



An
Bord
Pleanála

Inspector's Report PL06D.247259.

Development

Demolition of a garage to an existing house and construction of extension to the front and new attic conversion, and widening of existing entrance.

Location

73 Weirview Drive, Stillorgan, Co. Dublin.

Planning Authority

Dún Laoghaire-Rathdown Co. Council.

Planning Authority Reg. Ref.

D15A/0806

Applicants

Jane Roche & Dara Heraty

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

First Party against condition

Appellants

Jane Roche & Dara Heraty

Observers

None

Date of Site Inspection

21st of December 2016

Inspector

Siobhan Carroll.

1.0 Site Location and Description

- 1.1. The appeal site is located at No. 73 Weirview Drive. It is part of an established and extensive residential area located to the southern side of Stillorgan, Co. Dublin and west of the N11.
- 1.2. The stated site area is 380sq m. No. 73 is a semi-detached, two-storey dwelling, with a garage. The rear garden boundaries are formed by concrete block walls. The garden extends back for circa 21m from the rear building line and has a width of 9m.
- 1.3. No. 71 to the north and No. 75 to the south, the adjacent dwellings are both semi-detached, two-storey dwellings. There is a single storey extension to the rear of No. 71 which runs along the boundary for circa 7m and features three high level windows. Also adjoining the extension and party boundary there is a structure with a lower roof which appears to provide storage.

2.0 Proposed Development

- 2.1. Demolition of the existing garage and construction of two-storey extension to front and side. Single storey rear extension and remodelling of roof pitch including the addition of a dormer window and widening of existing entrance.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 10 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Following the submission of further information in respect of drainage issues and the proposed length of the rear extension the Planning Authority was satisfied with the proposed development subject to a number of conditions.

Condition no. 2 required the reduction in the length of the rear extension to 7m along the northern boundary.

3.2.2. Other Technical Reports

Drainage Planning, Water Services Department: No objections subject to conditions.

3.3. **Third Party Observations**

No submission/observations were received by the Planning Authority in relation to the proposed development.

4.0 **Planning History**

None on site

5.0 **Policy Context**

5.1. **Development Plan**

The site is governed by the provisions of the Dun Laoghaire –Rathdown County Development Plan 2016-2022.

- Section 8.2.3.4(i) refers to Extensions to Dwellings and in relation to ground floor rear extensions it states, extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A first party appeal has been lodged with the Board on the 14th of September 2016. The applicants Jane Roche & Dara Heraty are appealing against condition no. 2 attached to the permission granted under Reg. Ref. D15/0806.

- Condition no. 2 refers to the rear ground floor extension and requires that the extension should be limited to 7m along the northern boundary.
- The appellants request that the Board determine the appeal under Section 139 of the Planning and Development 2000, as amended.
- The ground floor rear extension is proposed to provide for a kitchen-living room in one large space. The plans initially submitted proposed that the extension would extend 10m along the northern boundary from the rear building line and 8.1m along the southern boundary.
- Following a request for further information by the Planning Authority, the length of the rear extension was reduced to 8.4m along the northern boundary and 6.3m along the southern boundary.
- Both neighbours to the north at no. 71 Weirview Drive and to the south at no. 75 Weirview Drive were provided with a copy of the proposed plans and consulted prior to the lodgement of the application. Neither party had any comments in relation to the proposals.
- The appellants consider that the proposal submitted at further information stage providing the rear extension with a length of 8.4m along the north boundary and 6.3m along the southern boundary would be acceptable in terms of proper planning and sustainable development.
- The appellants contend that they have reduce the impact of the rear extension by reducing the length. It is a single storey extension. The rear garden is west facing and any shadow cast by the extension would fall on the roof of the existing property which has also been extended.
- Any shadows cast in the evenings come from the large trees which form the common boundary with Clonmore Park to the west.
- The proposed slope of the roof is angled away from no. 71 with the highest point being the mid-point of the extension.
- The appellants submit that there is no overbearing impact on the neighbouring properties having regard to the site context. They note that there are structures within the rear garden of no. 71 which adjoin the party boundary and extend for over 10m.

- The rear extension would only be seen from the garden of no. 71 behind their own extension. The windows located along the party wall at no. 71 serve an internal corridor and not a habitable room. These windows have been taken into consideration in the design of the rear extension.
- All windows serving the living room and kitchen area of the rear extension at no. 71 occur on the northern elevation.
- It is maintained by the appellants that the additional 1.4m the difference between the limit set by the condition and the proposed length of the extension along the northern boundary is so minimal as to not have a bearing on the residential amenity in terms of overshadowing or overbearing.
- It is stated that the use of precedent set by the rear extension of no. 69 Weirview Drive was not appropriate as it is the extension was built by way of further information and that property does not have the same development context as the subject property.
- The appellants respectfully request that the Board remove condition no. 2 for the reasons set out in the appeal.

6.2. Planning Authority Response

- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

7.0 Assessment

- 7.1. The subject appeal is a first party appeal against condition no. 2 of the grant of permission under Reg. Ref. D15A/0806. I consider, having regard to the nature of the condition, that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted and the appeal should be determined under the provisions of Section 139 of the Planning & Development Act, 2000, as amended.

7.2. Condition no. 2 states;

“2. That the rear extension along the northern boundary shall not exceed 7 metres. Details shall be submitted to and agreed in writing by the Planning Authority prior to the commencement of development on site.

Reason: In the interests of residential amenity.”

7.3. Section 8.2.3.4(i) of the Development Plan refers to Extensions to Dwellings and in relation to ground floor rear extensions it is advised that extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.

7.4. The rear extension as originally proposed had a length of 10m along the northern boundary and 8.1m along the southern boundary. The Planning Authority in their assessment of the proposed development issued a further information request regarding drainage issues and also required that the length of the rear extension would not exceed 7m when measure from the existing rear elevation.

7.5. The response received on the 22nd of July 2016 proposed that the extension would extend for 8.4m along the northern boundary and 6.3m along the southern boundary. Overall the Planning Authority were satisfied with the revised proposal and granted permission, however the length of the rear extension along the northern boundary was reduced by condition no. 2 to not exceed 7m.

7.6. The appellants have requested that the Board consider the proposed design submitted with the further information. They set out in the appeal that the proposed rear extension is single storey, the mono pitched roof design which slopes to the south and having regard to the location of the existing single storey extension the rear of no. 71 that it would not have a significant impact in terms of overshadowing or overbearing.

7.7. The single storey rear extension to no. 71 which includes a storage structure with a low roof at the western end runs for circa 10.5m from the original rear building line of the dwelling. The rear extension which provides a habitable space extends for circa 7m from the original rear building line of the dwelling. This extension includes three high level windows which address the party boundary. The proposed rear extension has been inset to provide light to those existing windows.

- 7.8. In relation to the proposed design of the rear extension specifically the section along the northern site boundary, I note that it will be built marginally inset from the party boundary, that the proposed mono pitched roof rises to the southern side. The height of the extension adjacent to the northern boundary is 2.6m and no windows are proposed to the northern elevation. In relation to the matters of overshadowing or overbearing having regard to the location of the extensions along the party boundary to the north, I would concur with the appellant that any new shadowing would primarily fall on the roof of the rear extensions to No. 71. Regarding any overbearing impact having regard to the location and extent of the rear extensions to no. 71, I do not consider the proposed rear extension to No. 73 with a length of 8.4m would unduly impact upon that property in terms of overbearing.
- 7.9. Having regard to the established pattern of development in the area specifically the ground floor rear extensions to No. 71 to the north, and the revised design of the proposed rear extension which reduced the length along the northern side from 10m to 8.4m, I consider that it would not unduly impact upon the amenities of the neighbouring property to the north in terms of overshadowing or overbearing.
- 7.10. In conclusion, I would recommend that condition no. 2 be amended to provide that the rear extension be built in accordance with the revised plans received by the Planning Authority on the 22nd of July 2016.

8.0 Recommendation

- 8.1. Having regard to the nature of the condition which is the subject of the appeal and based on the reasons and considerations set out below, I am satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and recommend that the said Council be directed under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND Condition Number 2.

9.0 Reasons and Considerations

Having regard to the provisions of the Dún Laoghaire–Rathdown County Development Plan 2016-2022 and the established pattern of development, specifically the ground floor rear extensions to the adjoining property to the north to the nature and scale of the proposed rear extension, it is considered that, subject to compliance with the amended condition number 2, the proposed development would not detract from the character and visual amenity of this residential area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Condition

2. The rear extension shall be built in accordance with the revised plans received by the Planning Authority on the 22nd of July 2016.

Reason: In the interests of clarity and residential amenity.

Siobhan Carroll
Planning Inspector

21st December 2016