

An Bord Pleanála



Inspector's Report

Appeal Reference No: PL06D.246332

Development: Two-storey extensions to the rear of dwelling and first floor extension to the front.

Location: No. 12 Carrickmines Oaks, Carrickmines Wood, Dublin 18.

Planning Application

Planning Authority: Dún Laoghaire Rathdown County Council

Planning Authority Reg. Ref.: D15B/0474

Applicant: Fergus & Lisa de Búrca

Planning Authority Decision: Grant permission

Planning Appeal

Appellants: The Glennon Family

Type of Appeal: Third party

Date of Site Inspection: 2/6/2016

Inspector: Siobhan Carroll

1.0 SITE LOCATION AND DESCRIPTION

- 1.0.1 The appeal site is located at no. 12 Carrickmines Oaks, Carrickmines Woods, Dublin 18. It is part an established residential area situated to the north of Brennanstown Road and south-west of Cabinteely.
- 1.0.2 The property on site is a relatively large two-storey detached dwelling which was constructed in the late 1990's. The property features a mature hedge boundary and it is served by an electronic gated entrance. The area is characterised by housing of similar scale and character. The site has an area of 0.163 hectares. The site extends for back for circa 70-75m. The main two-storey section of the dwelling is set back between 22-25m from the roadside boundary. A part single storey and part two-storey section of the property projects forward 12m from the main front building line of the dwelling.
- 1.0.3 The site share boundaries with the gardens of three other dwellings. The southern site boundary with the appellant's property is formed by circa 2m high wooden fence and there is mature planting along the boundary within the appeal site.

2.0 PROPOSED DEVELOPMENT

Permission is sought for two-storey extensions to the rear of dwelling, first floor extension to the front and conversion of the garage to habitable room. Features of scheme include;

- Site area – 0.163 hectares,
- Area of proposed extensions 52sq m.

3.0 PLANNING HISTORY

Reg. Ref. D14A/0646 & PL06D.244303 – Permission was granted for two-storey extension to the side, first floor extension to the front, alterations to front door entrance, internal modifications and new pedestrian gate at no. 14 Carrickmines Oaks the neighbouring property to the north.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

Internal Reports:

Drainage Planning: No objection subject to condition.

Submissions

The Planning Authority received one submission in relation to the planning application. The issues raised are similar to those set out in the appeal.

4.2 Planning Authority Decision

The Planning Authority granted permission subject to 11 no. conditions.

5.0 GROUNDS OF APPEAL

A third party appeal was submitted by Auveen Byrne Associates on behalf of the Glennon family the 21st of March 2016. The content of the appeal submission can be summarised as follows;

- The proposed development would involve the doubling of the two-storey projection from the main building line.
- It is considered that there is no basis for the proposed extensions at no. 12. While the original design of the dwellings at Carrickmines Oaks features two-storey and single storey projecting wings the extent of the projecting wings was carefully designed in the first instance and therefore should not provide a rationale for the progressive addition of larger extensions to the front of the houses.
- The south-eastern elevation of the projecting section of no. 12 and the proposed extension would be 4.5m at the front and 5m at the rear from the party boundary with no. 10.
- The proposed 36sq m two-storey extension to the front is considered large and would result in a projection of 12m forward of the front building line. Having regard to the proximity of the proposed extension to the party boundary with no. 10 the appellant's property it would appear unsightly and overbearing.
- The first floor window serving bedroom no. 3 at the subject property overlooks the front garden of no. 10 the appellant's property. The existing en-suite

bathroom at bedroom no. 2 is proposed to be replaced with a dressing table/study area with a large clear glazed window which overlooks no. 10.

- A new bathroom to the first floor extension is proposed with obscure glazing the window is larger than the existing opaque glazed window.
- The proposed first floor windows to the south-eastern elevation would cause overlooking of the seating area to the front of the appellant's property. The proposed ground floor patio doors to the front elevation of the gym would cause increased activity and noise generation in close proximity to the appellant's front seating area.
- A bathroom and bedroom window are proposed to the north-eastern elevation of the first floor extension to the front where there has previously been no glazing.
- The existing timber fence boundary is of insufficient height to protect against overlooking of the appellant's ground floor windows to the front.
- The appellants object to the proposal to construct a garden shed to the front as it is considered inappropriate to located it to the front of a property.
- It is requested that the Board refuse permission for the proposed first floor extension and the garden shed. It is also requested to condition the omission of any additional windows/doors and conversion of any existing windows to doors in the south-east and north-east elevations of the ground floor extension to protect the residential amenities of no. 10.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

A response to the third party appeal has been submitted by Cobbe Architecture on behalf of the applicants Fergus & Lisa de Búrca on the 18th of April 2016. The main issues raised concern the following;

- The Planner's report clearly indicates that the concerns of the appellant raised in the observation were received and fully considered. These matters informed the modified design which was granted permission.
- The issues raised in the appeal are almost identical to the nature of those raised in the appeal against a similar extension to the adjoining No. 14 Carrickmines Wood (PL06D.244303).
- It is considered that the design of the extension is fully in keeping with the houses within the cul-de-sac. It is noted that of the 16 no. dwellings within

the cul-de-sac eight have already have built or have been granted permission for a similar or identical two-storey element to the front.

- The modification conditioned by the Council has removed any remaining perceived overlooking of the adjoining properties. It is considered that the original design has already sufficiently dealt with these concerns through the installation of obscure glazing and high level rooflights.
- The existing boundary fence and hedge will be retained and reinforced with planting.
- The proposed extension in terms of scale, materials and massing is fully in keeping with the existing pattern of development.
- It is considered that the appellant's amenity is not unduly impacted by the proposed extension.
- It is requested that the Board uphold the decision to grant permission.

6.1 Planning Authority response

- The Planning Authority submitted a response to the Board on the 6th of April 2016. The main issues raised are as follows;
- The Planning Authority carried out a full assessment of the proposed development and the issues raised by the appellant were stated in the Planner's report. The assessment resulted in the determination that it was appropriate to attach 2 no. conditions to protect the residential amenity of adjoining properties through the omission of glazing in the corner window and the use of obscure glazing.
- The proposed development would not detract from the residential amenity of adjoining dwellings subject to the conditions attached to the permission.
- The provisions of the newly adopted Dún Laoghaire Rathdown County Development Plan 2016-2022 do not impact on the decision of the Council under the provisions of the previous County Development Plan.
- It should be noted that permission was granted for extensions at no's 13 & 14 Carrickmines Oaks which included extensions to the front.

7.0 POLICY CONTEXT

Dún Laoghaire-Rathdown Development Plan 2016-2022

The subject site at No. 12 Carrickmines Oaks, Carrickmines Wood, Dublin 18 is located on Map 9 of the Dún Laoghaire Rathdown Development Plan and is identified as being Zoned Objective A 'to protect and/or improve residential amenity'.

- Chapter 8 – Principles of Development
- Section 8.2.3.4(i) refers Extensions to Dwellings

8.0 ASSESSMENT

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Principle of development
- Design and impact on amenity
- Appropriate Assessment

8.1 Principle of Development

8.1.1 The appeal site is located in an area zoned Objective 'A', which aims to protect and/or improve residential amenity'. In this zone residential extensions and alterations to an existing dwelling for residential purposes are considered an acceptable development in principle. Section 8.2.3.4(i) of the Dún Laoghaire Rathdown Development Plan 2016-2022 refers to extensions to dwellings.

8.1.2 There are a number of specific criteria set out in Section 8.2.3.4(i) which relate to first floor residential extensions. The factors which are taken into consideration in determining proposals for first floor extensions include, overshadowing, overbearing, overlooking, proximity, height and length along mutual boundaries. Regarding side extensions these are assessed in terms of proximity to boundaries, size and visual harmony with existing elevations particularly the front elevation and impacts on residential amenity. Accordingly, it is Council policy that the design of extensions should have regard to the amenities of adjoining properties and in particular the need for

light and privacy and that the design should integrate well with the overall character of the dwelling.

8.2.1 Design and Impact on amenity

8.2.1 The currently proposed extensions have a stated floor area of 52sq m. At the rear of the dwelling it is proposed to extend the sitting room by a depth of 2 metres to the outer wall. At first floor it is proposed to extend the master bedroom in a similar manner to provide an en-suite and additional floor space in the bedroom. The proposed two-storey rear extension would be in line with the rear building line of the kitchen/dinning room and the void area above which projects out 2 metres for the existing ground floor rear building line. These proposed extensions are consistent with the design character of the property. It is proposed to install a window to the northern corner of the first floor extension. The side of the dwelling is 1.5m from the party boundary of the neighbouring dwelling no. 14 Carrickmines Oaks. Having regard to the proximity of this proposed first floor window to the party boundary I would concur with the assessment of the Planning Authority that this section of the window should be omitted. Accordingly, subject to the omission of this window, I consider the proposed rear extension acceptable.

8.2.2 The appellant's specific concerns related to the proposed first floor extension to the front of the property and the conversion of the ground floor garage to a gym. The existing ground floor section of this part of the dwelling projects forward 12m from the main front building line. It contains the kitchen, playroom and garage. It is proposed to convert the garage to a gym. In relation to changes to the elevations, it is proposed to replace the garage door with two windows and a rooflight is also proposed in the northern side elevation. These windows have been designed to match the adjoining windows serving the playroom.

8.2.3 In the southern side elevation it is proposed to replace two ground floor windows in the kitchen with double doors. A further four new ground floor windows are proposed to serve the playroom and gym. The window to the south-eastern corner serving the gym is proposed to be glazed with obscure glass. I note that the appellants have concerns regarding the location of the proposed patio doors. Having regard to separation distance of 6m between this section of the dwelling and the appellant's party boundary, I consider the design and location of the proposed ground floor windows and doors are acceptable.

8.2.4 The first floor extension to the front of the property would project out 6m from the existing front building line of the projecting section of the dwelling. A hipped roof to match the existing is proposed to the extension. Specifically the appellant have raised concern that the extension would have an overbearing impact and that there would be overlooking of their dwelling and the amenity space to the front of their property.

- 8.2.5 In relation to the matter of potential overbearing impact, while I note that the proposal would involve an increase in the first floor section by 6m in depth, I note that appellant's dwelling to the south is set back a minimum distance of 7m from the site of the subject dwelling and the side of the proposed extension is circa 10m from the front of the appellant's dwelling. Having regard to the design of the proposed extension specifically the scale of the proposed first floor extension relative to the existing building I do not consider that it would have an overbearing impact, when viewed from the appellant's property to the south. Furthermore, I note the extensive mature planting along the boundary located within the appeal site. Overall, I consider that extension has been designed to integrate with the main dwelling and that it would be visually acceptable.
- 8.2.6 Regarding the matter of overlooking of the appellant's property to the south, it is proposed to install two first floor windows and a rooflight to the southern elevation. The fenestration comprises proposed an additional window to serve bedroom no. 2. This would match the design of the existing window serving bedroom no. 3. I note that there is an existing window serving bedroom no. 2 therefore it would not result in additional overlooking. A window glazed with opaque glazing is proposed to serve the en-suite to bedroom no. 2. The use of opaque glazing will ensure no additional overlooking. The proposed rooflight is high level and would not cause any additional overlooking. Accordingly, I am satisfied that the proposed first floor windows would not result in any undue overlooking of the appellant's property.
- 8.2.7 Two new windows and a rooflight are proposed to the northern side elevation. Having regard to the separation distance between the first floor extension and the party boundary to the north of circa 11m and the existing mature planting along the northern boundary, I consider that the proposed first floor windows in the northern side elevation would not unduly impact upon the amenities of the adjacent property to the north.
- 8.2.8 A new shed with a ridge height of 2.8m and an area of circa 8sq m is proposed to the south of the dwelling at the front. The shed would be located 1.5m from the dwelling and 1.4m from the boundary with the appellant's property. Having regard to the limited scale of the shed I consider that it would be acceptable.

8.3 Appropriate Assessment

- 8.3.1 In relation to the matter of appropriate assessment, I consider that having regard to the nature of the proposal an extension to a dwelling and the nature of the receiving environment, namely a suburban and fully serviced location that no appropriate assessment issues arise.

9.0 CONCLUSIONS AND RECOMMENDATION

- 9.0.1 I have read the submissions on file and visited the site. Having due regard to the provisions of the Development Plan, together with all other issues arising, I recommended that permission be granted for the following reasons and considerations.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, specifically Section 8.2.3.4(i) which provides guidance in relation to proposals for extensions, the pattern of existing development in the area and the design and scale of the proposed extension, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity. 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 first floor north facing window to the rear extension shall be omitted.

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 interest of residential and visual amenity.

3. The external finishes shall harmonise in colour and texture with the existing finishes on the house.

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the disposal of surface water, shall be in accordance 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.

5. The site and building works associated with the proposed development shall only be carried out between 0700 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays. No development works shall take place on Sundays, Bank or Public Holidays.

Reason: In the interest of residential amenity.

6. 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.

**Siobhan Carroll,
Inspectorate
15th of June 2016**