



An
Bord
Pleanála

Inspector's Report PL06S.247272

Development	Extension to rear and side, alterations to house, new side, drainage and fencing.
Location	29 Aranleigh Mount, Rathfarnham, Dublin 14.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD16B/0209
Applicant(s)	Aisling and Marcus King
Type of Application	Permission
Planning Authority Decision	Grant Permission subject to Conditions
Type of Appeal	Third Party vs. grant
Appellant(s)	Niall and Catherine Farrell.
Observer(s)	Paudie and Sarah O'Connor
Date of Site Inspection	13 th December 2016
Inspector	Ciara Kellett

1.0 Site Location and Description

- 1.1. The appeal site is located in Aranleigh Mount which is located c.200m due east of Grange Road and c.800m west of Nutgrove Shopping Centre. The area is characterised by well established, medium density, two storey, semi-detached suburban type housing. There are mature hedgerows and trees along the footpaths and in private gardens. Boundary treatment to the front of most of the houses comprises a low redbrick wall (approx. 0.5m in height) with very few gates which presents an open plan character. The roadway is of sufficient width to provide for parking on either side of the road, as well as allow for two-way traffic.
- 1.2. The appeal site, no. 29 Aranleigh Mount, is located midway along the road on the eastern side and is located directly opposite a pedestrian walkway which provides access to a small local centre and beyond onto Grange Road. It is one of only three houses along this section of road. Due to the orientation of the house and its corner location, it is not directly overlooked to the rear. Aranleigh Gardens is located to the south of the house. The appellants and the observers have addresses in Aranleigh Gardens.
- 1.3. Appendix A includes maps and photos.

2.0 Proposed Development

Permission is sought for the construction of a part single storey extension to the front and a part two storey extension to the side and general alterations to the existing house as well as site, drainage, and fencing works.

The overall area of the extension is stated as being 66.8sq.m, the proposed fence is 1.8m high and the driveway entrance is to be extended to 5m in width.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to 11 conditions.

Condition 5 states that the front boundary fence will be a maximum of 1.2m high and the fence between the patio area and the driveway is to be omitted. Condition 6 requires the removal of the window on the southern elevation and condition 7 limits the vehicular entrance width to 3.5m

3.2. Planning Authority Reports

3.2.1. The Planner's Report is the basis for the Planning Authority decision. It includes:

- Area is zoned RES '*To protect and/or improve residential amenity*'. Considers extension would comply with the Council policy in relation to extensions to dwelling houses.
- Notes that two submissions/observations were received and summarises the points made.
- With respect to visual amenity it states that the ground floor extension would not break the building line and is 9.6m long – an increase of 5m across the front of the property.
- The two storey element is located to the side with a window on the south face. Considers that having regard to the proposed extent of glazing, the side window should be omitted due to its potential to overlook properties to the south.
- Rear window of the proposed master bedroom would be located 4.5m from rear boundary of no.1 Aranleigh Gardens and considers that it does not breach the 22m requirement between opposing windows and is acceptable.
- Contemporary design departs significantly from the design of the existing dwelling but considers it visually acceptable.
- Considers proposal to erect a 1.8m fence along the entire front boundary where a 0.5m wall currently exists unacceptable for a number of reasons: in

the interest of passive surveillance streetscape should remain as open as possible particularly given its location opposite the pedestrian access; the open nature of the estate contributes to the suburban setting which allows for free safe movement of people; 1.8m high wall would create a 'tunnel effect', would set a poor precedent and create a diminished quality.

- Proposed 5m wide entrance is considered excessive and would have a negative impact on on-street and visitor parking in the area.
- Proposal to divide the front garden into two separate areas with a proposed 1.8m high wall would have a negative impact on the streetscape and should be omitted.
- Recommends a grant of permission subject to conditions.

3.2.2. Other Technical Reports

- Surface Water Drainage – No objection subject to conditions.
- Irish Water – No objections subject to conditions.

3.3. **Third Party Observations**

Two submissions were received from neighbours in no.1 and no.1B Aranleigh Gardens. In summary, the objections state:

- Design is not in accordance with the SDCC House Extension Guide. Consider the proposal is overbearing and overlooking properties.
- Photos by both parties accompany submissions.
- Front and side extension plans do not adhere to the House Extension Guide.
- Proposal would seriously injure their right to privacy and injure amenities.

4.0 **Planning History**

There are no relevant applications associated with the subject site or in the immediate vicinity.

5.0 Policy Context

5.1. Development Plan

Under the County Development Plan 2016 – 2022, the site is zoned '**RES: To protect and/or improve residential amenity**'.

Chapter 2 refers to housing and Chapter 11 refers to Implementation. The Council has also produced guidance in the form of 'House Extension Design Guide'.

Sections 2.4.1 of Chapter 2 consider residential extensions.

Policy H18 Objective 1 states: *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 House Extension Design Guide, 2010 (or any superseding guidelines).*

Section 11.3.3 of Chapter 11 considers Additional Accommodation. Section 11.3.3(i) states with respect to Extensions: *The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.*

The House Extension Design Guide produced by the Council provides advice on different types of extensions. Chapter 4 is entitled *Elements of Good Extension Design* and provides advice for different types of extensions. Of relevance to the subject application is the advice provided for side and front extensions. Side extensions should respect the style of the house and the amount of space available between it and the neighbouring property, if the house is detached or on a large site or in a prominent location such as the corner of a street, it may be appropriate to consider making a strong architectural statement with the extension, match or complement the style, materials and details unless there are good architectural reasons for doing otherwise, and match the roof shape and slope. There is also general advice provided with respect to overlooking, overshadowing and overbearing impact.

5.2. Natural Heritage Designations

There are no designated areas in the vicinity. The Glenasmole Valley SAC (Site Code 001209) is c.7.5km south-west.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal against the decision to grant permission by the planning authority has been lodged by the neighbours to the rear of the site in no.1 Aranleigh Gardens. They state that there are four main grounds for the appeal. In summary, it states:

- The proposal does not comply with the Council policy H18 Objective 1 of the Plan or the guidance set out in the SDCC House Extension Guide: Separation distance between extension and boundary wall with no.1B Aranleigh Garden is just 0.95m – less than half recommended in section 4(iii) of the Design Guide; first floor window to the rear will overlook the kitchen/dining room window of their property and the private patio/sitting out area to the rear is at an angle of 45 degrees; first floor window will be 16m from first floor window to rear of their property albeit at an angle of 45 degrees – severe loss of their privacy; proposed front extension contravenes section 4(iv) of the House Extension Design Guide – large box shape does not complement style of the main house and the proposed front porch is twice as wide as the existing porch/playroom; parapet is higher – structure will be visually dominant and over-large; side extension does not complement style of the main house or match the roof or slope, nor respond to character of adjacent dwellings. Viewed from rear gardens it will be visually dominant and overbearing.
- SDCC have incorrectly measured the distance from the rear window of the master bedroom to the rear boundary of their property, thus considerably understating the degree to which their property will be overlooked. Dimension of the window being 4.5m from the boundary is actually 2.1m and the distance from the side of the proposed window to the boundary fence is 1.5m. SDCC conclusion that the distance from the rear window of the bedroom to the rear

boundary “is considered to be acceptable” is completely undermined because it is based on an incorrect measurement.

- No justification provided why the extension is visually acceptable or why it is not considered to seriously injure the amenity of the adjoining properties. Thoroughness of assessment is called into question.

6.2. **Planning Authority Response**

The planning authority confirmed its decision and considered that the issues raised by the appellant have been considered in the planner’s report.

6.3. **Applicant’s Response**

The applicant responded to the appeal as follows:

- Proposed development aims to construct a new extension to relate better to the outdoor west facing front garden space. Proposal will align with the existing projecting bay window and front door – it does not extend beyond the existing front building line. Similarly, the new extension aligns with the back of the house and partially aligns with the side boundary wall with a minimum 950mm from the inner face of the existing boundary wall to no.1B and a minimum 1m from centre of boundary.
- The angle between the rear of no.29 and no.1 measures 68 degrees. The first floor back bedroom windows are not directly opposing and the application of 22m should not apply. Photos provided from inside of house – view looks into back garden of no.29 and not adjoining properties – as will view from new bedroom.
- The modern extension aims to complement the existing house – it is a large side garden which lends itself to an extension which contrasts but complements the existing house.
- Written confirmation that the residents in no.1A do not object to the development included in response.
- 3D visualisations provided with appeal.

- Extension is directly north of Aranleigh gardens and will not cast a shadow and the design, proportion and set-back of the proposed two storey extension from the front aims to minimise mass and scale.

6.4. **Observer**

An observation to the appeal was received from neighbours in no.3 Aranleigh Gardens. They state that the development is in contravention of the Plan and House Extension Guidelines. The new bedroom will be directly overlooking their garden/patio and there will be 17m between windows. Style and design of the development is not in keeping with the surrounding houses.

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:

- Residential Amenities
- Design of extension
- Appropriate Assessment

7.2. **Residential Amenities**

The development is located in an area zoned RES: 'To protect and/or improve residential amenity'. In this zone residential extensions to an existing dwelling are considered an acceptable development in principle, and objective H18(1) states that the Council will favourably consider proposals to extend existing dwellings subject to protection of residential and visual amenities.

The area is characterised by well established, medium density, two storey, semi-detached suburban type housing. Very few of the houses have the opportunity to extend and only corner plots have any sizeable side gardens.

The subject proposal is one such house with a relatively large side garden. The wedge shape of the garden has dictated the footprint of the design – it tapers in towards the rear of the house and the south facing wall runs parallel to the existing boundary wall between it and no's.1A,1B, 1 and 3 Aranleigh Gardens.

The appellants state that there is only 950mm between the side wall and their boundary. I would consider that due to the orientation of the house and those of its neighbours in Aranleigh Gardens that this is acceptable. I agree with the Planning Authority that the south facing window should be removed to avoid any issues of overlooking into the neighbours back gardens, and would recommend that a condition to this effect is included should the Board consider granting permission.

The appellants are also concerned with potential overlooking from the new master bedroom window. The recommended 22m distance between directly opposing windows is mentioned on numerous occasions by all parties. I agree with the applicant that the windows are not directly opposing and am of the opinion that the 22m standard is not applicable in this instance. I have visited the site and am satisfied that the view from the new window will not be much more intrusive than the view from the existing bedroom no.3. The applicant has also stepped back the larger of the two windows serving the master bedroom to further minimise any potential overlooking.

I do not agree that the extension will be visually dominant and overbearing. The first floor extension is to provide for a new master bedroom. It is not the entire length of the extension. It is stated as being 6.15m wide and because of the flat roof design proposed, it is lower than the existing roof apex. The back gardens of the neighbours on Aranleigh Gardens are noted as being 14m in length which in my opinion is a sufficient length to prevent an overbearing effect. Furthermore, the extension is on the south face of the dwelling so there will be no overshadowing.

The planning authority included a condition to reduce the height of the boundary fence to the front of the house. Most of the houses in the vicinity have a low redbrick wall (0.5m), some with hedging, as the boundary. I would have concerns that the proposed fence of 1.8m high (also notated as being 1.9m high on drawings) would be visually discordant and would have a negative effect on the amenities of the area,

including the ongoing passive surveillance of the public laneway. I would recommend that the fence is reduced to 1.2m should the Board consider granting permission.

I also consider that the internal fence separating the driveway from the patio area is omitted. The fence would visually detract from the amenities of the area and would appear to split the house into two distinct dwellings.

I note that the Roads Section requested that a condition of planning would be to reduce the proposed 5m driveway to 3.5m. I agree that 5m is excessive for the house style and size and would recommend a condition to reduce it to 3.5m.

In summary, I am satisfied that, subject to conditions, the proposal will not have a serious negative impact on the residential amenities of the dwellings in the vicinity.

7.3. Design of Extension

The appellants consider that the proposed design is not in compliance with the advice provided in the House Extension Guide. The extension proposed has been designed to maximise sunlight and therefore incorporates a large amount of glazing to the front of the property. The building line is maintained and I am satisfied that subject to a condition to match the materials of the existing house, the front extension would not be visually incompatible with the style of the houses in the vicinity.

The House Extension Guide advises that house styles should generally match the existing style but allows for departures, such as for development on the corner of a street. The first floor extension is a contemporary design with a flat roof which does depart from the existing style of the estate. The Guide notes that it may be appropriate to consider making a strong architectural statement with the extension on such sites. Given that the first storey is set back 4.2m from the front of the new extension, I am satisfied that the proposed design, albeit contemporary and a departure from the existing style, will complement the current dwelling and those in the vicinity.

Therefore, I am satisfied that the subject proposal will not seriously injure the visual amenities of the area.

7.4. **Appropriate Assessment**

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, 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 a European site.

8.0 **Recommendation**

- 8.1. I recommend that planning permission should be granted subject to conditions for the reasons and considerations as set out below.

9.0 **Reasons and Considerations**

Having regard to the location of the site on residentially zoned lands and to the compliance with the development standards for residential extensions in the South Dublin 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 residential or visual amenities of the 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 **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 proposed development shall be amended as follows:

(a) The window on the south face of the development, noted as being 1.8m above ground on the drawings, shall be omitted.

(b) The treated timber screen fence and gate to the front boundary shall be a maximum of 1.2m high.

(c) The 1.8m high dividing fence between the patio and new driveway shall be omitted.

(d) The driveway entrance is to be reduced to 3.5m wide.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity

3. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

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. 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.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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.

Ciara Kellett
Inspectorate

13th December 2016