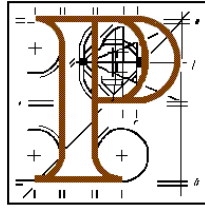


An Bord Pleanála



Inspector's Report

PL06D.246441

Development: Ground and first floor extension to existing house with all associated site works.

Location: 70 Allen Park Road, Stillorgan Co. Dublin.

Planning Application

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref. No: D15B/0398

Applicants: Neil & Mags Buckley

Type of Application: Permission

Planning Authority Decision: Grant permission

Planning Appeal

Appellant: Catherine Barry

Type of Appeal: Third party

Date of Site Inspection 1/6/15

Inspector: Siobhan Carroll

1.0 SITE LOCATION AND DESCRIPTION

- 1.0.1 The appeal site is located at no. 70 Allen Park Road, Stillorgan Co. Dublin. It is part an established residential area of Stillorgan situated to the west of the N11 and south of the Lower Kilmacud Road.
- 1.0.2 The property on site is gable fronted semi-detached dormer dwelling which was constructed in the 1960's. The area is characterised by housing of similar scale and character. The site has an area of 0.0367 hectares. The site extends for back for circa 32m. The dwelling is set back 7.2m from the roadside boundary.
- 1.0.3 The front boundary is formed by a low wall and fence and the proposed is served by a gated vehicular entrance. The eastern boundary with the appellant's property is formed by circa 1.8m high block wall to the rear and there is a mature hedge along the front section of the boundary.

2.0 THE PROPOSED DEVELOPMENT

Permission is sought for ground and first floor extensions. Features of the scheme include the following;

- Site area 0.0367 hectares,
- Floor area proposed extensions 51sq m.

3.0 THE PLANNING AUTHORITY'S DECISION

Internal Reports:

Drainage Section: No objections subject to condition.

Submissions

The Planning Authority received two submissions in relation to the application. The main issues raised are similar to those set out in the appeal.

Decision

Following the submission of further information the Planning Authority decided to grant permission subject to 10 no. conditions.

4.0 PLANNING HISTORY

Reg. Ref. D96B/0403 – Permission was granted for a ground floor extension to side and rear and a first floor dormer extension.

Reg. Ref. D96B/0733 – Permission was granted for the retention of pitched and tiled roof in place of a flat roof to the dormer extension.

5.0 APPEAL

A third party appeal was submitted by Catherine Barry 15th of April 2016. The content of the appeal submission can be summarised as follows;

- The properties on Allen Park Road and Merville Avenue were built in the early 1960's. They comprise a mix of two-storey and dormer dwellings.
- The appellant's property is no. 72 Allen Park Road is situated on a corner site. Due to the site configuration and nature of the road layout within the estate the dwelling is located to the rear of the site.
- The appellant is of the opinion that the Planning Authority has not adequately considered the proximity of the proposed two-storey development from the kitchen and reception area of her dwelling.
- Regarding the submitted shadow study it is not clear if the new ridge and profile height is indicated or whether it relates to the existing one. The appellant queries the accuracy of the shadow study as the June study shows no material change to the shadow effect from the Spring Equinox.
- The shadow study does not accurately show any of the structures within the appellant's property. A garage is indicated to the rear of the appellant's dwellings which does not exist there. There is decking at that location.
- The height and size of the garden shed appears larger than is the case in the shadow study.
- The shadow study incorporates the shadow effect from permanent greenery in the back gardens of no. 72 and no. 14 Merville Avenue.

The trees to the rear of no. 14 Merville Avenue as indicated on the study appear larger and closer to the dwellings than is the case. It is noted that the use of summer foliage is not standard practice in shadow analysis.

- The appellant requests that the Board consider the deficiencies she has outlined in the submitted shadow study.
- Due to the site configuration the appellant's private amenity space is confined to a small area within the overall plot. The submitted shadow study did not clearly show the detrimental impact that the proposed extension would have on the appellant's private amenity space.
- It is noted there is an existing bedroom on the ground floor on the eastern side of no. 70 which was built in the 1990's. It was built as a self-contained granny flat. The layout now indicated on the submitted plans does not clearly indicate the use as previously approved.
- The proposed height and scale of the extension is out of character with that of the surrounding properties on Allen Park and Merville Avenue. The design of the extension has failed to take into account the existing relationship of no. 70 and no. 72 as they currently exist.
- The submitted drawings and documents do not provide details of the qualifications of the person who prepared them.
- It is noted that the correct benchmark height between no. 70 and no. 72 have not been indicated on the plans.
- The appellant requests that the Board overturn the decision of the Planning Authority and refuse permission for the reasons set out in the appeal.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 First Party response

A response to the third party appeal was received from Kiaran O'Malley & Co. Ltd on behalf of the applicants Neil and Mags Buckley on the 13th of May 2016. The main issues raised concern the following;

- It is clear that the Planning Authority have fully assessed the potential impact of the proposed development on the appellant's property.
- The proposed extension does not radically alter the style or orientation of no. 70. The architect in designing the extension had regard to the

design character of the adjoining properties in particular no's 72 and 14.

- A shadow study was provided with the application as requested by the Planning Authority in the pre-planning consultation.
- The Planning Authority assessed the shadow study as part of the determination of the application and they considered that the proposed development would not materially affect the appellant's property.
- The appellant's criticisms of the shadow analysis are noted but are rejected as they had no material impact on the comparison between the existing and proposed scenarios as shown on the shadow analysis.
- Updated shadow diagrams have been submitted in response to the appellant's concerns. The existing and proposed scenarios for 21st March, 21st June and 21st December at 3pm are provided. Also all landscaping has been omitted from the diagrams and the location of the shed in the appellant's garden has been corrected.
- For clarification the shadow diagrams show the shadow cast using the heights of existing buildings, boundary walls etc. whereas the 'proposed structures' diagram uses those from the proposed development.
- The shadow diagrams indicate that due to the low angle of the sun the existing and proposed scenario for December are effectively the same as they both overshadow the rear yard and part of the rear elevation on no. 72. There will be no overshadowing on the rear elevation of no. 72 in either March or June. There will be some additional overshadowing of the rear yard of both March and June. Any impact on the adjoining properties would not have an adverse impact upon the amenity, privacy and enjoyment of the dwellings.
- The appellant's amenity space comprises a hard surface area which is surrounded by a 2m high concrete block wall on two sides, high timber gate on the third side and the rear elevation of the dwelling on the fourth side. This yard area includes a shed and it has two washing lines traversing it and it also contains two wheelie bins. Therefore it is considered that the area provides quite limited recreational and amenity use. The orientation of the area means it received morning sun.
- It is noted that the appellant has a large area of amenity space to the front of her property. This area has a southerly aspect.

- The applicants were unaware that any garage was demolished at no. 72
- In relation to the existing internal layout of the subject dwelling. It is the applicant's intention that the room number '7' on the proposed plans will be used as a playroom. It is their intention to put an internal doorway between the playroom and the main dwelling.
- It is acknowledged that there is a mixture of two-storey and dormer style bungalows in the area. It is considered that there is no prevailing design of extensions in the area. The proposed design of the extension largely replicates the footprint of the ground floor side extension. A flat roof is proposed to the extension to limit its visual impact to no. 72.
- It is stated that the appellant removed trees and other landscaping along the boundary with no. 70.
- The Planning Authority considered that application to be a valid application. The Architects details and qualifications are listed on the shadow analysis report.
- It is requested that the Board reject the grounds of appeal and uphold the decision of the Planning Authority.

6.2 Planning Authority response

- The Planning Authority has no additional comments in relation to the third party appeal.
- The Board is referred to the previous Planner's Report.

7.0 PLANNING POLICY

Dún Laoghaire-Rathdown Development Plan 2016-2022

The subject site at no. 70 Allen Park Road, Stillorgan Co. Dublin 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

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 Design and Impact on amenity

8.2.1 The currently proposed extensions have a stated floor area of 51sq m. At ground floor it is proposed to extend the kitchen/dining room to the rear by 10sq m. The proposed extension would project out 4m from the original rear building line however I note that it does not exceed the rear building line which was established by the previous extension built to the side and rear of the property. The side wall of the proposed extension is marginally inset from the party boundary to the west. The exterior of the extension comprises a series of glazed patio doors which I consider is consistent with the design character of the property and visually acceptable.

8.2.2 The appellant's specific concerns relate to the proposed first floor extension to the eastern side of the property in terms of overlooking and overshadowing. The proposed first floor extension is proposed to be built over the existing ground floor extension. The first floor extension contains a bedroom and en-suite. In relation to issue of overlooking I note that the main section of fenestration is proposed to the front elevation which would not cause any overlooking of private amenity space.

8.2.3 To the rear elevation a narrow high level window is proposed to serve the en-suite bathroom. As indicated on drawing no: NM-PL-008 the first floor window would be 1.8m above floor level. In the eastern side elevation it is also proposed to install a narrow high level window with

additional rooflights proposed above the en-suite bathroom and the bedroom. As indicated on drawing no: NM-PL-008 the first floor window would be 1.8m above floor level. Having regard to height of the proposed window and subject to the use of obscure glazing I consider the design and location of the proposed first floor windows are acceptable and would not give rise to new overlooking.

8.2.4 In relation to the matter of potential overshadowing the applicants provided a shadow analysis as part of the further information response and also provided an amended shadow analysis with the appeal response. The first shadow analysis indicated that there were structures in the rear garden of the appellant's property adjoining the party wall. On inspection, I observed a small shed in the north-western corner of the appellant's property aside from that there were no other separate structures. The area to the west of the appellant's dwelling is in use as a private amenity space. There is a timber decked area adjoining the boundary and the space is also used for the drying of laundry and bin storage.

8.2.5 The amended shadow analysis indicates the impacts of shadows cast by existing walls and structures and by the proposed development on the 21st of December, March and June at 3.00pm. Having reviewed the amended shadow diagrams I note that on December 21st there would be some limited new shadowing of the rear of the appellant's dwelling. On March 21st there would be some new shadowing of the appellant's rear garden but not the dwelling. On June 21st there would be some very limited additional shadowing of the area of rear garden adjoining the boundary. Therefore proposed development would result in some limited new shadowing of the appellant's rear garden in March and June with the rear of the dwelling experiencing some limited additional shadowing in December. Accordingly, having regard to the limited extent of new shadowing, I am satisfied that it would not unduly impact upon residential amenity.

8.2.6 Overall, I consider that extension has been designed to integrate with the main dwelling and that it would be visually acceptable. The contemporary design of the extension with a flat roof and vertical emphasis glazing to the front and high level glazing to the side and rear provides an extension to the dwelling which is clearly discernable as a later addition while also respecting the existing character of the property.

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 CONCLUSION & RECOMMENDATION

- 9.0.1 I have read the submissions on file, visited the site, and had due regard to the provisions of the Development Plan and all other matters arising. In the light of this and the assessment above, I recommend that permission be granted for the reasons and considerations set out below.

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 and as amended by the further plans and particulars submitted on the 26th day of February, 2016, 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 first floor windows in the southern side elevation shall be glazed with obscure glass.

Reason: To prevent overlooking of adjoining residential property.

3. 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.

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,
Planning Inspector
5th of July 2016