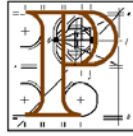


An Bord Pleanála



Inspector's Report

Appeal Reference No: PL06S.246260

Development: Permission for the construction of 1 no dormer to front of existing roof, 2 no roof windows to front, conversion of attic space to storage area and widening of existing first floor balcony to front.

Planning Application

Planning Authority: South Dublin County Council
Planning Authority Reg. Ref.: SSD15B/0354
Applicant: Howard Slattery
Planning Authority Decision: Grant permission with conditions

Planning Appeal

Appellant(s): Connie O Byrne
Type of Appeal: Third Party v Permission
Observers: John Sheehan
Monica Rooney
Reggie Walsh
Date of Site Inspection: 9th July 2016
Inspector: Bríd Maxwell

1.0 SITE LOCATION AND DESCRIPTION

The appeal site is located at 14 Casltelands, Castleside Drive, Rathfarnham in Dublin 14. The site comprises a mid-terrace townhouse, No 14 located in the leafy suburban residential development close to Rathfarnham Castle. The appeal site is located within the central block of three blocks off Castleside Drive which in turn takes its access off Rathfarnham Road. The block comprises a terrace of five two storey townhouses arranged back to back with a similar terrace. Dwellings provide for bedrooms at ground floor level with living rooms and kitchens at first floor level with private open space delivered by way of first floor balcony.

The attached photographs included in Appendices illustrate the nature of the appeal site and context.

2.0 PROPOSED DEVELOPMENT

The application seeks permission for the construction of 1 no dormer to front of existing roof, 2 no roof windows to front, conversion of attic space 19.5m² to storage area and widening of existing first floor balcony to front. (Extending balcony from 2.9m² to 5.6m².)

3.0 PLANNING HISTORY

PL06S2241274 15 Castlelands (Appellant's end of terrace dwelling adjoining to the south of the site). Permission was granted for dormer to front of existing roof, 2 windows, new gable to side at attic level, conversion of attic space to storage area and widening of existing first floor balcony.

SD08B/0464. 5 Castlelands. Permission was granted for conversion of attic space to storage room of 24.47m² consisting of new dormer roof and window set back from main façade 2 rooflights, internal alterations all associated site works to western facing two storey townhouse of 80.99 sq.m.

SD14B/0191. 28 Castlelands. (End of terrace unit within the block to the east of the appeal site). Permission granted for construction of dormer to front of existing roof, 2 roof windows to front new gable window to side at attic level conversion of attic space to storage and widening of first floor balcony.

SD05B/0570 7 Casltelands (opposite appeal site) Permission granted for Attic conversion to 16sqm. Storage room, consisting of; construction of a new dormer window (set back from main facade), 3no. Velux roof lights, internal alterations and all associated site works to existing two storey 70sqm townhouse.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

- Planner's report notes third party submissions from owners of four adjacent dwellings (No 14, No 7, No 17 and No 13 Castlelands) who variously objected to the development on grounds of excessive scale, out of proportion and out of character, potential for overlooking and negative impact on established residential amenity.
- Report of water services and submission from Irish Water indicated no objection subject to conditions.
- The Planner's report asserts that the development will not result in undue negative impact and recommends permission subject to conditions.

4.2 Planning Authority Decision

By order dated 9th February 2016 South Dublin County Council decided to grant permission subject to 5 conditions. Condition 2 required that the house and extension be jointly used as a single dwelling unit for residential purposes and not be subdivided or used for commercial purposes.

5.0 GROUNDS OF APPEAL

The appeal is submitted by Collin Maher Martin on behalf of Connie O Byrne, of 15 The Castlelands (end of terrace property adjoining to the south of the appeal site). Grounds of appeal are summarised as follows:

- Appeal relates solely to the widening of the balcony which will give rise to severe overlooking and loss of privacy.
- No objection to dormer and attic conversion which should be completed with materials which achieve aesthetic consistency with similar alterations at no 15 and no 7.
- Sketch plan appended to the appeal demonstrates relationship between No 14 and No 15. Given that No 14 is stepped circa 1,150mm forward of no 15 the proposed extended balcony will enable overlooking of balcony at a distance of approximately 1metre and overlooking of kitchen at a distance of around 2 metres and living room at 4metres.
- Proposal results in an unacceptable infringement of privacy and amenity and sets an undesirable precedent.
- Alternative would be to extend the balcony in the other direction without giving rise to overlooking. A vision screen circa 1.8m high at both ends of the balcony could be required by condition.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

The Planning Authority confirms its decision.

6.2 First party response

The First Party did not respond to the grounds of appeal

6.3 Observations on grounds of appeal

Observations are submitted by a number of neighbouring residents, Monica Rooney, 17 Castlelands, Reggie Walsh 7 Castlelands, John Sheehan 13 Castlelands. I have summarised issues raised as follows:

- Proposed development is excessive in scale.
- Concern that the applicant may convert the attic space to an ensuite bedroom giving rise to potential for water damage.
- Proposed balcony widening is out of character and will have a significant negative impact on privacy and residential amenity and set an undesirable precedent for similar such development.
- Proposed balcony solution offered by the appellant is unacceptable.

7.0 POLICY CONTEXT

- The South Dublin County Development Plan 2016-2022 refers. Zoning Objective RES *“To protect and /or improve residential amenity”* applies.
- H14 Objective 2: *“To support adaptable housing layouts that can accommodate the changing needs of occupants through extension or remodelling.”*
- Policy H Policy 15 Privacy and Security. *“It is the policy of the Council to promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.”*
- H15 Objective 4 *“To ensure that opposing balconies and windows at above ground floor level had an adequate separation distance, design or positioning to safeguard privacy without compromising internal residential amenity.”*
- Housing (H)Policy 18 Residential Extensions, *“It is the policy of the council to support the extension of existing dwellings subject to the protection of residential and visual amenities.”*
- H18 Objective 1 *“To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council Extension Design Guide 2010(or any superseding guidelines).*

- The South the South Dublin County Council Extension Design Guide 2010 provides good practice guidance in to aid the design of an extension.

8.0 ASSESSMENT

- 8.1 From my review of the file, all relevant documentation and inspection of the site and its environs, I consider the main issues for consideration in this appeal relate to the visual impact of the proposed development and impact on established residential amenity.
- 8.2 As regards the design and the impact of the proposed attic windows on the streetscape and character of the area, I consider that the proposal is acceptable and conforms in terms of design to that at the adjoining dwelling No 15 and at No 7 on the opposite side of the street. I consider that the proposed attic conversion extension can be accommodated on the site and is appropriate and acceptable in the context. Concerns are expressed by observers to the appeal regarding potential use of the attic. I consider that the use of the proposed attic for a use ancillary to the use of the dwellinghouse as such is acceptable and is in accordance with the residential zoning pertaining to the site, which seeks to protect and/or improve residential amenity.
- 8.3 On the question of impact of the proposed widened balcony on established residential amenity, it is reasonable, in my view, that the amenities and privacy of adjoining dwellings and the established character of the area be protected. The question arising in this case is whether the benefit for the applicant, is adequately balanced with the impact on the adjacent properties. Whilst I recognise the first party's desire to provide additional private external amenity space, and note that this has previously been permitted at the adjoining dwelling no 15 and also at No 28, I consider that the provision of the proposed balcony would give rise to undue overlooking to the significant detriment of established adjacent residential amenity of No 14. Whilst the argument may be made that the precedent for such development was set by permissions granted at no 15 and No 28, these are both end of terrace units and provide a different context to that of the appeal site. I would tend to agree with the appellant that having regard to the stepped relationship of no 14 and 15 an enlarged balcony as proposed would give rise to proximate overlooking (balcony within 1m and kitchen within 2m. I consider that the proposal would thereby significantly negatively impact on established residential amenity. I consider that the appellants suggested alternative to extend the balcony in a northerly direction side would give rise to negative impact on no 13 and would also be unacceptable. I consider that the provision of obscurely glazed panels to mitigate overlooking concerns would be visually inappropriate and would set an undesirable precedent for miscellaneous design interventions within this Casltlands development. I consider therefore that the extended balcony element of the proposal should be omitted.

- 8.4 As regards the issue of Appropriate Assessment, having regard to the nature of the development and the site and the lack of connectivity with a Natura 2000 site it is considered that appropriate assessment under the Habitats Directive (92\43\EEC) is not relevant in this case.

9.0 RECOMMENDATION

- 9.1 I have read the submissions on the file, visited the site, had due regard to the development plan and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

REASONS AND CONSIDERATIONS

Having regard to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the amenities of adjoining neighbours or the character of the area. The proposal 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.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
(a) The proposed balcony extension is not permitted.

Reason: In the interest of visual and residential amenity.

3. The external finishes of the proposed attic conversion extension shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of orderly development and the visual amenities of the area.

Bríd Maxwell
Planning Inspector.
12th July 2016