



An
Bord
Pleanála

Inspector's Report PL.06D.247374

Development	Demolition of a house and construction of a replacement house with all associated works.
Location	7 Sorbonne, Ardilea, Clonskeagh, Dublin 14.
Planning Authority	Dun Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D16A/0540
Applicant(s)	Walter & Aoife Hafner
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Kate and Pierce Ryan
Observer(s)	None
Date of Site Inspection	11 th January 2017
Inspector	Kenneth Moloney

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision.....	3
3.2. Planning Authority Reports	3
3.4. Third Party Observations	5
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.1. Development Plan.....	5
6.0 The Appeal	5
6.2. Applicant Response	6
6.3. Planning Authority Response	9
6.4. Observations	11
7.0 Assessment	11
8.0 Recommendation.....	13
9.0 Reasons and Considerations.....	13
10.0 Conditions	14

1.0 Site Location and Description

- 1.1. The appeal site is situated within an established suburban housing estate comprising of both single storey and two-storey detached houses.
- 1.2. The subject property is a corner property and there is an established house on the appeal site. The subject property is one and half storey in height with first floor windows to the front and side of the property.
- 1.3. The house is currently unoccupied and the garden, both to the front and rear, is lightly overgrown. The property includes a garage incorporated to the house and a gated pedestrian entrance either side of the property.
- 1.4. There is an existing occupied house located to the north and north-east of the appeal site.
- 1.5. The appeal site is situated on slightly higher ground than the neighbouring property to the north-east, i.e. no. 5 Sorbonne.

2.0 Proposed Development

- 2.1. The proposed development comprises of the demolition of an existing house and the construction of a two-storey detached dwelling.
- 2.2. The floor area of the proposed house is 300 sq. metres and the floor plan comprises of living space at ground floor level and four bedrooms at first floor area.

3.0 Planning Authority Decision

- 3.1. Dun Laoghaire-Rathdown County Council decided to grant planning permission subject to 14 conditions. The conditions are standard for the nature of the development.

3.2. Planning Authority Reports

- 3.2.1. The main issues raised in the planner's report are as follows;
 - The existing house has no heritage value.
 - Replacement houses are assessed on a case by case basis.

- Replacement dwellings shall have regard to AR5 and AR8 (Sections 6.1.3 and 6.1.3.8). The retention and reuse of an existing structure is favoured.
- The BER value of the existing house is E whereas an upgrade will result in a BER Value of B3. The applicant's would prefer a BER rating of A2 and this is only achievable with a new build and as such the applicant's first preference is rebuild.
- Renewable energy will be a requirement of the new build.
- Policies AR5 and AR11 are not relevant as the subject building is not of heritage value.
- It is considered that the rational provided for demolition is in compliance with Section 8.2.3.4 (xiv) of the County Development Plan.
- The floor area of the proposed house will exceed the existing house.
- Planning history indicates that there is a precedence for increasing ridge heights in the local housing estate.
- The increased floor area is achieved by increasing the front gable by 2 m and extending the rear and south west gable by 1m.
- The existing rear building line is 0.5 m short of the adjoining property no. 5 Sorbonne.
- The ridge height of the proposed dwelling is being increased in height from 53.7m to 55.7m.
- It is noted that the proposed ridge height will be higher than the adjoining ridge height but given the height of the adjoining dwelling and separation distance, overall size of the site and the adjoining site it is acceptable.
- The proposal will not give rise to overbearing or overshadowing impacts.
- The proposed garden is over 15 m in length.
- It is considered reasonable that bedroom no. 4 is permanently finished in obscure glazing.

3.2.2. Drainage Division; - No objections subject to conditions.

3.2.3. Transportation Planning; - No objections subject to conditions.

3.3. **Third Party Observations**

There are two third party submissions and the issues raised have been noted and considered.

4.0 **Planning History**

- The actual appeal site has no relevant planning history.

5.0 **Policy Context**

5.1. **Development Plan**

The operational Development Plan is the Dun Laoghaire-Rathdown County Development Plan, 2016 – 2022.

The appeal site is zoned Objective A 1 'to provide for the creation of sustainable residential neighbourhoods and preserve and protect residential amenity'.

Section 8.2.3.4 of the County Development Plan sets out guidance in relation to

- Corner / side garden sites
- Infill

6.0 **The Appeal**

6.1. The following is the summary of a third party appeal submitted by the agent of Kate and Pierce Ryan, no. 5 Sorbonne;

- The Board are requested to assess the proposals under the Sustainable Residential Development in Urban Areas, 2009.
- The appellant is not concerned with the principle of development.

- The appellant is concerned that the works will result in considerable disruption, overshadowing, loss of light to the side windows and the rear patio and main rear garden at no. 5 Sorbonne.
- The negative impacts will result in loss of amenity and negatively effect property value.
- The raised ridgeline, i.e. greater than 2m relative to no. 5 Sorbonne and the large gable elevations to the front and rear will have a detrimental effect.
- The overshadowing and looming effect of these raised roof volumes on the patio and garden will increase with the passing of the day.
- It is questioned whether the roof pitch of 45 degrees is really necessary.
- It is requested that the scheme is altered employing a more modest pitch affording less disruption to the appellant's view and access to light from number 5 Sorbonne.
- There are precedents for raised roofs within the estate.
- The roof at no. 7 was already raised to afford an attic conversion.
- The proposed development has an upper ridge height of 3m higher than the appellant's property.
- It is submitted that the costs to the environment in terms of demolition have not been assessed.
- It is submitted that the roof of the proposal could be lowered to afford less disruption to the long established form of the adjacent houses and gardens.

6.2. Applicant's Response

The following is the summary of a response submitted by the applicant's agent;

Introduction

- The rational for demolition and rebuild is to achieve a BER rate of A2.

Disruption

- The proposed works will result in an certain amount of unavoidable nuisance.

- Given that the proposed construction will consist of a prefabricated structure manufactured off-site, the erection of the structure will be reduced to two weeks, with 2-3 months required for finishing works.
- This is a shorter time scale than a traditional build.
- It is submitted that the timescale is not unreasonable in the context of residential construction projects in urban areas.
- The applicants are committed to best practice. It is planned to erect a protective screen along the boundary with no. 5 during the course of construction works. This will ensure minimal disruption to adjoining neighbours.

Overshadowing / Loss of Light

- The submitted shadow studies for 21.09 indicate a slight increase in overshadowing of the patio area at 12:00 to the rear garden of no. 5 due to the proposed development.
- It is important to note that the submitted drawings have been drawn incorrectly as follows, (a) the flat roof to the rear of no. 7 is not considered, (b) the gable to no. 5 is incorrectly drawn and (c) the hedge is drawn at 1m, when its height is 2.5m in reality.
- The applicants have carried out a more comprehensive shadow study for June 21st and September 21st at 12:00, 13:00, 14:00 and 15:00 hours.
- These shadow studies were generated using a specialised architectural software called 'Allplan' 2016. It is submitted that the appellant's shadow study contained a number of errors. Accordingly, the Board is requested to dismiss the appellant's arguments.
- The submitted shadow studies illustrate no impact on adjoining property.
- In the case of September there is a minor increase in the overshadowing of the garden between 13:00 and 14:00. The extent of this overshadowing is less than 3 sq. m. The extend of this overshadowing is limited.

- The Board is requested to dismiss the appellant's claims however should the Board not accept the applicant's case the applicant is submitting a revision to the design.
- This revised design is contained in drawing no. 139-P-105A.
- The revised detail provides for a sloped angle to the edge of the hip on the eastern side of the roof.
- This revision will reduce the height of the roof from 54.87m to 52.75m at the lowest point of the slope and will create a pathway for available sunlight to access the rear of no. 5.
- This will eliminate any increased overshadowing.
- This elimination of overshadowing is confirmed in the attached shadow studies in Appendix D.
- The lowest point of the truncated roof is 1.02m lower than the existing height of the roof of no. 7 and almost the same height of no. 5 Sorbonne.
- The revised proposed will also reduce the extent of overshadowing to no. 5 Sorbonne from that currently existing at any point in time between 12 pm – 3pm for the 21st September.
- It is submitted that the revised design to provide the truncated detail will cost the applicant's in the region to €10,000.

Overbearing Mass

- In relation to potential massing the existing roof level of no. 7 is higher than no. 5 Sorbonne.
- The survey drawings submitted with the application indicate the correct ridge heights.
- The proposal provides for two rooflines, i.e. the roofline closest to no. 5 Sorbonne is 54.87m in height and the roof line furthest away from no. 5 is 55.77m. This amounts to 2.13m and 2m higher than the current position.

- It is acknowledged that the increased height will increase the massing of the house however the following measures will reduce the massing when viewed from the rear garden of no. 5.
 - a. the 14m distance from the higher roof to the shared boundary with no. 5.
 - b. the existing planting between the two properties, comprising hedging which has a height of 2.5m
 - c. the flat roof detail to the rear of no. 7
- The above factors will allow for a successful integration of the proposed development.
- The proposed development will be consistent with other developments in the local area. The examples closest to the subject site include no. 13 and no. 15 Heidelberg, both of which provide for increased heights relative to their neighbours.
- It is submitted that the generous site sizes in addition to the established landscaping allow for the potential for design changes to the original property.

Potential Loss of Amenity / Loss of Value

- Other than short term construction period the proposed development will not detract from adjoining amenities.
- It is submitted that the proposed development will add to the character of the area and increase the value of property in the area.

6.3. Planning Authority Response

No further comments

6.4. Appellant's Response

The following is a summary of a response submitted by the appellant's agent;

- It is submitted that the ridge raise at 15 Heidelberg was 0.48 metres.

- The difference between no. 15 Heidelberg and its nearest lower neighbour is 0.8m.
- The streetscape on Sorbonne is more uniform than Heidelberg.
- It is contended that the proposed development will result in potential overshadowing and overbearing.
- It is acknowledged that the footprint of the proposed scheme is the same as the existing house.
- It is submitted that the new development should take the form and roofscape of the existing adjacent dwelling and have regard to its garden location.

Overshadowing

- The presence of a small flat roof to the rear is immaterial.
- The rise in ridge height by over 2 metres will result in overbearing massing and overshadowing.
- The hedge heights are immaterial.
- The drawings fail to show that the appellant's garden drops to another metre lower than the applicant's site.
- The raised ridge line will have a detrimental impact on the appellant's amenities in terms of enjoyment of natural light and the rear garden and patio.

Increased massing

- It is contended that the 45-degree roof pitch are not necessary and it is questioned whether they are being dictated by the house manufacturer. As such there will be a sizable amount of empty space in the roof space.
- A more modest pitch will have less impact on the appellant's amenities.
- It is questioned whether it is necessary to increase the height of a two-storey house by 2 metres.

- A submitted photograph indicates the difference in scale between no. 5 Sorbonne and no. 7 Sorbonne.
- The appellants are concerned that the proposed development will result in the darkening of the lower garden at no. 5.
- It is submitted that the revised proposals are not sufficient to address the appellant's concerns.
- It is requested that the ridge heights of the proposed development are reduced in a meaningful way.

6.5. Observations

None

7.0 Assessment

7.1. Principle of Development

I would note from the appeal submission that the residents of no. 5 Sorbonne have no objection to the principle of the proposed development. The site of the subject development is zoned Objective A 1 '*to provide for the creation of sustainable residential neighbourhoods and preserve and protect residential amenity*'. As such the principle of residential development is accepted on the appeal site.

7.2. Impact on Adjoining Residential Amenities

The potential impact that the proposed development will have on established residential amenities is the significant issue in this appeal and appellant has submitted a range of concerns including overshadowing, increased massing and overlooking.

I noted from a visual inspection of the subject site that the appeal site slopes gently downwards from the appeal property, no. 7 Sorbonne, to the adjoining property, no. 5 Sorbonne (i.e. the appellant's property). Furthermore, I noted from the submitted plans that the ridge height of no. 7 is 53.77m whereas the ridge height of no. 5 is

52.74m and therefore the difference in height is 1.03m. The separation distance between the gable walls of no. 7 Sorbonne and no. 5 Sorbonne is approximately 5.3 metres.

The proposed house has a ridge height that will be 1.1 m above the existing ridge height at no. 7 Sorbonne and therefore the proposed difference in ridge height between no. 5 and no. 7 Sorbonne will be 2.13m. I would accept that although the footprint of the proposed house will not increase significantly the revised roof profile particularly to the rear, to accommodate the first floor level, will increase the visual impact of the proposed house and thus its massing impact on the neighbouring residential amenities. However, I would consider that the visual and massing impact would be similar to a domestic rear extension and overall I would not consider that the increased massing impact of the proposed development would have a significant adverse impact on established residential amenities.

In relation to overlooking potential the proposed development will introduce two first floor rear windows. These windows will serve bedroom no. 1 and will effectively supplement a proposed box dormer window which faces westwards. I would consider that given that these rear windows are supplementary their design can be revised, by means of condition, should the Board favour granting permission, to mitigate any potential overlooking. The proposed development also includes the provision of a first floor gable window which will serve bedroom no. 4. I would acknowledge that condition no. 2 of the Local Authority permission requires that the window to bedroom no. 4 is manufactured in opaque / obscure glazing. Notwithstanding this condition I would acknowledge that there is an existing first floor window on the eastern gable elevation and therefore the proposed development will not introduce any additional overlooking.

In relation to potential overshadowing I would note that the appeal property is situated to the north of the rear garden of no. 5 Sorbonne. As such the proposed house will be located along the sun path of no. 5 Sorbonne and in particular its rear

garden. The proposed development therefore has the potential to overshadow established residential amenities.

The appeal submission includes a shadow study which illustrates a marginal overshadowing impact to the rear garden of no. 5 Sorbonne. In response the applicant submitted a shadow study and this study contends that the overall shadow impact, due to the proposed development, is less than that claimed by the appellant in their appeal submission. There is therefore a difference in opinion in the level of the potential overshadowing.

In addition to the above the applicant is proposing a revised proposal to address any potential overshadowing impact. The revised profile altered the roof profile and provides for a truncated roof profile adjacent to no. 5 Sorbonne. This alteration will reduce the headroom in bedroom no. 4 and in my view would also reduce the potential for any overshadowing impact on adjoining residential amenities.

Overall I would consider that the proposed development, having regard to the modified drawings submitted, is acceptable and would not seriously injure established residential amenities in the local area.

8.0 Recommendation

8.1. I have read the submissions on the file, visited the site, had due regard to Dun Laoghaire-Rathdown County Development Plan, 2016 – 2022, and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

9.0 Reasons and Considerations

Having regard to the zoning of the site as set out in the Dun Laoghaire-Rathdown County Development Plan, 2016 – 2022, and the extent of the development, it is considered that subject to compliance with conditions set out below, the development proposed to be carried out would not seriously injure the amenities of

the area and would 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, and as amended by plans and particulars submitted to the Board on the 3rd November 2016 and, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The rear windows serving bedroom no. 1 shall be finished in obscured or frosted glass.

Reason: In the interest of protecting residential amenities.

3. The entire premises shall be used as a single dwelling unit only.

Reason: To prevent unauthorised development.

4. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

5. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

6. 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 and to ensure a proper standard of development.

7. Surface water from the site shall not be permitted to drain onto any public roads.

Reason: In the interest of traffic safety.

8. The Developer shall ensure that the height of the proposed new gates and piers shall be a maximum of 1.1 metre so as to provide good visibility for pedestrians and vehicles of existing vehicles and visa versa from existing vehicular entrance.

Reason: In the interest of traffic safety.

9. That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

10. 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 the 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 amenities and public safety.

11. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Kenneth Moloney
Planning Inspector

20th January 2017