



An
Bord
Pleanála

Inspector's Report PL06D.247295

Development	Alterations and extension
Location	55 Saint Begnet's Villas, Dalkey, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown Co. Council
Planning Authority Reg. Ref.	D16B/0300
Applicants	Ciaran & Tara Regan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First & Third Party
Appellants	(1) Ciaran & Tara Regan (2) Mr & Mrs Brian Gordon
Observers	None
Date of Site Inspection	30 th of November 2016.
Inspector	Siobhan Carroll

1.0 Site Location and Description

- 1.1. The appeal site is located within the Saint Begnet's Villas housing development in Dalkey, Co. Dublin. Saint Begnet's Villas is a cul-de-sac off Hyde Road.
- 1.2. No. 55 Saint Begnet's Villas the subject site has an area of 259sq m. It contains a two-storey mid-terraced three bedroom dwelling with a floor area of 76sq m.
- 1.3. The rear garden of the property extends back for circa 20m and has a width of 6.8m. The rear boundaries are defined by walls with mature hedgerow particularly along the southern section.
- 1.4. No. 56 Saint Begnet's Villas the adjoining dwelling to the west features rear extensions including a pitched roof ground floor extension and a dormer extension to the centre of the rear elevation. The adjoining property to that at the western end of the terrace No. 55 also features a two-storey rear extension.

2.0 Proposed Development

- 2.1. Alterations to the existing dwelling comprising rearrangement of the front elevation including the construction of a bay window and the relocation of the front door. The construction of a two-storey extension to the rear of the dwelling with a floor area of 47sq m.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 11 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planning Authority consider that the proposed extension and alterations were acceptable subject to the attachment of a number of conditions to limit

impact upon the residential amenities of the adjoining properties, specifically in relation to the set back of the two-storey rear extension and the use of opaque/obscure glazing.

3.2.2. Other Technical Reports

Drainage Planning, Water Services: No objections subject to condition

3.3. Third Party Observations

The Planning Authority received one submission/observation in relation to the proposed development. The main issues raised are similar to those set out in the third party appeal.

4.0 Planning History

There is an extensive planning history relating to development within St. Begnet's Villas as set out in the Planner's report.

Adjoining site

Reg. Ref. D02B/0615: Permission was granted for a single and part two storey extension to rear and for new entrance door and porch to No. 56 St. Begnet's Villas.

5.0 Policy Context

5.1. Development Plan

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

- The site is zoned Objective 'A' with a stated objective 'to protect and/or improve residential amenity'.
- Section 8.2.3.4(i) refers to Extensions to Dwellings

5.2. Natural Heritage Designations

5.2.1. Dalkey Island SAC is 930m to the east of the appeal site.

5.2.2. Rockabill to Dalkey Island SAC is 1.26km to the east of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeals

(1) A first party appeal was lodged by AKM Consultants on behalf of the applicants Ciaran & Tara Regan on the 26th of September 2016. The main issues raised concern the following;

- The first party appeal is made condition no. 2 and no. 3 of the permission granted under Reg. Ref. D16B/0300. The appellant's request that condition no. 2 and no. 3 be omitted by the Board.
- Condition no. 2 states that;

"Prior to the commencement of the development, the applicant shall submit for the written agreement of the Planning Authority revised drawings showing the following: (a) The two-storey element of the proposed rear extension, which is to abut the western site boundary, shall be set back at ground floor and first floor level so that it does not exceed the building line of the existing extension to the rear of No. 56 St. Begnet's Villas to the west; specifically, the rear building line of the recessed element of this extension that immediately adjoins the shared boundary with No. 55 St. Begnet's Villas.

(b) The first floor bedroom window to the rear elevation of the proposed first floor rear extension shall be omitted and replaced with a window measuring not greater than 1.6m in width and not greater than 1.3m in height (above sill

level) and with an internal floor (finished floor level) to sill height of not less than 900mm.

(c) The single storey ground floor extension shall be reduced to 5m maximum length/depth and an east-facing side elevation of the proposed extension, as amended, shall be submitted along with revised floor plans, section and elevations.

Reason: In the interests of residential amenity.

- Condition no. 2 would significantly alter the proposed design. It would remove the children's play area and reduce the floor area of the bedroom. The condition is considered to be restrictive and unnecessary.
- The extension was carefully designed to minimise impact on the neighbouring properties. It would provide a kitchen/living room to the rear, WC and wet room at ground floor and a new bedroom at first floor.
- The proposed extension would result in the addition of a relatively modest floor area. It is considered that it would not be visually dominant and would be in keeping with the character of the area.
- The established precedent of two-storey rear extensions in the area is noted, including at no's 56 & 57 St. Begnet's Villas.
- The Planning Officer in determining the file referred to the permission granted under Reg. Ref. D02B/0615 at No. 56 St. Begnet's Villas for extensions to the dwelling including to the rear. The first party request that the Board have regard to the fact that the decision was made under a previous Development Plan and that the decision was not appealed.

- The first party cite the decision granted under Reg. Ref. D13B/0067 for a 22sq m first floor extension to the rear of no 104 St. Begnet's Villas and request that the current proposal be considered in a similar way.
 - Condition no. 3 refers to the glazing in the first floor bedroom. It states; *"The glazing within the first floor bedroom window to the east-facing side elevation of the proposed first floor rear extension shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable. Reason: In the interests of residential amenity."*
 - This condition is considered irrelevant as the applicants proposed to use 'opaque glass' as indicated on the drawings.
 - In Conclusion, it is requested that the Board grant permission for the proposed development with the omission of condition no's 2 & 3 for the reasons set out above.
- (2) A third party appeal was lodged by BPS Planning Consultants on behalf of on the 21st of September 2016. The main issues raised concern the following;
- The third party appellants contend that the scale of the proposed two-storey rear extension would reduce light to their first floor window.
 - The decision of the Council permits the first floor window with a reduced scale. However, there would still be direct views into the appellant's rear garden.
 - In 2002 under Reg. Ref. 02B/614 the appellants were refused permission for a smaller two-storey extension to the rear of their property. The proposed

extension would have a greater impact than the extension which was refused under Reg. Ref. D02B/614.

- The appellants request that the Board consider making the following revisions to the design of the extension to reduce its impact. That the first floor element be setback from the site boundary with the appellant's property to the west. That it be set back 2.9m from the eastern boundary. That the length of the first floor extension be reduced to be in-line with the first floor extension at no. 56 St. Begnet's Villas. That the blank elevation which address the appellant's property be redesigned.
- The matter of precedence is referred to in the Planner's report. The third party appellants consider that the first floor extension to their property is small scale and therefore the reference is in relation to No. 57 St. Begnet's Villas. No. 57 is an end of terrace property and therefore is directly comparable to the appeal site.
- It is requested that the proposed extension is assessed on its merits.
- The proposed first floor window to the rear extension was required to be reduced in area to 1.6 x 1.3 metres under condition no. 2(b). Despite the reduction in the area of the window, it would still cause overlooking of the appellant's property.
- The proposed extension would be above the level of the eaves of the roof and therefore the appellants have concerns that there could be the run-off of rainwater into their property.
- The proposed development would require the removal of part of the wall of the dwelling constructed in the 1940's. They request that the planning

authority require the applicant to have a structural report prepared to outline any potential impacts to the adjoining properties.

- It is proposed to relocate the front door of the dwelling to a position closer to no. 56. It is considered that this relocation of the front door would impact upon the residential and visual amenities of the appellant's property.
- The third party appellants request that the Board refuse permission for the proposed development. However, should the Board decide to grant permission they request that the following matters are addressed by condition. That the first floor window be setback from their property boundary and reduced in scale. That the first floor window be redesigned to avoid direct overlooking. That a condition be attached to protect the appellant's property against damage. That the front door be retained in its current position and that a drawing be submitted to the Planning Authority for agreement prior to the commencement of development indicating the revised locations of all external piping, vents, guttering and drains.

6.2. Applicant Response to third party appeal

A response to the third party appeal was received from AKM Consultants on behalf of the applicants Ciaran & Tara Regan on the 13th of October 2016. The main issues raised concern the following;

- The appellants refer to a previous decision of the Council to refuse permission under Reg. Ref. D02/0615 for a similar two-storey extension. It is noted that decision was not appealed and was determined under the provisions of a previous Development Plan.
- The first party request that the Board note that there are planning precedent for two-storey extensions in the neighbouring properties including no. 57 where permission was granted by the Board under PL06D.202763.

- The first party also note the permission granted under Reg. Ref. D13B/0067 for a 22sq m first floor extension to the rear of no. 104 St. Begnet's Villas.
- In relation to impact on residential amenity, the first party state that the extension was carefully designed to minimise impact on the amenities of adjoining dwellings. It is not considered that the proposed extension would have any undue or adverse impacts in terms of overshadowing.
- Regarding overlooking, there is a single window to the side elevation which would be glazed with opaque glass, therefore it is not considered that the proposed extension would have an adverse impact in terms of overlooking.
- In relation to reduce in the rear garden area as a result of the extension, as the rear garden provides in excess of 110sq m of open space there is more than adequate rear garden remaining.
- It is considered that the proposed development is in accordance with the provisions of the Dún Laoghaire –Rathdown County Development Plan 2016-2022 including the residential zoning objective.
- The proposed extension would not be visually dominant and would be in keeping with the character of the area. The first party request that the Board grant permission for the proposed development with the omission of conditions no. 2 & 3 as attached by the Planning Authority.

6.3. Planning Authority Response

- In relation to the first party appeal, the proposed development was given due consideration having regard to visual impact, overlooking and overshadowing of those properties located in the immediate vicinity of the subject site.
- Condition no. 2 (a) & (c) attached by the Planning Authority satisfactorily addresses any potential negative visual impacts on adjoining properties.
- The rationale for the inclusion of Condition no. 3 was to ensure that the east facing first floor bedroom window be fitted with opaque/frosted glass in the interests of residential amenity.

- In relation to the third party appeal the Planning Authority reiterates their above statement in relation to the assessment of the proposed development and the attachment of condition no. no. 2 (a) & (c).
- It was also noted that condition no. 2 (b) satisfactorily addresses the concerns of the Planning Authority in relation to undue overlooking from the first floor rear window.
- The elevational changes to the proposed front elevation of the dwelling, particularly the relocation of the front boundary with no. 56 St. Begnet's Villas, are reasonable in terms of improving the internal layout of no. 55.
- The Planning Authority requests that the Board uphold the decision to grant permission for the proposed development subject to conditions.

6.4. Further Responses

7.0 Assessment

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Principle of development
- Impact on amenity
- Appropriate Assessment

7.1. Principle of development

- 7.1.1. The appeal site is located in an area zoned Objective 'A', which aims to protect and/or improve residential amenity'. In this zone residential extensions and alterations to an existing dwelling for residential purposes are considered an acceptable development in principle. Section 8.2.3.4(i) of the Dun Laoghaire Rathdown Development Plan 2016-2022 refers to extensions to dwellings.

7.1.2. There are a number of specific criteria set out in Section 8.2.3.4(i) which relate to first floor rear extensions. It is set out that first floor rear extensions will be considered on their merits and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. The factors which are taken into consideration in determining proposals for first floor extensions include, overshadowing, overbearing, overlooking, proximity, height and length along mutual boundaries. Accordingly, it is Council policy that the design of extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy.

7.2. Impact upon Amenity

7.2.1. The currently proposed two-storey extension to the rear of the dwelling has a stated floor area of 47sq m. It is proposed to extend the ground floor to provide a kitchen and dining room. The ground floor extension would project out circa 4.5m from the rear building line of the dwelling along the western side. This is only marginally more than the ground floor extension to no. 56 Begnet's Villas to the west. The extension would project out 6m from the rear building along the eastern side. The adjoining dwelling to the east no. 54 St. Begnet's Villas does not have an extension to the rear therefore the proposed extension would have an impact on the outlook from that dwelling. Accordingly, I would concur with the assessment of the Planning Authority that it would be appropriate to reduce the length of the single storey extension to 5m to reduce the visual impact.

7.2.2. It is also proposed to construct a rear extension at first floor level. This section of the extension has an area of circa 15sq m and would provide a bedroom. The first floor extension would project out 5m from the existing building line. The first floor extension would be inset 3m from the eastern site boundary. A window is proposed in the east facing side elevation at first floor. As indicated on drawing no. G16 PL201 it is proposed as an escape window and will be fitted with obscure glazing. The Planning Authority in condition no. 3 specified that this window be fitted with obscure glazing. Therefore, I note that this matter has been addressed in the original design of the extension.

7.2.3. A flat roof is proposed to the extension. The third party appellants have expressed concern in relation to the impact of the first floor rear extension on their property.

Specifically, the appellant has raised concern that the extension would cause loss of light to their floor windows, that the extension would have an overbearing impact and the proposed new first floor window would cause overlooking of their property. The proposed first floor would be set forward of the existing single storey extension to the rear of no. 56 the appellant's property. I note the design of the extension to no. 56 features a pitched roof and that the single storey section extends out circa 4m from main rear building line

- 7.2.4. The Planning Authority in their assessment of the proposed design considered that the first floor element should be reduced to protect the amenities of the adjoining property No. 56. Condition no. 2 (a) specified that *“The two-storey element of the proposed rear extension, which is to abut the western site boundary, shall be set back at ground floor and first floor level so that it does not exceed the building line of the existing extension to the rear of No. 56 St. Begnet’s Villas to the west; specifically, the rear building line of the recessed element of this extension that immediately adjoins the shared boundary with No. 55 St. Begnet’s Villas.”*
- 7.2.5. The reduction in the depth of the first floor rear extension to be in-line with the depth of the recessed element of the ground floor extension to no. 56 would result in the first floor extension having a depth of circa 4m. Having regard to the site context a mid-terrace dwelling and having regard to the design and location of the extensions to the adjoining dwelling to the west, I consider that it would be appropriate to limit the extent of the first floor extension to 4m in length to protect the amenities of the adjoining property in terms of access of light and outlook considerations.
- 7.2.6. The third party appellants are concerned at the design and scale of the proposed first floor rear window proposed to serve the new bedroom. While, I note the contemporary design of the window it is large in scale relative to the existing fenestration and consequently would result in undue overlooking of neighbouring properties. Accordingly, I consider that should the Board decide to grant permission that a condition should be attached requiring that the window be redesigned to match the existing fenestration.
- 7.2.7. The proposed scheme includes alterations to the front of the dwelling comprising the development of a new bay window at ground floor to serve the living area. While, I note that there are no other similar bay windows in the existing dwellings within the

terrace of five dwellings, I consider that proposal would integrate well into the existing streetscape. It is proposed to relocate the front door from the central position within the façade to closer to the western boundary of the property. From a design perspective I consider the proposed changes in the front elevation are acceptable as they are required to facilitate the proposed internal alterations to the property.

- 7.2.8. The third party appellants have requested that their concerns in relation to surface water from the proposed extension and redesign be addressed along potential impacts of construction and demolition works. In relation to the matter of drainage, I consider the attachment of a condition requiring the details of the drainage arrangements to be comply with the requirements of the planning authority would be appropriate. In relation to the matter of construction and demolition works, I recommend that the Board attach a condition requiring the submission of a Construction Management Plan to the Planning Authority for their written agreement.

7.3. Appropriate Assessment

In relation to the matter of appropriate assessment, I consider that having regard to the nature of the proposal an extension to a dwelling and the nature of the receiving environment, namely a suburban and fully serviced location that no appropriate assessment issues arise.

8.0 Recommendation

- 8.1. I have read the submissions on file, visited the site, and had due regard to the provisions of the Development Plan and all other matters arising. In the light of this and the assessment above, I recommend that permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the current Development Plan for the area, and having regard to the pattern of existing development in the area and the design and scale of the proposed extension, 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, and would comply with the provisions of the Development Plan. 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 ground floor rear extension shall be reduced in depth and shall not project more than 5 metres from the existing rear building line.
 - b) The first floor rear extension shall be reduced in depth and shall not project more than 4 metres from the existing rear building line.
 - c) The first floor window on the rear elevation of the proposed extension serving the bedroom shall be reduced in height and length to match the existing fenestration.

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 interest of residential and visual amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed development 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. 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.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

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.

Siobhan Carroll
Planning Inspector

23rd December 2016