



An
Bord
Pleanála

Inspector's Report PL06S.247227

Development

Demolition of garage, extension and front dormer, construction of extension to side and rear, dormers to the front and rear, extension of attic accommodation, porch, widening of driveway and single storey shed to the rear.

Location

18 Shelton Gardens, Kimmage, D12.

Planning Authority

South Dublin County Council.

Planning Authority Reg. Ref.

SD16B/0211.

Applicant(s)

David and Jean Fitzgerald.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

Third Party

Appellant(s)

Bernadette Mc Nulty;
Rosaleen Fleming and Dereck Nolan.

Observer(s)

None.

Date of Site Inspection

30th of November 2016.

Inspector

Karen Hamilton.

1.0 Site Location and Description

- 1.1. The site is located on the north-eastern side of Shelton Gardens within Kimmage and contains a semi-detached dormer dwelling with a garage type structure to the side and rear. The main access to the dwelling is at the side gable and the design is similar to those dwellings in the immediate vicinity.
- 1.2. The site is 0.0417ha in size with generous front and rear gardens. There is private parking on site.

2.0 Proposed Development

- 2.1. The proposed development will consist of:
 - Demolition of existing dormer to the front, garage to the side and single storey kitchen and sheds to the rear.
 - Single storey extension to the rear and storey and half extension to the side.
 - 2no. new dormers to the front and 2no. new dormers to the rear.
 - Window and door alterations to the front.
 - New single storey shed to the rear.
 - Widening of existing vehicular entrance to 3.6m wide and all associated site and landscaping works.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission. Condition of note includes:

- C. 2: Amendment to the rear dormer bathroom window and reduction in depth of rear extension.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission and refers to the following:

- The proposed development is not excessive.
- The proposed elevational treatment is in keeping with the main building and roof ridge lines and the relocation of the main access door is not of a significant concern.
- Recommendation to grant subject to conditions.

3.2.2. Other Technical Reports

Water Services Department- No objection subject to conditions.

Roads Department- No objection subject to conditions.

Irish Water- No objection subject to conditions

3.3. Prescribed Bodies

No submissions were received.

3.4. Third Party Observations

Three submissions were received on the planning application and the issues are dealt with in the ground of appeal.

4.0 Planning History

There is no planning history on the site.

5.0 Policy Context

5.1. Development Plan

South Dublin County Development Plan 2016-2022

The subject site is zoned RES: *“To protect and/or improve residential amenity.”*

Policy 18 Residential Extensions

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 Chap 11.

Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010.

HCL5 Ob. 2: Ensure renovation of older buildings do not comprise any character or visual setting.

6.0 The Appeal

6.1. Grounds of Appeal

Two submissions were received from adjoining neighbours. The grounds of appeal may be summarised as follows:

- The two rear dormer windows will affect the privacy of No. 14 Shelton Drive.
- No. 14 Shelton Drive has a lower ground level than No. 18 Shelton Drive, therefore the height of the proposed shed will cause a negative impact.
- The drawings are inaccurate as they do not sufficiently illustrate contiguous drawings.
- The design does not comply with the South Dublin County Council House Extension Design Guide and HCL5 Ob. 2.
- The proposed extension will cause overshadowing on No. 16 Shelton Drive and reduce the residential amenity of properties by way of overdevelopment.
- Should No.16 wish to extend their property it would cause a terrace effect.
- The current dwellings all have entrances to the side of the dwellings and the proposed development will have a negative impact on the streetscape.
- The rear bathroom dormers should have obscure glazing.
- The large shed to the rear suggests some form of habitable space and not storage of materials ancillary to the dwelling.

- The proposed development is out of keeping with the character of the dwellings in the vicinity by way of design, scale and use of materials

6.2. Applicant Response

The agent on behalf of the applicant has responded to the appeal as summarised below:

- A revised proposal has been submitted to include:
 - compliance with C. 2 of the planning permission as a reduction in depth of the rear extension and alteration to first floor rear dormer;
 - reduction in the size of the dormer windows along the first floor on the façade; and
 - the applicant is willing to reduce the internal height of the storage building to the rear from 2.45m to 2.25m.
- There will be no overshadowing on the main door or bathroom windows along the north east side of No. 16 Shelton Gardens.
- The current street is not considered to have historic value and there are more than two housing typologies in the area.
- The proposed development complies with H18 and Policy 18 of the development plan.
- Examples of other dormers in the vicinity have been submitted.

6.3. Planning Authority Response

A response from the planning authority refers to the planners report for the reasoning on the decision.

6.4. Observations

No observations were received.

6.5. Further Response

Two further responses were received from both appellants' in relation to the proposed amendments which may be summarised as follows:

- The ground level of the adjoining site is not indicated on the plans and the height of the shed would cause overbearing.
- There will be runoff from the site into adjoining sites.
- The proposed development does not comply with the zoning objective on the site which protects the residential amenity and the revised proposal will still have a negative impact on the surrounding area.
- The rear dormers, garden shed and impact of overshadowing are still of concern.
- The revised front elevation is almost identical to the previous design.

7.0 **Assessment**

8.0 The following assessment has regard to the revised plans submitted with the applicants' response which includes the reduction in the length of the rear extension to 6m, reduction in the first floor rear dormer window for the bathroom located 1m from the boundary of No. 20 Shelton Gardens and 3.5m in width, reduction in the height of the storage shed by 0.3m and the reduction in the size of the first floor dormers along the façade. The amended design was cross circulated to the appellants and two responses were received. The main issues of the appeal can be dealt with under the following headings:

- Principle of development
- Impact on the streetscape
- Residential Amenity
- Other matters
- Appropriate Assessment

Principle of development

- 8.1. The proposed development includes the demolition of a garage to the side and rear of an existing semi-detached dwelling and the construction of a new side and rear extension, alterations to the attic, elevational amendments and the construction of a new shed to the rear. The site is zoned for residential development in the current development plan and therefore subject to complying with other planning requirements as addressed in the following sections, the principle of the proposal is acceptable.

Impact on the streetscape.

- 8.2. The main amendments to the front elevation include an increase in width of the dwelling by 2.5m, an additional dormer window and relocation of the main access to the front. The grounds of appeal argue that these works will have a significant negative impact on the current streetscape and is not in keeping with the guidance of the development plan. I note there are similar renovations in the vicinity which I consider acceptable. I consider the proposed changes are in keeping with the character of the current dwellings in the vicinity and therefore, I do not consider they would have a negative impact on the streetscape.

Residential Amenity

- 8.3. No 18 Shelton Gardens is a semi-detached dormer style dwelling with private parking and generous front and rear gardens. The proposed rear extension occupies the full width of the plot and extends up to the common boundaries of the properties on either side. The grounds of appeal argue the proposal results in overdevelopment of the site and will have a negative impact on the residential amenity of No. 20 Shelton Gardens to the north and No. 16 Shelton Gardens to the south of the site. I have addressed each of the issues raised below.

Overlooking: The separation distance from the proposed dormer windows to the rear to opposing rear windows of the house to the rear at Shelton Drive is 35m. I consider the separation distance reasonable.

Overshadowing: The proposed development is located to the north west of No 16 Shelton Gardens and as such the potential for overshadowing is limited. The appellant has submitted shadow projection analysis illustrating overshadowing on the garage and entrance door in the evening. Having regard to the location of the

proposed development to the north of the site I do not consider the overshadowing from the proposed development would be excessive or have a serious negative impact on the residential amenity of the residents of No.16 Shelton Gardens.

Overbearing: I note the amended design submitted to the Board includes a reduction in the length of the rear ground floor extension from 7.5m to 6m. The height of the extension along the party boundary with No. 20 will be 2.8m. Based on the length and the location of the proposed extension on the ground floor I do not consider the rear extension would cause any overbearing on No. 20 Shelton Gardens.

The grounds of appeal also argue the side extension would be overbearing the residential amenity of No.16 Shelton Gardens to the southeast. I note the height of the extension will be the same as the existing ground floor extension to No. 16 which extend to the boundary of the appeal site, therefore based on the scale of proposed development I do not consider the side extension would cause any overbearing on No 16 Shelton Gardens.

The proposed development includes a single storey flat roofed shed at the bottom of the garden. The grounds of appeal argue the height of the shed at 3m will have an overbearing effect. I note the height of the ground level is slighter higher than No 16 to the east although there is mature planting along the boundary. I note the amended design includes a reduction from 2.9m to 2.6m along the eastern boundary and the applicant has stated they will reduce the floor space from 38m² to 25m² if required. Based on the design of the shed I do not consider it would have an overbearing effect on the adjoining residential amenity of No 16 Shelton Gardens nor do I consider it necessary to reduce the floor space of the proposed shed.

Other Matters

- 8.4. The proposed development includes the widening of the driveway from 2.6m to 3.5m for the purposes of accommodating two cars. I note the report of the Roads Section has no objection to the proposal. I consider the widening of the access acceptable.

Appropriate Assessment

- 8.5. Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed

development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

9.0 Recommendation

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

10.0 Reasons and Considerations

Having regard to the zoning objective, the design and layout of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to an Bord Pleanála on the 19th of September 2016, 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

- 2 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

3. 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.

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, 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

Karen Hamilton
Planning Inspector

08th of December 2016