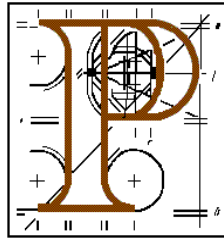


An Bord Pleanála



Inspector's Report

Development

Two-storey extension to rear, side and front of house at 1 Sorrento Lawn,
Dalkey, County Dublin

Planning Application

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Authority Register Reference: D16B/0047

Applicant: Matthew Lyster & Patricia Duignan

Type of Application: Permission

Planning Authority Decision: Grant

Planning Appeal

Appellant(s): David Bradley

Type of Appeal: Third Party

Date of Site Inspection: 4th July, 2016

Inspector: Kevin Moore

1.0 APPLICATION DETAILS

- 1.1 There is a third party appeal by David Bradley against a decision by Dun Laoghaire-Rathdown County Council to grant permission to Matthew Lyster and Patricia Duignan for the construction of a two-storey extension to the rear, side and front of a house at No. 1 Sorrento Lawn, Dalkey, County Dublin.
- 1.2 The proposed extensions to the house would be contemporary in design and would provide an additional floor area of 128 square metres. It would accommodate living and dining space at ground floor level and a main bedroom, office and roof terrace at first floor level. The development would also include elevational changes to the existing house. The existing site area is stated to be 0.048 hectares.
- 1.3 Objections to the proposal were received from Andrew and Hanne O' Rourke, G.H. Bleakley, Nadia Quick, Mary Barry, Valerie Duggan, and David Bradley. The grounds of appeal reflect the concerns raised by David Bradley. The other concerns raised related to the impact on existing residential amenities, the development being inconsistent with development in the area, drainage and traffic concerns. The applicants submitted a response to observations made.
- 1.4 The reports received by the planning authority were as follows:

The Transportation Planning Engineer had no objection subject to the attachment of a condition.

The Drainage Engineer had no objection to the proposal subject to the attachment of a condition.

The Planner noted the observations made, the planning history for development in the area, and the departmental reports received. It was considered that the proposed roof/first floor (west) side extension over existing, and the front elevation, first floor projecting extension (with corner window), porch and canopy, finishes and other open changes on the existing elevations were acceptable and would not have serious negative impacts on the residential or visual amenities or privacy of surrounding properties. Reference was made to adequate separation distances being provided relative to surrounding rear gardens. The changes to the design of the house were also considered acceptable due to the wide variation of house size and style in the immediate vicinity. The design and layout of

the flat-roofed side extension was considered acceptable, while it was submitted that the use of the proposed office area could be conditioned to be used for purposes ancillary to the enjoyment of the house. To ameliorate perceived visual impact, it was recommended that the proposed development should be set back 1m from the public footpath and the floor-to-ceiling height of the extension ground floor areas should be reduced to 2.4m. It was concluded that the proposal would not have a negative effect on the character of the house and that it would not seriously injure the residential or visual amenities of the area. A grant of permission subject to conditions was recommended.

- 1.5 On 6th April, 2016, Dún Laoghaire-Rathdown County Council decided to grant permission for the development subject to 10 conditions.

2.0 SITE DETAILS

2.1 Site Inspection

I inspected the appeal site on 4th July, 2016.

2.2 Site Location and Description

The site of the proposed development is located within a small cul-de-sac east of the centre of Dalkey, accessed from Sorrento Road. Sorrento Lawn is a short cul-de-sac comprising two storey semi-detached houses, a detached bungalow, and detached two-storey houses. Nos. 1-5 are each detached houses dating from the 1970s and are similar in design. The semi-detached houses are both protected structures, the nearest of which, Sherrington, is located immediately south-west of the appeal site. Charlotte Terrace, a row of five terraced, two-storey houses on Victoria Road is located to the north/north-west (i.e. to the rear) of the appeal site. There is an existing detached house on the site which is part two-storey, part single-storey. The front curtilage of the site comprises a paved parking area, a shallow landscaped strip and a grassed garden. There is a spacious back garden which adjoins the rear curtilage of Nos. 3 and 4 Charlotte Terrace. The latter property is the appellant's house.

2.3 **Dun Laoghaire County Development Plan 2016-2022**

Zoning

The site is zoned 'A' with the objective to protect and/or improve residential amenity.

Development Management

Extensions to Dwellings

First floor rear extensions are to be considered on their merits, noting that they can often have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the planning authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors are to be considered:

- Overshadowing, overbearing and overlooking - along with proximity, height and length along mutual boundaries.
- Remaining rear private open space, its orientation and usability.
- Degree of set-back from mutual side boundaries.
- External finishes and design, which shall generally be in harmony with existing.

Ground floor rear extensions are to be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.

Side extensions are to be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and impacts on residential amenity.

2.4 **Planning History**

I have no record of any previous planning application or appeal relating to this site.

3.0 THIRD PARTY APPEAL

3.1 The appellant resides at No. 4 Charlotte Terrace, Victoria Road, Dalkey. The grounds of the appeal may be summarised as follows:

Planning Conditions

- Condition no. 2 of the planning authority's decision cannot be implemented in a way which would allow the proposed extension to be built in compliance with the Building Regulations without shifting the position of the proposed extension and/or changing the design and external appearance of the extension. These changes have the potential to result in significant impacts on residential amenity. As matters to be agreed, third parties will have no opportunity to make submissions. In addition, the proposed reduction in height of the extension can only be brought about by reducing the floor-to-ceiling height below that recommended under recent statutory guidance.

Visual Impact

- The proposed development, by reason of its visual impact on the built environment due to its excessive width, scale, height and proximity to boundaries and incongruous built form, would be inconsistent with the requirements of the Dún Laoghaire-Rathdown County Development Plan and statutory guidance for the development of residential extensions.

Impact on Residential Amenity

- Having regard to the predicted loss of visual amenity and loss of privacy due to overlooking and overshadowing, the proposed development would significantly reduce the residential amenity of the residents of Charlotte Terrace and Sorrento Lawn in an area zoned for the protection and improvement of residential amenity.

Insufficient Information in Application

- The planning application omits information necessary to make a decision on the application and necessary to allow for public participation in decision-making. In particular, the following were not submitted: an architectural heritage impact assessment, a tree survey and protection plan, a sunlight access impact analysis, and contiguous elevation drawings showing the relationship of the proposal to protected structures and site layout plans illustrating the relationship to these structures or to Charlotte Terrace to the north.

4.0 APPLICANTS' RESPONSE TO THE APPEAL

4.1 The applicants' response to the appeal may be summarised as follows:

- The content of the appeal is noted and the Board is advised that at the time of design the issues were discussed at length and considered carefully. The proposal is designed in context of its built up nature and surroundings.
- An initial design to extend double height to the rear was disregarded due to overlooking of the garden of No. 2 Charlotte Terrace and the impact on daylight into properties at the rear.
- The works will significantly increase the energy efficiency of the property.
- The proposal will enhance the character of the road.

The response repeats extensive content of the Planner's report to the planning authority.

5.0 PLANNING AUTHORITY'S RESPONSE TO APPEAL

5.1 The planning authority submitted that the proposed extensions are acceptable and considered that the design is reflective of the relatively wide range of house designs in the surroundings.

6.0 SUBMISSIONS FROM PRESCRIBED BODIES

- 6.1 The Department of Arts, Heritage and the Gaeltacht submitted that the proposal materially affects a protected structure and the applicant was obliged to submit all material necessary to describe this effect. It was further submitted that the orientation of 'Sherrington', the adjoining protected structure, towards the proposed site, the proximity of the development to the boundary, and the absence of landscaping possible between the new extension and the boundary are of relevance. It was recommended that an interrogation be carried out prior to deciding the case and any necessary design revisions be required to appropriately mitigate identified adverse effects. It was acknowledged that this could be done by condition but that it would be more appropriate to describe and delimit the proposal prior to granting permission.

7.0 ASSESSMENT

7.1 Introduction

I propose to consider the issues of relevance to the appeal under the following headings:

- The development in the context of existing plan provisions, and
- The impact on protected structures.

7.2 The Development in the Context of Development Plan Provisions

Zoning

- 7.2.1 The site is zoned 'A' with the objective to protect and/or improve residential amenity. The proposed extension to a dwelling would be compatible, in principle, with the zoning provisions for the site.

Extensions to Dwellings

- 7.2.2 The proposed extension is primarily to the side of the existing house, providing a second storey over the existing single storey part of the house

and extending further to the side and out towards the footpath edge. It is clear that this does not alter any pattern of overlooking of adjoining properties that are located behind the site or to the south-west (side). Indeed, it is notable that there are no windows to habitable rooms at first floor level with potential to overlook properties to the rear or side. I acknowledge the proposed roof terrace but note that views to the property to the side and rear are restricted by the design and siting of the proposed office space and the existence of mature planting to be retained along the flank site boundary. Thus, the proposed development would not cause concerns in relation to overlooking.

- 7.2.3 The proposed development would not give rise to any substantial concern relating to overshadowing due to the location, layout and orientation of the property relative to adjoining properties. The proposed development would not reduce the amenity of neighbouring residences by way of overshadowing. The existence of mature planting along the flank boundary is further noted and the proposed extension would not exacerbate overshadowing that arises.
- 7.2.4 The proposed development would be sited primarily to the side of the existing house. It would be of a height similar to that which exists at this location. Its siting ensures that no new component of the extension encroaches in the direction of residential properties to the rear or to the north-east. It draws development forward towards the footpath edge and brings it south-west to abut an existing shed close to the road edge on the property of Sherrington, with Sherrington itself being set back some 18-20 metres from this shed. Existing mature trees on the boundary with Sherrington are to be retained. It is evident that the proposed development could not be construed as having an overbearing impact on neighbouring dwellings.
- 7.2.5 It is noted that the garden space to the rear remains unaffected by the proposal and its usability is retained.
- 7.2.6 I acknowledge the relationship the development would have with its side boundary to the south-west. In noting that a section of the development would flank the boundary with the Sherrington property, it is also noted that this section of the development would abut the neighbour's shed and, where it further extends beyond this, it is flanked by mature planting. Having regard to this, the degree of set-back from mutual side boundaries

is considered acceptable. Access to the rear via the north-east flank would remain.

7.2.7 With regard to finishes and design, it is first noted that there is a varied range of house designs and forms within and in the vicinity of Sorrento Lawn. There are five houses in total constructed in the 1970s that are of similar form and scale, of which the applicants' is one. No. 1 has a distinctive curtilage with its frontage expanded in the area where it immediately adjoins the shed on the Sherrington property. This affords the opportunity to consider the development in the layout now proposed. There is no discernible character that one could immediately associate with the dwellings in the cul-de-sac and, thus, the variety of built forms permits innovation and variety in accommodating new development. To this extent, the proposed development could not be seen to be incongruous or out of character. The new development would harmonise with the existing dwelling in terms of finishes and design.

7.2.8 Overall, it may reasonably be concluded that the proposed development would be in compliance with the Development Plan provisions as they relate to extensions to dwellings. It would be acceptable in terms of its streetscape impact. With this understood, I do not consider the need for any setting back of any component of the development, any reduction in floor-to-ceiling heights or other revision. In my opinion, this is tinkering with the design to achieve no notable benefit for the streetscape and is unnecessary where there are evidently no adverse impacts for residents in the vicinity.

7.3 Impact on Protected Structures

7.3.1 I note the submission from the Department of Arts, Heritage and the Gaeltacht and the concern raised about potential impact on Sherrington, the protected structure to the south-west of the appeal site. The Board should note firstly that there is an existing house on the appeal site, that the proposed development would be wholly contained within the appeal site, that there is a shed on the property of Sherrington that would abut the proposed extension and that there is a mature planted flank boundary between the appeal site and the property of Sherrington. The potential impact for Sherrington is negligible, if any, in terms of the effects on the setting of this protected structure. There is no reason to seek further

details to confirm that the impact would be insignificant. Indeed, it is notable that the Department did not inform the Board how the proposed development would impact on the protected structure but rather drew a conclusion to that effect. The context of the proposed development ensures that there would be no discernible effect for Sherrington.

- 7.3.2 Finally, pursuing an impact assessment by way of a condition after a decision to grant is considered futile and unnecessary.

8.0 RECOMMENDATION

I recommend that permission is granted in accordance with the following:

Reasons and Considerations

Having regard to the siting, design, scale and form of the proposed development, to the variety of building forms in the immediate vicinity of the site, and to the existence of a shed and planted boundary between the site and adjoining dwelling to the south-west, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities or depreciate the value of properties in the area, would not adversely affect the setting of the protected structure of Sherrington, would comply with the provisions of the current Dún Laoghaire-Rathdown County Development Plan, and would otherwise be in accordance with the proper planning and sustainable development of the area.

Conditions

1. Prior to the commencement of development, details of the external finishes of the proposed extensions shall be agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

2. The proposed office shall be used for purposes incidental to the enjoyment of the dwelling on the site and shall not be used for the carrying on of any trade or business.

Reason: In the interest of residential amenity.

3. 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 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. The contribution shall be paid within one month of the date of this Order, 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Kevin Moore

Senior Planning Inspector

July, 2016.