



An
Bord
Pleanála

Inspector's Report 06D.247320

Development	Construction of a single-storey extension to rear and internal alterations to an existing house with all associated site works.
Location	32 Whitebeam Road, Clonskeagh, Dublin 14.
Planning Authority	Dún Laoghaire-Rathdown Co. Council.
Planning Authority Reg. Ref.	D16B/0128.
Applicant(s)	Charles & Gilliam Lamb.
Type of Application	Permission.
Planning Authority Decision	Grant permission.
Type of Appeal	Third Party
Appellant(s)	Sorka Kelly
Observer(s)	None
Date of Site Inspection	12 th December 2016
Inspector	Michael Dillon

1.0 Site Location and Description

1.1. The site, with a stated area of 0.0352ha, is located on the north side of Whitebeam Road, in the suburb of Clonskeagh in Dublin. The site backs onto a public park on the banks of the Dodder River. The long back garden of the house slopes gently downhill towards the riverside park. The house is one of a terrace of two-storey structures of red-brick with slate roof. The attic has been converted for bedroom use, with the construction of a timber-clad dormer structure to the rear. Similar dormer extensions exist on some of the neighbouring houses. There is a small single-storey, flat-roofed, kitchen/dining extension to the rear of the house. There is no on-site parking within the front garden curtilage.

2.0 Proposed Development

2.1. Permission sought on 1st April 2016, for extension to dwelling-house as follows-

- Flat-roofed, single-storey extension to rear of house of 40m².
- Internal alterations to the existing house to make connection with new extension.

2.2. Following a request for additional information, the applicant submitted details in relation to side elevations, shadow analysis and surface water drainage to the Council on 5th August 2016.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 31st August 2016, Dún Laoghaire-Rathdown County Council issued a Notification of decision to grant planning permission subject to four conditions, none of which are of especial note.

4.0 Planning History

D11B/0030: Permission granted for attic conversion and dormer window to rear.

5.0 Policy Context

5.1. Development Plan

The relevant document is the Dún Laoghaire-Rathdown County Development Plan 2016. There are on policies of especial note in relation to extensions to the rear of dwelling-houses.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal from Sorka Kelly of 7 Waterloo Road, Dublin 4 (owner of no. 30, Whitebeam Road), received by the Board on 27th September 2016, can be summarised in bullet point format as follows-

- The development is on the west side of the appellant's house and rear garden.
- The extension will overshadow the rear garden of the appellant – particularly as the rear gardens fall away towards the river.
- The wall of the extension will be approximately 3.5m high at its furthest point from the house – when measured from the garden of the appellant.
- The angle of the rear garden boundary wall differs on the ground from what has been shown on maps submitted.
- The shadow study submitted is of little use. It is not clear if it was drawn up in a scientific manner.
- Sunlight currently enjoyed in the rear garden of no. 30 will be removed if this extension is built.

6.2. The appeal is accompanied by the following documentation of note-

- Colour photographs of rear gardens of no.s 30 & 32.
- Shadow drawings showing impact of extension on rear garden of no. 30.

6.3. Applicant Response

6.3.1. The response of Ryan & Lamb, agent on behalf of the applicants, Charles & Gilliam Lamb, received by the Board on 24th October 2016, can be summarised in bullet point format as follows-

- The appellant is correct in stating that the site is sloped. In recognition of this, the finished floor level of the extension has been dropped accordingly – by 1,100mm. This will reduce the impact of the extension on neighbouring properties. There is an existing drain running along the back of the houses which prevents the finished floor level being dropped any further.
- It was decided to omit a pitched roof, in order to lessen the impact on adjoining properties.
- The height of this single-storey extension is within the norms for such development – 3.15m from finished floor level to the top of the parapet.
- This extension would have been deemed exempted development but for the fact that the attic of the house has been converted in the past.
- The shadow analysis submitted with the application is accurate.
- Trees, bushes and foliage on the boundary of the rear garden were ignored in the shadow analysis – where in reality these cast significant shadows – being taller than the parapet of the extension.
- It is acknowledged that there appears to be a drafting inconsistency on the site plan. However, it has always been, and is still, the intention of the applicants to build the extension within the existing boundaries of the site, and to build in a straight line from the existing brick wall that separates no. 30 from no. 32.

6.3.2. The response is accompanied by a series of six annotated colour photographs of the rear garden of no. 30.

6.4. Planning Authority Response

The response of Dún Laoghaire-Rathdown County Council, received by the Board on 7th October 2016, indicated that the Council had some difficulty with the accuracy

of the shadow analysis, but felt that the development would not significantly detract from adjoining residential amenity in terms of overshadowing.

6.5. Observations

None submitted.

6.6. Board Circulates First Party Response

By letters dated 4th November 2016, the Board circulated the First Party Response to the Third Party Grounds of appeal for comment to the other parties to the appeal. The response of Dún Laoghaire-Rathdown County Council, received by the Board on 9th November 2016, indicated that there was no further comment to make. There was no response received from the Third Party appellant.

7.0 Assessment

The principal issue of this appeal relates to residential amenity.

7.1. The proposed development is for a single-storey extension of 40sq.m – extending out from the back of a single-storey kitchen/dining extension to the rear of this house. This will result in the creation of an internal courtyard to the immediate rear of the two-storey house. The proposed extension extends right up to the side fences of the rear garden on both sides. There would appear to be some confusion as to the exact line of the property divide – what exists on OS maps as against what exists on the ground. In any event, the applicant has confirmed that the entire extension will be constructed within the existing boundary fences. Planning permission does not give consent to develop on property which is or may not be in the ownership/control of the developer. It would be possible to attach a condition to any grant of planning permission requiring that the entire extension be built within the existing boundary walls/lines at this property.

7.2. The level of the rear garden falls away from the house towards the riverside park to the rear of these houses. The finished floor level of the extension is to be 1,100mm below the existing floor level of the house – to take account of this change in level. The applicant contends that this will also have the effect of reducing the impact of the development on adjoining properties. It is stated that the finished floor level of

the extension cannot be lowered further due to the presence of a drain running along the rear of the houses – although this drain has not been indicated on drawings (either its location or depth). Notwithstanding this, I would consider that the proposed floor level is reasonable. The proposed extension has a flat roof, in order to limit the impact on adjoining properties. Given that this is a single-storey extension, I would be satisfied that whilst there may be some degree of overshadowing, the impact will be limited. The houses are small and the rear gardens large. The extension proposed is proportional to the floor area of the house. Gardens within this area are mature, and many contain trees and shrubs which contribute significantly more to overshadowing than ever this single-storey extension would.

- 7.3. The appellant's house is currently being renovated and extended. A new, single-storey extension is nearing completion to the rear of no. 30. This extension is being constructed at the same level as the finished floor level of the house – so is raised above surrounding ground – where the back garden falls away towards the river. There is small section of red-brick wall on the boundary with no. 32. The remainder of the joint boundary is poor-quality timber-lath fencing and some shrubs. Whilst the proposed extension will protrude into the rear garden considerably further than the extension under construction on the site of no. 30, its level is below the level of the extension to the rear of no. 30, and there will be no overlooking of the adjoining garden of no. 30, arising from its construction. The overshadowing caused will not be significant, particularly in terms of the size of the rear gardens of these houses and the existence of fencing and shrubs which already result in some degree of shadow-creation.
- 7.4. The houses on this street are served by a 450mm diameter combined sewer, which runs along the bottom of rear gardens. The additional information submission included proposals for the excavation of a soakway for surface water – to reduce the loading on the combined sewer in line with best practice and SUDS. The proposals put forward were deemed satisfactory by the Water Services Department of Dún Laoghaire-Rathdown County Council, and I would concur with the assessment.
- 7.5. The proposed extension does not attract any requirement to pay a Development Contribution.

7.6. It is proposed to connect to existing sewers. The proposed development will not have any impact on European sites.

8.0 Recommendation

8.1. I recommend that permission be granted for the Reasons and Considerations set out below, and subject to the attached Conditions.

9.0 Reasons and Considerations

Having regard to the limited extent and single-storey nature of the proposed development, it is considered that, subject to compliance with the Conditions set out below, the proposed development would not unduly impact on the residential amenities of adjoining properties, and 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, as amended by further plans and particulars submitted on the 5th day of August 2016, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. 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.

3. The surface water drainage from the proposed development shall be as per drawings received by the Planning Authority on 5th August 2016.

Reason: In the interest of clarity.

4. The proposed extension shall be constructed entirely within the boundaries of the site, and no part shall obtrude into or over-sail adjoining property.

Reason: In the interest of orderly development and residential amenity.

5. The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit, and the proposed 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.

Michael Dillon,
Planning Inspector.

10th January 2017.