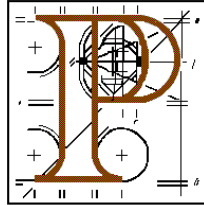


An Bord Pleanála



Inspector's Report

Development: Demolition of Existing Side Garage and construction of a new two storey side extension with bay window to front and hipped pitched roof, and the demolition of existing rear kitchen extension and construction of a new 46sq.m. single storey flat roof rear extension and internal alterations to ground and first floor layouts and all associated site works including part raising of existing dividing garden wall with adjacent property of No. 36, at 34 Whitehall Road, Terenure, Dublin 12

Planning Application

Planning Authority:	South Dublin County Council
Planning Authority Reg.	SD15B/0140
Applicant:	Charlie and Mary Donaghy
Type of Application:	Permission
Planning Authority Decision:	Grant Permission with Conditions

Planning Appeal

Appellant(s):	Seamus O hEalathe
Type of Appeal:	Third Party Vs Decision
Observers:	None

Date of Site Inspection: 03/05/2016

1.0 SITE LOCATION AND DESCRIPTION

1.1 The site is 34 Whitehall Road, and large semi-detached partially red brick dwelling.

2.0 PROPOSED DEVELOPMENT

2.1 Demolition of Existing Side Garage and construction of a new two storey side extension with bay window to front and hipped pitched roof, and the demolition of existing rear kitchen extension and construction of a new 46sq.m. single storey flat roof rear extension and internal alterations to ground and first floor layouts and all associated site works including part raising of existing dividing garden wall with adjacent property of No. 36 Whitehall Road.

3.0 SUBMISSIONS RECIEVED

3.1 The appellant objected to the proposal on similar grounds to the appeal.

4.0 TECHNICAL REPORTS

Environmental Services: Additional information required.

Planning Report: The extension to a dwelling house is in line with zoning objective. . Having regard to the scale and design of the extension there will be no overlooking or overshadowing and the proposal is not overbearing. Development Contribution payable.

Following receipt of further information on 15th of December 2015, the level of the rear door has been raised, and there is a green roof proposed for the single storey extension.

5.0 PLANNING AUTHORITY'S DECISION

South Dublin Co. Co. granted the proposed development subject to 5No. standard conditions.

6.0 APPEAL GROUNDS

The third appellant resides at the neighbouring property, 36 Whitehall Road. A summary of the relevant issue raised in the appeal is as follows:

- The planning authority did not give adequate or due regard to the submissions made by the appellant on 29th of May 2015 in relation to the validity of the planning application, the deficient nature of the documentation, or the request for a reduction in height.

6.1 Planning Application

The plans, drawings and maps accompanying the planning application do not comply with the requirements of the Planning Regulations.

- (a) The site plan does not show the contours of the land relative to the proposed extension. There are no ground or invert levels given as regards the proposed drainage for foul or surface water, manholes, surface water harvesting tank and soakaways. This is non-compliance with the 2001 Regulations, and the application should have been deemed invalid by the planning authority. These issues were regularised under the further information submitted on 15th of December 2015.

The water table in the area is very high, and there is ponding in garden gardens. In 2014 there was blocked drains and flooding. The flooding of his property could be exacerbated by drainage measures been proposed for No. 24. The proposed development includes discharge to the combined sewer in Whitehall Road despite the fact there are problems in the past with Whitehall Road drainage due to an inadequacy of the drainage pipes in Kimmage Road West.

There is insufficient information presented regarding the soakpit disposal in terms of construction and invert levels. There has been no input from a qualified hydrogeologist to the suitability of the soakaway as it is located in an impermeable boulder clay, and could therefore lead to flooding in the area.

In the further information submission there is a revised proposal to raise the parapets to the rear from 100-150mm in order to assist the disposal of water, and this is strongly objected to as the third party could not make any further submission on the revised proposals.

- (b) The drainage and elevation drawings of the proposed extension at 34 Whitehall Road do not show the main features of the neighbouring dwelling at 36 Whitehall road. The drawings are inadequate to assess the potential impacts
- (c) There is no information regarding foundations. Therefore there are concerns over the structural stability of the existing boundary wall between garages 34 and 36 Whitehall Road, and the kitchen wall whereby a 300mm cavity wall is proposed. There are no details as to how the proposed development will be supported. The appellants garage and kitchen should not be used to support the proposed development. There has been no soil analysis to determine the load bearing capacity of the existing ground to determine the necessary foundation depth and width.

In addition, there has been no consideration given to the impact of the construction traffic on No. 36 in terms of the scaffolding, the driveway of No. 36 and access to the garage.

The boundary line between both properties appears to be the middle line of the front and rear back garden dividing walls, and not where the garages and kitchen meet, and this is to be respected, and its not to be where the garages and kitchen meet.

- (d) The drawings are done in colour which makes copies of the drawings illegible, e.g. Drawing No. 1307 – PLA-007
- (e) The plans do not accurately illustrate all of the kitchen at the rear of No. 36 which will be materially affected by the proposed development during the course of the construction and the longterm. The back dividing wall should be retained.

6.2 The Proposed Development

The applicant has been informed by the appellant of the following:

The development will cause the semi-detached nature of the properties to be lost. There is to be no encroachment onto the adjoining property whether by foundations, gutters, downpipes during the construction period. .

The velux rooflight may over look his property, and it is not clear if the ensuite to bedroom 5 will be frosted.

The security and amenity of his home should be protected during construction. In particular has the existing boundary wall been drawn correctly on the drawings. The foundations of the wall do not show any detail, and these should be included so that his garage walls and kitchen walls are not undermined or weakened as a result of the proposal.

There is a hidden gutter in the gable wall of the proposal with no outlet indicated, there could be ingress of water or moisture to the existing boundary wall.

The unsolicited information reveals an increase in height of the access form the patio level which is raised at least 330mm above the rear garden giving a total height of 3.8metres for the extension. There will be a loss of morning sunlight to his property. The proposed development will result in the first floor structure of the proposed extension being some 2.9metres closer to the gable landing window therefore darkening the adjoining landing. The proposed bay windows at first floor level will impact negatively on his privacy.

7.0 RESPONSES

7.1 The *planning authority* has no further comment.

7.2 *Applicant's Response*

The grounds of appeal contains subject matter relating to foundations design, structural stability, soil analysis for determining foundation design, and these items would not normally form part of a planning application. The applicants have told their neighbour on numerous occasions that a structural engineer will be engaged during the construction phase, as it is common good practice. The following items relate to the planning application and are addressed under 9 headings, which were all assessed under the planning application as they were originally contained in the letter of objection. :

- **Approval not Given By No. 36** Both neighbours were consulted prior to making the planning application. The neighbour had No. 32 were happy with the overall design. The neighbour at No. 36 had a list of concerns that were incorporated into a revised design prior to submitting the planning application.
- **Drainage Arrangements** Following the further information request the applicant's engaged consultants, Tygro Consulting Engineers to assess the site and surrounding area in terms of flood mitigation measures, which were accepted by the relevant department within the planning authority. There was a rain water harvest unit proposed however this was very expensive and extensive measures were required to meet with the overall calculations. It was decided to go with similar proposals to extensions granted at 24 and 28 Whitehall Road under SD14B/0240 and Sd15B/0068.
- **Raising of Parapets** : Due to the high water table there have been extensive measures regarding the surface water drainage. There are proposals to create a 'green' roof across the complete flat roof of the single storey extension. The parapet height shown on the original drawings has sufficient upstand to take the original green roof and should not alter the original height.
- **Boundary Line:** The appellant's drawing would suggest the common boundary line runs within the applicant's garage. The boundaries of the subject site are well defined by blockwork walls, and it is a bit much to suggest the appellant owns part of the applicant's garage.
- **Loss of Sunlight/ Overshadowing:** There will be no negative impact on the appellant.
- **Overlooking:** Obscure glazing can be installed into the ensuite by condition. The rooflight in the new hipped roof is to provide light to a staircase, and it is not accessible, therefore overlooking will not arise from the rooflight. The proposed bay window to the front elevation is in the position of the old garage door. This design has been used on numerous extensions along the same street.

- **Secret Gutter in Gable:** The gutter was designed to ensure no oversailing of eaves/ gutters would occur as requested by the appellant. A typical parapet running along the boundary would be visually negative when viewed from the front of the house.
- **Flashing Details:** All flashing, weatherproofing between the new two storey extension and existing garage party wall will be carried out correctly. Foundation designs will be done by structural engineers.
- **Impact on Future Developments at No. 36:** The proposed development is inside the applicant's boundary, there will be no negative impact for the future development at No. 36

8.0 PLANNING HISTORY

8.1 **SD03B/0280** – Permission granted for a garage to the rear of the dwelling.

9.0 DEVELOPMENT PLAN

South Dublin County Development Plan

The site is zoned **A – to protect and/ or improve residential amenity.**

Policy H16: Extensions to Dwellings Houses in particular Section 1.2.27 Extensions to Dwelling Houses

1.2.27 Extensions to Dwelling Houses

Domestic extensions are an effective way for homeowners to provide extra space without having to move house when their accommodation needs change. A well-designed extension can personalise and enhance the appearance of the house.

Proposals for domestic extensions should have regard to the House Extension Design Guide contained in Appendix 5 and safeguards set out in the Plan including the following:

- Contemporary design is promoted with a building language that is varied and forward-looking rather than repetitive and retrospective;
- The house and its extension should be used as a single dwelling unit;
- In all instances the design and scale of domestic extensions should have regard to adjoining properties;

- The extension should integrate fully with the existing building. External finishes should harmonise in colour, texture and materials with the existing building;

In general, dormer extensions should not be such as to obscure the main features of the existing roof, i.e. should not break the ridge or eaves line of the roof. Dormer windows should be set back at least three tile courses from the eaves line and should be clad in a material matching the existing roof;

- The front extension should not protrude more than 1.5 metres forward of the existing building line unless it can be demonstrated that it will not have a negative impact on the visual amenity of the streetscape or on the residential amenity of an adjoining property due to overshadowing;
- Single storey rear extensions are generally acceptable provided they do not impact on the residential amenity of adjoining properties and
- In all cases a minimum private rear garden area must be retained.

10.0 ASSESSMENT

- 10.1 No. 34 Whitehall Road is a two storey semi-detached dwelling (155sq.m.) and the proposed new extension is 86sq.m. which also includes the demolition of part of the existing development on site. There is an existing attached single storey flat roofed garage to the side of the dwelling, located alongside the third party appellant's dwelling house on the neighbouring property at No. 36 Whitehall Road. The two storey side extension has bay windows on the ground and first floor of the front elevation, with a single storey grassed flat roof extension to the rear of the dwelling extending the full width of the building footprint. The proposed extension will provide an additional ensuite bedroom at first floor level, and additional living accommodation at ground floor level.
- 10.2 The Board should note there are a number of examples of similar side extensions along Whitehall Road. The precedent for such side extensions has been set in the area, and I believe they do not detract from the overall streetscape. There is a double bay window in the front elevation of the existing dwelling, the second double bay window to the side of the dwelling, will create a balanced legibility to the front elevation. I consider the overall design and scale of the proposed extension to be acceptable and in keeping with **zoning objective A – to protect and/ or improve residential amenity.**
- 10.2 The third party appellant resides at the neighbouring property to the west. Most of the concerns expressed in the appeal are not relevant planning issues and are beyond the remit of the Board. Matters relating to soil analysis by a qualified hydrologist to design soakpits and address the load bearing ability of the soil, structural stability and foundation design are not issues for the Board to

consider. I will address the relevant planning matters raised in the third party appeal.

10.3 The drawings submitted with the planning application were deemed to be valid by the planning authority and in my opinion meet with the technical requirements of the *Planning and Development Regulations* as amended. There will be no loss of amenity associated with the neighbouring property. There will be no overshadowing due to the north facing orientation of the dwelling. The bulk of the new extension is on the ground floor and the new window at the rear of the dwelling is an ensuite bathroom which will contain obscure glass. The first floor bay window overlooks Whitehall Road and is not directly overlooking opposing windows or private open space associated with no. 36 Whitehall Road. The proposed extension, as stated, is in keeping with the pattern of development in the area, the scale and design compliments the existing dwelling and it is not overbearing when viewed from the public road or adjoining properties.

10.4 There was concern expressed during the planning application stage regarding collection and disposal of surface water arising from the proposal. The subject site is contained within a 1 in 1000 flood extent on the Poddle CFRAM map. The applicant was requested during the application to ensure the development is designed to prevent a risk of flooding. The applicants have resided at the property since 1998 and it has not flooded even during extensive flooding in Dublin in 2011. However the report details the floor levels and ground levels of the entire property, and the location of local authority manholes relative to the property. The following flood risk measures were incorporated into the development:

- The new extension shall have concrete floors and a damp proof system
- There will be two 100mm diameter uPVC pipes beneath the concrete floor with grills on either end to allow flood water to pass freely through either side of the dwelling
- All electricals will be located 500mm from finished floor level
- The utility rear door will be raised
- There is a 150mm deep green roof on the rear flat roof area.

10.5 There were soil infiltration tests carried out for stone filled soakaways. It was found that soakaways could not take all of the surface water associated with the existing and proposed extension, the green roof was proposed to reduce the amount of water coming from the flat roofed extension roof by 40%, and two soakaways will serve the remaining roof area.

10.6 The rear garden area will be 335sq.m. following the completion of the proposal. It has a depth of 28metres. The overall accommodation and amenity associated with the existing dwelling will be enhanced by the proposed development without undermining neighbouring properties. The parapet height of the rear extension is 3.47metres and it will project 2metre from the rear building line of

the appellants dwelling. I do not regard this rear extension to be overbearing when viewed from the neighbouring property, it will not result in overshadowing or loss of privacy. The roof light is over an internal stairway and it is to provide light only, and will not result in undue overlooking of neighbouring property.

10.7 I would recommend the Board attached a footnote to the schedule of conditions, i.e. Section 34 (13) of the *Planning and Development Act 2000*:

13) A person shall not be entitled solely by reason of a permission under this section to carry out any development

11.0 RECOMMENDATION

I recommend the planning authority's decision to grant planning permission be upheld by the Board

REASONS AND CONSIDERATIONS

Having regard to the zoning objectives for the area and to the pattern of development in the area, 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 acceptable in terms of traffic safety, public health and convenience. 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, as amended by the further information submission on the 15th of December 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. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between the hours of 0800 and 1400 on Saturdays and not at all on Sundays, Bank or 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.

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. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay rubble or other debris on adjoining roads during the course of the works.

Reason: In the interest of residential amenity.

5. 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.

Footnote:

Planning and Development Act 2000

34 (13) A person shall not be entitled solely by reason of a permission under this section to carry out any development

Caryn Coogan

Planning Inspector

28/05/2016