



An
Bord
Pleanála

Inspector's Report PL006D.246647

Development	Alter and extend existing house and other works at 9 Shandon Park, Monkstown, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D16A/0135
Applicant	Simon Montgomery and Natalie McGuinness
Type of Application	Permission
Planning Authority Decision	Grant Permission
Appellant	Ciaran Burns
Observer	None
Date of Site Inspection	23 rd August 2016
Inspector	Mairead Kenny

1.0 **Site Location and Description**

The appeal relates to a semi-detached dwellinghouse located at Shandon Park in Monkstown. Shandon Park is a short cul de sac of houses constructed around the 1950s. The street is of sufficient width to allow parking on both sides and the majority of houses also have parking within the curtilage of the house.

The subject house no. 9 is positioned at the head of the cul de sac. The adjacent public road is marked with double yellow lines. The house has been extended to rear and side. The stated ground floor area is 171 square metres.

The subject house is joined to no. 10, to the north-east. That house has been extended to the rear at ground and first floor levels. There are views between both houses at present as described in the assessment section of this report. The house to the east is orientated away from the subject site and house and the boundary is well screened with hedgerows.

Photographs of the site and surrounding area which were taken by me at the time of my inspection are attached.

2.0 **Proposed Development**

Permission is sought for development described as follows:

Alterations and extensions and carrying out of various building works. The proposed works are to include:

- at first floor level the formation of dormer bay windows in the main and rear facades
- at ground level the insertion of a high level bay window in the road facing gable wall of the existing extension at the rear
- widening of the existing vehicular entrance and fitting of gates

- ancillary contingent works.

The application form details indicate that the extent of the extension is 10 square metres. The gross floor area of the existing building is given as 171 square metres. The application cover letter indicates that the house is a five bedroom house with three of the bedrooms at first floor level. The house requires full refurbishment. The applicant's require a three bedroom house with an ensuite and bathroom at first floor level and at ground floor level a living room, utility room, kitchen / diner / family area and bedroom and shower room.

By way of drawings received by the Board on 23th June 2016 the existing and proposed dormer windows in the main roof would be modified to match no. 10.

3.0 Planning History

Under PAC/563/15 pre-planning consultation discussions took place. The issues discussed are summarised as relating to relevant development plan policy, potential for overlooking, need to consider reducing the size/level of glazing at rear dormer window to address perceived / actual overlooking, need to clearly distinguish between the roof / new finishes, opes to front wall of side extension likely to improve blank appearance and unlikely to overlook, increase of width of vehicular entrance to 3.5m acceptable. Proposal noted to be broadly similar to 10/11 in terms of the roof extension history.

The applicant indicates that the suggestions were incorporated into the proposals.

Planning Reg. Ref. D10B/0247 refers to a grant of permission for extension and refurbishment of no. 10 Shandon Park. Conditions relate to prohibition on access to roof except for maintenance, horizontal timber slats to be fixed to the vertical section of the high level rear first floor window (staircase).

4.0 **Planning Authority Decision**

4.1. Planning and Technical Reports

The report of the **Case Planner** refers to the well-established residential area characterised by a relatively wide range of house types and sizes. There are a number of dormer windows at the front plane of many houses. The first floor and roof plans are incorrectly labelled as the proposed ground floor. Regarding the different elements of the design

- the proposed wide (west) window is acceptable due to its ground floor and living room location and the adjacent garden size and boundary details
- the proposed rear rooflights are acceptable due to their position/ height and the garden size
- the proposed new rear doors and window arrangements on the rear elevation of the mono-pitch extension would not have a significant effect due to their position/size and the size of the rear garden
- the proposed garden steps at the rear are acceptable
- the front dormer window would match the existing and make a pair of front windows
- the rear dormer roof has a roof height level very similar to the rear dormer extensions of no. 10 but generally is of smaller massing
- notwithstanding the diagonal line of the rear / side boundary the first floor level equivalent height of the proposed dormer window and the relatively large size of the main existing roof volume and the layout and size of the adjoining rear gardens that the proposed rear dormer window would not have significant negative effects on the character of the house or seriously injure the residential or visual amenities of the area and surrounding properties.

The Transportation Planning Section indicates no objection subject to conditions.

The width of the proposed widened entrance shall be a maximum of 3.5m and shall be appropriately designed and constructed.

Drainage Planning Section has no objection subject to conditions.

4.2. Decision

The Planning Authority decided to grant permission subject to conditions including:

- widened vehicular entrance shall be maximum of 3.5m width
- the driveway / parking shall incorporate SuDS
- entire house to be used as a single dwelling unit and not to be sub-divided in any manner or used as two or more habitable units
- external finishes.

5.0 **Grounds of Appeal / Observations**

5.1. Grounds of Appeal

The appeal lodged by the owner/occupier of no. 10 to the north-east includes the following points:

- in terms of the arrangement of the existing house the fact that the site boundary does not follow a straight line from the party wall between the two dwellings means that windows at the rear do not address the rear boundary but address the boundary to the east
- this is significant in determining the decision – the new dormer roof will directly overlook 10 Shandon Park thus significantly reducing its privacy and amenity
- arising from pre-planning discussions the dormer was modified and reduced but the element which actually overlooks the private open space was retained – modification to omit the other side would have eliminated overlooking

- notwithstanding this no condition was attached – however perceived overlooking from a high level staircase window was addressed by condition
- the appellant’s design mitigated overlooking but that is not achieved in this proposed development or addressed by conditions
- the application drawings are inconsistent and incomplete – they are incorrectly annotated and not fully specified in terms of finishes of roofs and SVPs
- as the appellant’s house is associated with a reduced ground level (open space is at 0.88 finished floor level) the effective height of the screen at almost 2m has been adequate – the finished floor level of the applicant’s private open space will result in an effective screening height of less than 1.5m vis-à-vis the applicant’s private open space causing overlooking of the appellant’s private open space
- it is necessary that adequate screening be provided as a condition of any grant of permission
- in general all living spaces for this dwelling (living, kitchen, dining, utility and master bedroom) if developed as proposed will result in overlooking of the appellant’s private open space
- existing glazed openings at the rear elevation are less than 11m from the boundary
- the development proposed yields the worst possible outcome in terms of impact on the privacy and amenities of my property and will eliminate any change of enjoying a feeling of privacy
- the Planning Authority gave insufficient consideration to the limitations of the site when granting permission

- relevant provision of the development plan are sections 8.1.1.1, 8.2.3.1, 8.2.3.4
- the Urban Design Manual and Quality Housing for Sustainable Communities also refer
- the development by reason of the detailing of the windows, bedroom, bathroom and kitchen layout and other matters fails to achieve the highest practical standards

5.2. Observations

None.

6.0 Responses

6.1. Planning Authority response

The extension and fenestration additions and changes are acceptable overall having regard to the built-up residential nature of the area and the size / height of the subject and adjacent dwellings in general and layout of the site and adjacent sites and garden areas.

6.2. First / Third Party response

This response includes drawings showing modifications to the dormer windows.

In response to the appeal the first party states:

- the application would result in an additional 11 square metres on top of the existing 171 square metres and consists of reformatting of the house and retaining the number of bedrooms
- the dormer windows will allow for a window for each of the three first floor bedrooms
- none of the 7 conditions attached altered the appearance of the proposal

- the application was preceded by pre-planning discussions which included consideration of larger first floor additions – these were revised back to dormer windows only
- the substantive matter realised by the third party is the rear dormer window which was fully assessed by the Planning Authority
- the proposed rear dormer window sites near the centre of the subject dwelling and is not unduly close to the common boundary
- the position and proportion of the proposed rear dormer extension is in keeping with the guidance in the development plan section 8.2.3.4(i)
- the unusual shape of the rear extension at no. 10 arose as a result of its boundary with 15 Greenville Road and not no. 9 Shandon Park
- the extension proposed in the current case is much more modest and contains fewer windows
- there is no material overlooking from the proposer rear dormer window which is not full length and has only a small corner opening and is modest in scale and due to its location within a bedroom will be in use at all time opposite to use of the garden by the appellant
- in addition the dormer sits behind the line of the original rear building line of both dwellinghouses
- the enclosed drawings clarify a number of matters but also contain two revisions
- first, the terrace is at ground level rather than ground floor level and in that way there is no change to the existing rear ground and ground floor level
- the second revision is that the height of the front dormer window matches the appellants.

6.3. Other

The further comments submitted by the Planning Authority in response to the above note that the revised drawings now show an enlarged front dormer window and an enlarged existing front dormer, not included in the original application.

The further comments submitted by the appellant in response to the first party response refutes a number of points and reiterates the case made in the appeal. Regarding the change made on foot of pre-planning discussion the amendment related to omission of an element at the further end of the site and which was at a family bathroom and would have resulted only in a perception of overlooking. The proposed dormer does not contain a setback from the eaves and therefore is in contravention of the development plan and this matter should be addressed by condition. An enclosed drawing shows that the dormer would be 9400mm from the common boundary and the dormer would result in actual overlooking. Overlooking would not result if the room was used as a bathroom.

Regarding the revisions to the drawings the appellant contends that inaccuracies and lack of detail remain. Overlooking from the dormer could be addressed and a condition regarding screening is still required despite the removal of the rear decking area – there remains a substantial landing area of sufficient size to be used as a terrace and this requires screening. There are other issues which are not addressed in the appeal response including in relation to the chimney and stairs.

7.0 **Policy Context**

The policy relating to extensions to dwellinghouses is set out in section 8.2.3.4(i) of the plan. This includes criteria for dormer windows.

The requirement for 22m separation resulting in rear garden lengths of 11m is set out in section 8.2.8.4(ii) – rear garden lengths may be reduced to 7m in the case of single storey developments subject to criteria including the protection of amenities.

8.0 **Assessment**

- 8.1. I consider that the main issues arising in this appeal concern the proposed first floor rear dormer window and the need for additional screening between the two gardens.

The primary focus of my assessment is on these matters. Under the heading of 'other issues' I also comment on other matters referenced in the appeal and on other elements of the proposed development.

8.2. **Dormer**

- 8.2.1. The centre of the glazed element of the proposed first floor rear dormer window would be positioned 9m from the shared side boundary when measured perpendicular to the rear of the house.
- 8.2.2. The Board may wish to consider having regard to development plan policy (section 8.2.8.4(ii)) whether it is reasonable to require an 11m separation between the first floor window and that boundary. I note that there is no explicit requirement that such a separation apply except insofar as there is reference to a normal 22m separation and that on that basis 11m rear gardens would be generally required.
- 8.2.3. The development plan in setting the adopted policy (section 8.2.3.4(i)) for extensions to dwellings does not set any specific requirements relating to distance of windows from rear boundary.
- 8.2.4. The policy does however reference proximity and overlooking as criteria to be considered in determining applications for first floor extensions.
- 8.2.5. In terms of the view from the proposed first floor window to the appellant's rear garden I concur with the applicant that the fact that this is a bedroom window is a material consideration.
- 8.2.6. For the most part there is a difference in timing of use of bedrooms and the undertaking of gardening activities. The view from the rear window would not be to the patio area nearest the house, where occupants of no. 10 would most likely congregate. Patio areas and zones near the rear of the house would in my opinion be the most important to protect from overlooking. The view from the new first floor

window would be to the rear garden vegetable patch, a place where the appellant may spend much time but where the need for privacy is arguably less important.

- 8.2.7. I consider that there is support for the above point in the requirement of the development plan to take into account the 'remaining rear private open space, its orientation and usability'. I interpret this clause as including an intention to ensure that overlooking which occurs does not impact on all of the rear garden and that areas of privacy remain. In terms of the appellant's rear garden amenity area this requirement is achieved.
- 8.2.8. Overlooking does arise as a result of the proposed dormer window. However, I submit that the degree of overlooking which would arise is acceptable and does not warrant an amendment to the design of the proposed rear dormer window.
- 8.2.9. The design of the proposed dormer window contains a set back from the eaves as is required under the development plan policy. I consider that it is also of acceptable scale when viewed in the context of the overall house.
- 8.2.10. I conclude that the dormer window is acceptable and should be permitted without modification.

8.3. **Screening**

- 8.3.1. Regarding the screening between the two sites I note the appellant's concern relating to the garden level / deck and to the alterations shown in the most recent submission from the applicant.
- 8.3.2. Notwithstanding the above I consider that a condition relating to screening of the shared boundary should be considered by the Board. There are direct views from the existing extension to the rear of appellant's house – the double doors from the main kitchen / living space to the garden will be from that location and there is likely to be significantly greater usage of that part of the house.

8.3.3. There is a hedge planted inside the existing timber fence – the fence appears to be on the appellant’s property. Notwithstanding the existing hedge I consider it appropriate that a 1.8m high screen be provided. This height should be as measured above finished floor level of the house and the fence should be for the length of the extension only, approximately 7m. A timber fence set in concrete or other posts would be appropriate but the matter is best left for the agreement of the Planning Authority.

8.4. **Other matters**

8.4.1. There are a range of other matters raised by the appellant and in the first party response. None of these matters in my opinion are material to the determination of the Board.

8.4.2. In particular the scheme is adequately described in the application drawings subject to matters to be addressed by condition.

8.4.3. I consider that the amendment of 23rd June 2016 comprising enlargement of the two first floor front windows should properly be subject of new notices and if that is not required should be omitted by condition. In this regard I recommend that the new front dormer match the existing in terms of its size. Reference to the drawings received by the Board in condition 1 is not appropriate.

8.4.4. The development includes a number of new windows to the side (west) and front and rear all of which are acceptable in terms of residential and visual amenities.

8.4.5. The proposed widening of the front vehicular entrance is in accordance with the proper planning of the area as it will provide for easier access to the existing parking on site and free up the adjacent street.

8.4.6. I do not consider that it would be appropriate to limit the exempted development provisions. Subject to a suitable boundary feature being installed and the

development completed as permitted the applicant may in future wish to revert to the proposal to install a deck at the level of the internal space, which might be deemed to be exempted development.

8.4.7. In the event that the recommendation regarding the boundary feature is omitted by the Board, I would recommend the attachment of a condition requiring permission for all alterations and extensions.

8.4.8. The Planning Authority did not require a financial contribution.

8.5. I conclude that the proposed development subject to conditions achieves an appropriate balance between the reasonable protection of existing amenities and the established character of the area and that it avoids significant overlooking and is acceptable in terms of residential and visual amenities.

8.6. Having regard to the nature and scale of the development and its location in an urban serviced area, I consider that it is reasonable to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European Site and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required

9.0 **Recommendation**

I recommend that permission be granted for the reasons and considerations and subject to the conditions below.

REASONS AND CONSIDERATIONS

Having regard to the nature, extent and design of the development proposed, to the general character and pattern of development in the area and to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity and would not be out of character with the area. 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 new front dormer window shall match the existing in terms of its size and shall not be enlarged save with a separate grant of permission.

Reason: To ensure compliance with planning legislation.

3. The rear boundary with no. 10 shall be finished with a boundary feature which is 7m in length and which is at least 1800mm in height as measured relative to the finished floor level of the living / kitchen area. Details of the materials and design of the boundary wall shall be subject of the written agreement of the Planning Authority prior to the commencement of development.

Reason: In the interest of the amenities of the area.

4. The external finishes, including roof tiles/slates shall be subject to the written agreement of the Planning Authority.

Reason: In the interest of visual amenity.

5. The vehicular entrance gates shall not exceed 3.5m in width and shall be otherwise in accordance with the requirements of the Planning Authority.

Reason: To minimise the impact on the adjacent public road and in the interest of visual amenities.

6. Water supply and drainage arrangements, including the attenuation and 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.

Mairead Kenny
Senior Planning Inspector

26th August 2016