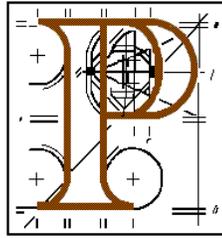


An Bord Pleanála



Inspector's Report

Development

Two-storey extension to rear and single-storey extension to side of house, new porch and demolition of garage at 33 Dundela Avenue, Sandycove, County Dublin

Planning Application

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Authority Register Reference: D16A/0096

Applicant: Yulia and Ger Naughten

Type of Application: Permission

Planning Authority Decision: Grant

Planning Appeal

Appellant(s): Rodelle Reid

Type of Appeal: Third Party

Observer(s): Michael & Frances O'Rahilly

Patrick Linehan

Date of Site Inspection: 25th July, 2016

Inspector: **Kevin Moore**

1.0 APPLICATION DETAILS

- 1.1 There is a third party appeal by Rodelle Reid against a decision by Dun Laoghaire-Rathdown County Council to grant permission to Yulia and Ger Naughton for the construction of a two-storey extension to the rear and a single-story extension to the side of a house, provision of a new porch, and the demolition of an existing garage at No. 33 Dundela Avenue, Sandycove, County Dublin.
- 1.2 The proposed extensions to the house would provide an additional floor area of 76.7 square metres. The development would also include internal alterations to the layout of the house, the provision of a new bay window to the front elevation, provision of rooflights, and the widening of the existing entrance at the property's road frontage. The existing site area is stated to be 0.033 hectares.
- 1.3 Objections to the proposal were received from Michael and Frances O'Rahilly, Rodelle Reid, Denis and Margaret Woods, and Carolyn Dolan. Concerns raised related to the impact on existing residential amenities and the development being inconsistent with development in the area.
- 1.4 The reports received by the planning authority were as follows:
- The Drainage Engineer had no objection to the proposal subject to conditions.
- The Transportation Planning Engineer had no objection subject to conditions.
- The Planner noted the zoning provisions for the site, the objections made and the internal reports received. It was considered that the proposal would not give rise to overlooking of No. 35 Dundela Avenue or overshadowing of and overbearing impact on No. 31. It was further considered that the proposal would not negatively impact on the visual amenity of the area and it would not set an undesirable precedent for similar works along the streetscape. It was submitted that adequate open space would be retained to serve the dwelling. A grant of permission was recommended subject to conditions.
- 1.5 On 12th April, 2016, Dún Laoghaire-Rathdown County Council decided to grant permission for the development subject to 13 conditions.

2.0 SITE DETAILS

2.1 Site Inspection

I inspected the appeal site on 25th July, 2016.

2.2 Site Location and Description

No. 33 Dundela Avenue is a gable-fronted detached two-storey house on the west side of Dundela Avenue, a mature estate in Sandycove. A single-storey garage abuts the south-western corner of the house. The house has a front and rear garden and there is provision for car parking within the driveway. The house is flanked by gable-fronted dwellings of similar form and character, with the appellant's property sited immediately to the north-east, the observers Michael and Frances O'Rahilly located to the south-west and the observer Patrick Linehan located on the opposite side of the street.

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 in the adjoining detached house to the north-east, No. 35 Dundela Avenue. The grounds of the appeal may be synopsised as follows:

Zoning

- The proposed development, by reason of its size, bulk and position, would have an overbearing impact on No. 35, would have a negative impact by way of loss of light, would impinge on residential amenity and would, therefore, be contrary to the land use zoning objective.

Erosion of Residential Amenity

- The ground floor extension, by extending 4.5m past the existing building line of No. 35 will create a bulky boundary wall and will result in the loss of light to the kitchen and dining area of the appellant's house. There are further concerns about the impact on a rear patio and loss of southerly sunlight.
- The reduction of the garden area to a depth of 7.7m and the bulk and height of the extension would be out of context with the existing garden and depths established in the estate.
- The first extension will result in a loss of natural light and ground and first floor levels in the appellant's property.

- Concern is raised about the overlooking that would result from the window on the rear elevation at first floor level.
- The proposed side extension does not conform with established precedence within the estate and the scale creates a dangerous planning precedent due to its height and negative impact on No. 31.

Undesirable Precedent

- The majority of extensions within the estate comprise small single-storey extensions. There are no other extensions of similar scale to the rear in the estate. To allow the proposal would create a planning precedent that would promote similar unsuitable development.

Inconsistency in Plans

- The floor plans and elevations do not convey the true extent of the proposed development. Concerns are raised in relation to extent and impact on the neighbouring properties, separation distances, the scale of drawings, existing layouts, exclusion of important measurements, and limited information on the proposed soak away.

The appellant requests the ground floor extension to be reduced in bulk, height and scale and the first floor extension be excluded.

4.0 PLANNING AUTHORITY'S RESPONSE TO APPEAL

- 4.1 The planning authority submitted that the site could accommodate the proposed development without negatively impacting on adjoining residential amenities.

5.0 OBSERVATIONS

5.1 Observation from Michael and Frances O'Rahilly

The observers reside at No. 31 Dundela Avenue to the south-west of the appeal site. The observers raised concerns relating to the principle of the provision of a first floor extension to the rear, overlooking, precedent

arising, blocking of natural light and creation of a security risk by the side extension, and the siting of a soakaway.

5.2 Observation from Patrick M. Linehan

The observer resides at No. 40 Dundela Avenue. Concerns raised relate to misleading plans, unsustainable reasons given by the planning authority for its decision, and the design not conforming to development plan requirements and consequential impacts on amenities of the area.

6.0 ASSESSMENT

6.1 Introduction

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

- The impact on adjoining property, and
- The development in the context of Development Plan provisions.

6.2 Impact on Adjoining Property

6.2.1 The proposed development would comprise a side and rear extension to a detached two-storey house. At present, there is an existing garage and store to the side of the house that is recessed behind the frontage and which extends beyond the rear building line. The proposed side extension would replace this garage, would be marginally deeper to the rear and would be brought forward approximately 8.3 metres. In total, the single-storey side extension would have a depth of 14.9 metres in comparison with the 6.6 metre depth of the existing garage and storage shed. The side extension would be single-storey in height, approximately 0.7 metres higher at parapet level to that of the existing garage. The proposed extension to the rear would be two-storeys in height. It would provide an additional depth of 4.5 metres at ground floor level and an additional 2.0 metre depth at first floor level. The upper floor extension would provide additional space to an established bedroom and an ensuite. A replacement window would serve this bedroom on the rear elevation and

the ensuite would also have a window. The development would maintain off-street parking for two cars and access to the house to the front and a rear garden of 68.53 square metres would remain. It is noted that the appellant's house is located to the north-east and the house of the observers Michael and Frances O'Rahilly is located to the south-west.

- 6.2.2 It is first observed that the proposed development would not exacerbate any overlooking which prevails at present. There is an existing first floor bedroom window on the rear elevation of the room proposed to be extended and there is also a bathroom window. The additional projection to the rear of two metres would not in any substantial manner further increase overlooking that prevails currently. It is also noted that no new windows are proposed at ground floor level to cause any perceived further concerns.
- 6.2.3 With regard to the issue of overshadowing, the Board will again note the location of the existing property relative to the appellant's and observers' properties. The proposed development could not cause overshadowing concerns for the neighbouring observers' property due to its orientation. Furthermore, having regard to this orientation, an acknowledgement of the existing overshadowing resulting from the established house and the scale and extent of the proposed small extension to the rear, it is not conceivable that the proposed development could cause significant adverse impact by way of overshadowing for the appellant.
- 6.2.4 On the issue of overbearing impact, I note the established garage to the side of the existing house, the nature, extent and single-storey scale of the proposed side extension, its relatively minor increase in height to parapet level over that which exists, and the relatively small depth of the proposed extension to the rear. Once again, I must conclude that the proposed development would not have any definitive substantial impact by way of overbearing. The top of the single-storey extensions would be marginally visible over flanking boundary walls and the two metre depth of the first floor extension would have a negligible effect on the appellant's property.
- 6.2.5 Overall, it may reasonably be concluded that the proposed development would not have a significant adverse impact on the amenities of neighbouring properties.

6.3 The Development in the Context of Development Plan Provisions

Zoning

- 6.3.1 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

- 6.3.2 Having regard to the above considerations, it is reasonable to conclude that the proposal complies with development plan provisions as they relate to extensions to dwellings and the issues of overlooking, overshadowing and overbearing. Further to this, it is noted that the proposed development would retain an acceptably functional private garden space to the rear. It is also noted that the proposed extensions would not affect the degree of set-back from mutual side boundaries and the proposed finishes of the design are compatible with that which exists. The issue that remains is the visual harmony of the development with its context. It is noted that the proposed development seeks to project further forward to the side where there is an established garage. The proposed arrangement, whereby the side single-storey component would remain recessed from the front elevation of the house, should ensure that this is not a dominant or particularly striking feature within the estate. While the provision of the proposed bay window to the sitting room would be a new feature, it is considered that this again does not cause any striking incongruity with established development within the estate. The site of the proposed development, being located between established properties, where development is close to flank boundaries, aids in the new development not being overly prominent in its context.

- 6.3.3 Overall, it may be concluded that the proposal is in keeping with Plan provisions as they relate to extensions to dwellings and their effects on residential and visual amenities.

6.4 Miscellaneous Issues

- 6.4.1 Concerns have been raised in relation to adequacy of plans submitted with the application. The planning authority, in accepting the application, has determined that the application details are in compliance with Article

- 23 of the Planning and Development Regulations. It is my submission that the drawings and details meet the requirements of Article 23, delineating the scale of the development, addressing proximity to boundaries, etc. to adequately allow for the assessment of the development in its context.
- 6.4.2 A further concern was raised in relation to the proposed soak away to the rear of the site. Such a provision would be conventional in form and it is noted from the plans submitted that it would be designed in accordance with BRE Digest 365. The Council's Drainage Engineer had no objection to the proposal and it is accepted that this makes adequate provision on-site for the disposal of surface water.
- 6.4.3 A final issue arising is the concern relating to a potential security risk arising from the proposed development and the raising of a parapet wall. It is inexplicable why the proposed development should in any physical way exacerbate concerns relating to accessibility to neighbouring properties or the protection of property. This is an issue of individual private security management.
- 6.4.4 In conclusion, I note that no particular concerns were raised in relation to the proposed new vehicular arrangements and these are considered satisfactory from a traffic safety perspective.

7.0 RECOMMENDATION

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

Reasons and Considerations

Having regard to the siting, design, form and limited scale of the proposed development and to the prevailing pattern of development on and in the vicinity of the site, 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, would comply with the provisions for extensions to dwellings as set out in 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 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.

3. 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.