning Report (29/10/15): Clarification of further information sought including measure to deal with concerns regarding a potential overbearing impact on no. 26, clarification of revised proposal on the site layout plan, the submitted elevations and submission of accurate contextual elevations.

(d) Planning Report (15/12/15): The revisions in response to further and clarification of further information were noted. The design and scale of the proposal was considered acceptable in the context of visual and residential amenity. A grant of permission was recommended subject to the conditions outlined below.

4. DECISION OF THE PLANNING AUTHORITY

4.1 Permission granted subject to 10 conditions. Of note are the following conditions....

Condition no. 2: Revised plans to be submitted and agreed providing for a 500mm setback of the proposed first floor side extension from the site party boundary with no. 26.

Condition no. 4: The dormer window to the side elevation shall be fitted with opaque glazing.

5. PLANNING HISTORY

5.1 No planning history.

6. PLANNING POLICY

6.1 The relevant plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned 'Objective A' with a stated objective "to protect and/or improve residential amenity".

7. GROUNDS OF APPEAL

7.1 A third party appeal has been lodged by Hendrik W van der Kamp Town Planner on behalf of Carol Fox, 26 Rosmeen Park, Dun Laoghaire, Co. Dublin. The grounds of appeal are as follows...

- The proposed extension by virtue of design, scale and proximity would have a visually overbearing impact in relation to the appellant's dwelling. It is noted that the issue of maintaining adequate separation distances was raised and subject to further and clarification of further information requests. It is considered that such issue has not been dealt with and that the proposal would be injurious to residential amenity by reason of visual intrusion.
- It also considered that the design, scale and proximity of the single-storey extension would also be visually overbearing and injurious to residential amenity.

- It is noted that the proposal would result in loss of light to existing windows on the gable facing the site and have an adverse impact on residential amenity.
- It is considered that the proposal would have a detrimental visual impact as it reduces the spacing between adjoining dwellings causing a terracing effect.
- It is noted that the applicant did not implement the changes required to deal with the further and clarification of further information requests. It is considered that the change required under condition no. 2 is inadequate to deal with the appellant's concerns.

7.2 A first party appeal has been lodged by Kelliher Miller Architects on behalf of Des & Mary-Kate Ryan, 25 Rosmeen Park.

- The appeal concerns condition no 2, which requires a 500mm setback of the first floor side extension from the side party wall with no. 26 Rosmeen Park.
- It is considered that condition no. 2 is inappropriate and unnecessary as the proposed two-storey side extension has no impact on the amenity of the rear garden of no. 26 and is setback further at first floor level to reduce impact on the streetscape and the adjoining property.
- The side passage of no. 26 is overshadowed by the existing two-storey gable and single-storey garages and would suffer no loss of amenity as a result of the proposed development.
- The terms of condition no. 2 are an unfair restriction and impact on the provision of a suitable bedroom and bathroom space.

8. RESPONSE

8.1 Response by Dun Laoghaire Rathdown County Council.

- It is noted that significant alterations were sought and made over the course of the application with a further alteration required under Condition no. 2. It is noted that an acceptable balance has been struck between permitting an extension and safeguarding the amenities of no. 26.

8.2 Response by Hendrik W van der Kamp Town Planner on behalf of Carol Fox, 26 Rosmeen Park, Dun Laoghaire, Co. Dublin.

- The response notes the contents of the first party appeal submission and reiterates concerns regarding the design, scale and proximity of the proposal to third party appellant's dwelling and the adverse impact such would on the residential amenity of such.

9. ASSESSMENT

- 9.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development

Residential amenity

Visual amenity

First party appeal

Other issues

9.2 Principle of the proposed development:

- 9.2.1 The proposal is for an extension of an existing dwelling. The site is zoned 'Objective A' with a stated objective "to protect and/or improve residential amenity". The extension of the existing dwelling is consistent with land use zoning objective of the area and is acceptable in principle subject to the overall design having adequate regard to the visual amenities of the area and the residential amenities of adjoining properties. Such aspects of the proposal are to be examined in the following section of this report.

9.3 Residential Amenity:

- 9.3.1 The extension proposed entails the conversion of an existing single-storey garage to residential use and the extension of the dwelling to the side and rear with a part single-storey extension as well as a dormer window extension at first floor level to serve a converted attic space. The extension entails demolition of part of the existing dwelling to the rear to increase open space with the extension projecting 4.036m beyond existing rear building line of the dwelling on site and 10m beyond the rear building line of the adjoining dwelling to the north and south. The extension is concentrated along the northern boundary adjacent no. 26 Rosmeen Park (the appellant's dwelling). As the extension is set away from the boundary with no. 24 to the south and the proposal entails demolition of part of the dwelling adjacent the southern boundary, the proposal has no significant or adverse impact on the residential amenities of no. 24.

- 9.3.2 In relation to the impact on no. 26, the proposal entails extension to the side at first floor level that is tight to the party boundary with no. 26, a single-storey extension to the rear that projects 4.063m beyond the rear building of the existing and 10m beyond the rear building line of the existing dwelling on site and the adjoining dwelling at no. 26 respectively. The single-storey extension has a ridge height of 4m relative to ground level in the garden to the rear of the existing dwelling. The proposal also entails a first floor extension to the rear, which has a flat roof and projects 3.857m from the rear building line (first floor) of the existing dwelling and the same beyond the adjoining dwelling at

no. 26. This portion is set back 1.67m from the boundary with no. 26. The main issues of concern raised by the appellant relate to the design, scale and proximity of the development to the party boundary with the subsequent impact considered overbearing and resulting in loss of light to existing windows.

- 9.3.3 In terms of physical impact, the bulk of the extension that projects beyond the rear building line of the appellant's dwelling at no. 26 is single-storey with a flat roof. In regards to ridge height the extension is 4m above the garden level, but only 2.5m above the finished floor level (ground floor level) of the existing dwelling on site and the adjoining dwellings, including the appellant's dwelling. The nature of the properties at this location is that the garden level is at a much lower level than the ground level of the dwelling. As it stands there is an existing extension to the rear of no. 25 that includes single-storey development tight to the boundary with no. 26 that projects 10m. I would consider that the single-storey portion of the proposal would not have a significant or adverse impact over and above that of the existing level of development on site. In relation to the extension to the rear at first floor level, such does not project a significant degree beyond the rear building line of the existing and adjoining dwelling and is setback from the party boundary a reasonable degree to have adequate regard to the residential amenities of the appellant's dwelling.
- 9.3.4 One of the main issues raised relates to the impact on light to windows on the ground floor southern gable of the appellant's dwelling and are in a passage way to the side of the existing dwelling. The appellant has raised concerns regarding the impact of the extension on such and condition no. 2 was implemented due to concerns in this regard. It is notable that there are a number of windows on the southern elevation of the appellant's property. These include two windows at ground floor (one serving the hallway and one in the kitchen) and two at first floor level (one serving the landing and one serving a small separate toilet). Some of these windows are already lacking in high light levels due to their location to the side and the fact that existing dwelling on site is already extended up to the party boundary. I would consider that the level of extension proposed at first floor level (amended proposal in response to further information), would not significantly reduce light levels to these windows over and above the existing situation on site. I would also note that these windows are not the sole providers of daylight to the kitchen and living areas of the appellant's' dwelling with the main windows located on the east (front) and west (rear elevations). I would consider that condition no. 2 has no material impact as the overall impact on residential amenity is much the same as that proposed and level of setback required under the condition is small.

9.3.5 The proposal entails the provision of a dormer window at first floor level in the side elevation/roof plane. This serves a converted attic space that currently has a rooflight in the side (north) and rear (east) elevation. In regards to residential amenity, I would have concerns that a similar extension could not be permitted on the adjoining site due to the orientation and proximity of the proposed windows and that such a situation is not acceptable in regards to residential amenity. It is notable that a condition (no. 4) has been attached requiring obscure glazing; however I would consider such to not be an ideal situation and to be symptomatic of the concern regarding such an element from the point of view of precedent and pattern of development. I would recommend that this element be omitted by way of condition and would refer to the section on visual amenity below.

9.3.6 I am satisfied that the approved development is satisfactory in design and scale, and that such would have no adverse impact on the residential amenities of adjoining properties. In addition I would note that the orientation and position of windows has adequate regard to the existing pattern of development and would be acceptable in the context of maintaining an adequate degree of privacy/residential amenity for adjoining properties.

9.4 Visual amenity:

9.4.1 In relation to visual amenity, the bulk of the development is either single-storey or confined to the rear of the dwelling, so does not have a significant impact on the visual amenities of the area. As noted above the overall design and scale was considered acceptable in relation to the residential amenities of the adjoining properties including in relation to visual impact from adjoining properties. The main issue that arises concerning visual amenity relates to the impact of the extension to the side and dormer extension that will be visible from the public realm. The extension to the side at first floor level was reduced in scale as a result of a further information request and is setback from the front building line of the existing garage. In addition condition no. 2 requires the side extension to be setback 500mm from the party boundary. I would consider that the revised extension to the side (in response to further information) is acceptable in scale and design and its subsequent impact in regards to visual amenity. The side extension is subordinate to the existing dwelling as it is setback from both the front building line of the dwelling and the existing single-storey garage (which is to be partially demolished and setback from the front elevation), as well as being much lower in ridge height and featuring a flat roof. I am satisfied that overall design and scale would be acceptable in the context of the visual amenities of the area and that the setback proposed in condition no. 2 is completely unnecessary and would have no material impact either on the visual or residential amenities of the area.

9.4.2 I would consider that the proposed dormer widow at second floor level of the side elevation/roof plane to be excessive in size and would have a visually obtrusive impact. Such would also set an undesirable precedent and would be problematic type of development if repeated throughout the dwellings at this location as evidenced by the need to install opaque glazing. I would recommend that this element be omitted in the interests of visual amenity and orderly development.

9.5. First party appeal:

9.5.1 The first party appeal is against condition no. 4, which requires a 500mm setback of the first floor side extension from the side party wall with no. 26 Rosmeen Park. I would refer to the previous sections of this report in regards to residential and visual amenity. I would consider that the overall design and scale of the development as proposed in the drawings submitted on the 18th day of November 2015 is satisfactory in context of both residential and visual amenity. I do not consider that condition no. 2 is necessary or would have any beneficial or significant material impact on the proposal. In this regard I would recommend that this condition be omitted in the event of a grant of permission.

9.6 Other Issues:

9.6.1 Having regard to the nature and scale of the proposed development and its proximity 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.

RECOMMENDATION

I recommend a grant of permission subject to the following conditions.

REASONS AND CONSIDERATIONS

Having regard the location of the site on residentially zoned lands in the Dun Laoghaire Rathdown County Development Plan, to the design, scale and layout of the development and to the pattern of development in the vicinity of the site, 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 and would have no adverse impact on the visual amenities of the area. 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, and as amended by the further plans submitted on the 12th day of October 2015 and the 18th day of November 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 at permission consequent stage 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 dormer window proposed on the side elevation at first floor level shall be omitted.

Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of visual amenity and orderly development.

3. 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 and to ensure a proper standard of development

4. The entire dwelling shall be used as a single residential unit.

Reason: In the interest of clarity.

5. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

6. 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.

Reason. In the interest of visual amenity.

7. 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 take place within the rear garden area, without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

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 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.

Colin McBride
23rd March 2016