



An
Bord
Pleanála

Inspector's Report PL06.S.246906.

Development

Demolition of existing extensions, construction of new extensions and associated internal modifications.

24 Dodder Park Road, Rathfarnham.
Dublin 14.

Planning Authority

South Dublin County Council.

Planning Authority Reg. Ref.

SD16B/0081.

Applicant(s)

Ciaran Sheehan.

Type of Application

Permission.

Planning Authority Decision

Grant permission subject to conditions.

Appellant(s)

Orlagh Mulcahy

Observer(s)

None

Date of Site Inspection

13th September 2016.

Inspector

Bríd Maxwell.

1.0 Site Location and Description

1.1. The appeal site which has a stated area of 0.0413 hectares comprises an established dwelling site, No 24 Dodder Park Road, in Dublin 14. The site is occupied by a two storey semi-detached dwelling with flat roofed side garage and single storey rear extension and front and rear garden. Access to the site is from Dodder Park Road from the north. The eastern boundary of the appeal site fronts onto Dodder Park Grove a residential cul de sac. The area is characterised by mature suburban residential development.

2.0 Proposed Development

2.1. The proposed development as set out in the public notices is demolition of existing single extension to rear (14.6m²) and 1) proposed extension to existing garage to front at ground floor and associated alterations to side gable wall to include 2 no windows at ground floor level, 2) New first floor extension over existing garage to side incorporating a new hipped roof and gable wall with new windows, 3) new single storey extension to rear and associated internal modifications.

2.2 In response to a request for additional information by the Council some amendments were made to the proposal including a reduction of reduce the proposed canopy over the patio to the rear side by 1.6m. Revisions also provided for an offset of the flanking wall of the proposed single storey extension from the standing common boundary wall with adjoining dwelling No 22 to the west.

3.0 Planning Authority Decision

3.1. Decision

Following a request for additional information South Dublin County Council decided to grant permission subject to 7 conditions which included the following:

- Condition 1(b) the projecting roof over the patio beside the proposed kitchen shall be omitted.
- Condition 4, Drainage infrastructure in accordance with the requirements of the Council's Water Services Section and/or Irish Water.
- Condition 5. Flood mitigation measures.
- Condition 6 Hours of construction.
- Condition 7. Development Contribution €3,096 in accordance with the Council's Development Contribution Scheme.

3.2. Planning Authority Reports

- Initial planner's report noted concerns in third party submission by the appellant and recommended seeking additional information to address the implications of the proposal on established residential amenity. Further information was also requested in relation to in relation to surface water disposal and flood risk.
- Water Services report noted that the site is within the 1 in 100-year flood extent on the Dodder CFRAM map and therefore further information required in relation to drainage and flood risk.
- A request for additional information requested revised design for single storey extension including a setback a minimum of 1m from party boundary and omitting the projecting roof over the patio. Infiltration tests requested to demonstrate suitability for soakaway proposals and flood risk mitigation measures were also requested.
- Roads Report indicated no objection subject to conditions.

3.3. Third Party Observations

3.3.1 Submission of the appellant owners of the adjoining property no 22 Dodder Park Road to the local authority raised concerns in relation to impact on residential amenity arising from loss of light, light pollution, impact on mature hedge forming part boundary, impact on structural stability of the dwelling. Impact on sewers and drains and construction impacts.

3.3.2 Irish Water Submission indicates no objection to the proposal subject to standard conditions.

4.0 **Planning History**

4.1 No recent planning history on the appeal site.

5.0 **Policy Context**

5.1 **Development Plan**

- The South Dublin County Development Plan 2016-2022 refers. Zoning Objective RES *“To protect and /or improve residential amenity”* applies.
- H14 Objective 2: *“To support adaptable housing layouts that can accommodate the changing needs of occupants through extension or remodelling.”*
- Policy H Policy 15 Privacy and Security. *“It is the policy of the Council to promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.”*
- Housing (H) Policy 18 Residential Extensions, *“It is the policy of the council to support the extension of existing dwellings subject to the protection of residential and visual amenities.”*
- H18 Objective 1 *“To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council Extension Design Guide 2010(or any superseding guidelines).*
- The South the South Dublin County Council Extension Design Guide 2010 provides good practice guidance in to aid the design of an extension.

6.0 **The Appeal**

6.1. Grounds of Appeal

The appeal is submitted by Orlagh Mulcahy, owner of the adjoining property No 22 Dodder Park Road. Grounds of appeal can be summarised as follows:

- Planning Authority failed to address negative impact on appellant's residential amenity.
- Objection relates to the rear extension which is too big for the site and contains features which would be intrusive and damaging to no 22.
- Hedge is within site of No 22 and the first party has no right to interfere.
- Proposal by reason of its scale will create an overpowering structure which would block easterly light and cast a deep morning shadow across the back of No 22. Existing flat roofed extension which is situated slightly over the party cast shadow into the living room.
- Proposed 4.85m long wall will extend the period of deep shadow and create an eyesore which will devalue property
- Shadow diagrams are inadequate and inaccurate.
- Negative impact of light wells located on the flat roofed extension over the kitchen and living room will give rise to light pollution.
- West facing rear extension window overlooks appellant's garden within 3 metres.
- Potential damage to roots of boundary hedge planted is on the appellant's side of the boundary and provides a leafy backdrop and shelter for wildlife.
- Sewers run to the rear of the property and proposal to build on top of sewers will cause difficulty.
- Proposal should be redesigned to protect established residential amenity.

6.2 Planning Authority Response

The Planning Authority did not respond to the appeal.

6.3 First Party Response

6.3.1 The response by Melted Snow Architects on behalf of the first party is summarised as follows:

- Dwelling has been the Sheehan family home for the last 50 years and proposal represents attempt to maintain it as such into the future.
- Proposal is to carry out a sympathetic refurbishment of the existing family home and extend to the rear and side in keeping with the scale and character of multiple precedents of this nature in the area.
- Proposal replaces an existing single storey rear extension with a more modern yet still modest single storey extension.
- Development discounts any unacceptable loss of daylight access to 3rd party parties using the BRE guide.
- On its own extension to rear would normally be regarded as exempted development by virtue of its scale and size.
- Rooflights which are modest in size and scale.
- Hedge and boundary issues are a civil matter. Arguably hedge diminishes amenity of No 24.
- Structural engineer will design and specify the structure and foundations for the proposed new works. Any items relating to the boundary will be communicated to the appellant for agreement in advance of any works.
- Drainage infrastructure will be designed in accordance with requirements of Water Services Section.

- First party is mindful of the third party concerns and intends to co-operate to the satisfaction of both parties.
- Request the Board to uphold the decision of the Planning Authority.

7.0 **Assessment**

7.1. 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 and Impact on Established Residential Amenity
- Appropriate Assessment

7.2 **Design and Impact on Established Residential Amenity.**

7.2.1 I note that the third party appellant raises issues in respect of the boundary between the appeal property and the appellant's dwelling site and the matter of the ownership of the hedge at the interface between the sites. I note these issues are civil matters which are not relevant to the planning merits of the development and therefore I consider it appropriate to confine discussion to the planning issues raised.

7.2.2 The third party appellant contends that the proposed extension is excessive in scale and will have a significant negative impact on established residential amenity arising from its scale and potential for overlooking and overshadowing and will result in a devaluation of her property. The first party response asserts that the proposal represents an appropriate modification and modernisation to the family home and will not give rise to overlooking overshadowing or negative residential amenity impact.

7.2.3 As regards the design and the impact of the proposed development on the streetscape and character of the area, I consider that the proposal is acceptable. The site is elongated and at a corner location and I consider that the proposed extension can be accommodated on the site and is appropriate and acceptable in the context.

7.2.4 On the question of impact of the proposed extension, in particular the rear element on established residential amenity, it is reasonable, in my view, that the amenities and privacy of the adjoining dwellings and the established character of the area be protected. The question arising in this case is whether the benefit for the applicant, is adequately balanced with the impact on the appellant's adjacent home No 22. The proposed rear extension extends for a distance of 4.85m and a cantilevered canopy extends a further 2.3m beyond this. I note that in relation to the issue of overshadowing the proposed extension does not break the 45 degree rule of thumb test and in my view the proposed development provides for an appropriate balance between the amenity concerns of the adjacent dwelling. I would tend to concur with the Council that the omission of the cantilevered canopy over the patio area will reduce the bulk of the extension and the potential visual impact arising. As regards the third party concerns in relation to overlooking by the west facing window from the new living room I consider that as this window is 3.3m from the common boundary and is at ground floor level the issue of overlooking does not arise. As regards light pollution from the proposed rooflights in the rear extension there is no reason to believe that light spill will be significant and there is no reason to suggest adverse impact on adjacent residential amenity.

7.2.5 On the issue of site servicing in terms of wastewater and surface water disposal I consider that these matters can be addressed by condition. The site is within the 1 in 100-year flood extent on the Dodder CFRAMS map and therefore the issue of flood risk should also be addressed by condition.

7.2.6 As regards the issue of Appropriate Assessment, having regard to the nature of the development and the site and the lack of connectivity with a Natura 2000 site it is considered that appropriate assessment under the Habitats Directive (92\43\EEC) is not relevant in this case.

8.0 RECOMMENDATION

8.1 I have read the submissions on the file, visited the site, had due regard to the development plan and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

REASONS AND CONSIDERATIONS

Having regard to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the amenities of adjoining neighbours or the character of the area. The proposal 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 as amended by the further plans and particulars submitted on the 27th May 2016 except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) The proposed cantilevered canopy over the patio is not permitted.

Reason: In the interest of visual and residential amenity.

3. The external finishes of the proposed extension 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 comply with the requirements of the planning authority for such works and services. Details shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health.

5. Details of measures and design features which shall be included in the proposed development to prevent / mitigate the risk of flooding and reduce damage should flooding occur shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interest of public health.

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. The contribution shall be paid prior to the 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 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.

Bríd Maxwell

Planning Inspector.

4th October 2016