



An  
Bord  
Pleanála

## Inspector's Report PL.06S.246864

<b>Development</b>	Permission for extension and alterations to existing single storey dwelling increasing the floor area approx. 80sq.m. to 142sq.m. the development will consist of (1) 2 storey extension to rear of dwelling with pitched roof and 4 no. velux rooflights; (2) conversion with 1 no. velux rooflight to front of dwelling; (3) internal alterations and all associated site development works.
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	06S.246864
<b>Applicant(s)</b>	Thomas Donegan
<b>Type of Application</b>	First Party v Refusal of Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Appellant(s)</b>	Thomas Donegan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	18 <sup>th</sup> September 2016
<b>Inspector</b>	Joanna Kelly

## **1.0 Site Location and Description**

- 1.1. The appeal site is located within Oakcourt Drive, a residential estate characterised by detached and semi-detached units in Palmerstown, Dublin 20. The dwelling on site is a semi-detached single storey unit which has an attic conversion on a long narrow plot.
- 1.2. The applicant is seeking to construct an extension to the rear of the property. Access to the rear of the appeal site was not available at time of inspection, however it was possible to gain access to the rear of no. 127 where the appeal site is clearly visible. There is an existing single storey structure to the rear of the garden of the appeal site.

## **2.0 Proposed Development**

- 2.1. The applicant is seeking to construct a two storey rear extension. The main elements comprise of a ground floor rear extension of approx. 27sq.m., and an extension to the attic area of approx. 32sq.m.
- 2.2. The footprint of the ground floor extension corresponds with the footprint of the adjacent extension to no. 127 Oakdrive. The first floor extension would project 6.6m from the original building line of the house running the full span of the ground floor footprint.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority refused permission for the following reasons and considerations:

1. It is considered that the proposed development, by virtue of its height, scale and depth, would be out of character with the single storey pattern of

development in the area and would result in a dominant and visually intrusive feature which would seriously injure the visual amenities of the area.

2. It is considered that the proposed development, by virtue of its height, scale and depth, would result in overshadowing and would have an overbearing impact on the rear garden areas of adjoining properties and as such would seriously injure the residential amenities of property in the vicinity.
3. The proposed development would contravene the zoning objective of the area as contained in the South Dublin County Development Plan 2010-2016 which is “to protect and/or improve residential amenity”, would conflict with the requirements of the Council’s House extension Design Guide and would be contrary to the proper planning and sustainable development of the area.
4. The proposed development would set an undesirable precedent for other similar developments, which would, in themselves, and cumulatively, seriously injure the amenities of the area and of property in the vicinity, and would be contrary to the proper planning sustainable development of the area.

### **3.2. Planning Authority Reports**

The report of the area planner notes development plan policy. No submissions were noted as received.

The planner noted that the attic has already been converted to a bedroom which does not comply with Building Regulations. Information submitted does not address potential overshadowing of adjoining properties. A parapet wall is proposed which does not accord with the design guidance for domestic extensions. There are serious concerns about the visual impact of the proposed two storey extension and the undesirable precedent such development would set in an area.

### 3.3. **Other Technical Reports**

### 3.4. **Water services report**

Further information required in respect of surface water drainage.

#### **Irish Water**

Foul drainage plans required.

### 3.5. **Third Party Observations**

None noted

### 4.0 **Planning History**

No recent history associated with the appeal site.

#### **Immediate Vicinity**

**File ref. No. 15B/0319** Permission granted to J & M Butler for extension with living accommodation in roof space (total floor area 101.91sq.m) to rear of 56.08sq.m bungalow at 14 Oakcourt Close. I note that this site is a larger site and of triangular shape compared to that of the appeal site.

**File Ref. No. 11B/0209** Permission granted to Mr and Mrs J. Dennis for new first floor extension to the side and rear of property to 5560mm providing new bedroom and bathroom accommodation; new tiled roof and masonry walls to conservatory and all associated site works.

### 5.0 **Policy Context**

The **South Dublin Development Plan 2016** is the statutory plan for the area.

Section 2.4.1 deals with residential extensions and it is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.

Section 11.3.3 of the plan provides that the design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) of any superseding standards.

These guidelines advocate that the extension design respect the appearance and character of the house and local area. Further the extension should not overlook, overshadow or have an overbearing effect on the adjoining properties.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The grounds of appeal can be summarised as follows:

- The proposed ground floor extension is the same depth as the adjoining extension.
- A larger ground floor extension could be built under exemption provisions, hence difficult to see how it could be considered dominant and visually intrusive.
- The height of the extension is designed to ensure the habitable rooms comply with current Building Regulations.
- Reference is made File Ref. SD11B/0305 for a similar type of development and that there are inconsistencies from one application to another.
- There is no overshadowing to property 129 Oakcourt Drive and the single storey extension with pitched roof of no. 128 has the same depth as the proposed extension thus ensuring over shadowing is kept to a minimum.

- With regard to the zoning objective the local authority has not proven that the proposal would not protect the residential amenity. Precedent has been set for similar developments in the area.
- A number of permitted applications have been referred to by the applicant such as File Ref. No. SD11B/0209 which permits extension and attic conversion. File Ref. No. 15B/0319 permitted living accommodation in the roof space at no. 14 Oakcourt Close.

## 6.2. **Planning Authority Response**

The response is summarised as follows:

- Planning Authority confirms its decision.
- Issues raised have been covered in planner's report.

## 7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Design
- Residential Amenity
- Appropriate Assessment

## 7.1.0 Design

7.1.1 The proposal involves the construction of a single storey extension at ground level which is considered acceptable in principle. Having reviewed the plans submitted and pursuant to site inspection, the proposed ground floor extension is such that would not unduly detract from the adjoining residential amenities or is such that would be overly dominant on the appeal site. There is an adjoining extension of similar footprint.

7.1.2 With regard to the attic conversion, there is an existing bedroom in the attic space. Whilst the planner's notes that this space does not comply with Building Regulations I am not in a position to confirm such a statement as no existing section of the attic space has been submitted. I do, however, consider that the proposed first floor space is such that appears to comply with the floor to ceiling heights for habitable space.

7.1.3 With regard to the overall scale and height of the proposed extension, the existing houses are such that the roof pitch is quite steep and as such offer residents an opportunity for additional space where needed. I, therefore, consider that the principle of converting the attic space is acceptable. The applicant in this instance, is also proposing a two storey projection to the rear and it would appear that it is this projection that the planning authority consider would appear dominant and result in over-shadowing. In response I would comment that the extension will not be visible from the front elevation. Rather it is the side extension when viewed from property 129 that it would appear prominent. However, I consider that as the extension would be set back approx. 3.3m from the party boundary and given the orientation of the site and the presence of an existing extension of similar ground floor footprint to property no. 127, the proposed development is acceptable and is not such that would have an overbearing impact.

7.1.4 With regard to the House Extension Design Guide, I generally consider that the proposal complies with its provisions. Ideally the roof line of the protruding rear

projection would be located below the existing ridge-line, however regard must be given to the site characteristics in each case. In this instance, there is a precedent of similar type extensions albeit in a different cul-de-sac. Furthermore, the existing dwellings are small and as such it is considered reasonable that residents could extend to them. The site characteristics and the existing house type present limited potential design solutions.

### 7.2.0 Residential Amenity

7.2.1 With regard to residential amenity, the proposal would not give rise to unacceptable levels of overshadowing or otherwise detract from the existing residential amenities of the area. It is considered that no overlooking issues would arise. There is adequate remaining rear amenity space to the property to provide adequate and functional private open space for residents of the existing dwelling.

### 7.3.0 Appropriate Assessment

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

## 8.0 **Recommendation**

I recommend that planning permission should be granted, subject to conditions, as set out below.



## 8.1 Reasons and Considerations/ Reasons

Having regard to the nature of the proposed development the Board is satisfied that the proposed development would be in keeping with the existing character and pattern of development in the immediate area, would not give rise to overlooking and would not otherwise unduly detract from the existing residential amenities of the area. The proposal would not be prejudicial to public health and would otherwise be in accordance with the proper planning and sustainable development of the area.

## 8.2 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. Water supply and drainage arrangements, including 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.

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. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

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.

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Joanna Kelly

Planning Inspector

21 September 2016