



An
Bord
Pleanála

Inspector's Report

PL06D.247503

Development

Retain and complete two storey rear extension and associated site works to house at 10 Brookfield Terrace, Blackrock, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D16B/0357

Applicant

Ms. T. Nic Dhiarmada

Type of Application

Permission

Planning Authority Decision

Grant Permission

Appellants

John and Martina O'Grady

Observers

Lynda Carroll and Patricia Carey

Date of Site Inspection

3rd February 2017

Inspector

Mairead Kenny

1.0 Site Location and Description

The subject site contains a mid-terrace dwellinghouse in an inner suburban location close to Blackrock village. The site is located to the rear of 54 Brookfield Place which is another mid-terrace house and the home of the appellant. A feature which differentiates Brookfield Place from Brookfield Terrace is the rear garden length. At the time of inspection I gained access to the rear of the application site and the appellant's house to the rear. The rear garden at the appellant's house is noticeably shorter than that of the application site and the development is clearly visible from garden level and first floor at that location. There are two first floor windows to the rear of the appellant's houses one of which is a bedroom and one is a bathroom. There is one ground floor rear window facing the site – this lights the main living room of the appellant's house.

The subject house is of stated area of 76 m². The rear façade of the terrace is completed with Dolphin's Barn (or similar) brick. The majority of houses retain this finish. In the immediate vicinity of the site there are no two-storey extensions but there is one two-storey extension at the rear of a house to the north. That extension extends only half the width of the plot and is stated to be over 3m in depth. There are other two-storey rear extensions at this side of the street in particular where the street backs onto the public road.

On site is a partly constructed two storey rear extension. The extension is the full width of the house and 2.45m deep (external dimension). The remaining rear garden is over 7m.

Photographs of the site and surrounding area which were taken by me at the time of my inspection are attached.

2.0 Proposed Development

The two-storey extension, which it is proposed to retain is of stated area of 22m². Further description of the design is provided in the assessment section of this report.

3.0 Planning History

Under reg. ref. D16B/0160 permission was refused for retention of a two storey rear extension at this site. The reason for refusal was that the design, scale and mass in close proximity to the rear gardens and elevations of Brookfield Place is overly dominant, visually incongruous and would cause undue additional overlooking and materially contravene the development plan and set an undesirable precedent.

5.0 Planning Authority Decision

5.1 Planning and Technical Reports

Planner's report – The current proposal includes amendments to overcome the concerns of the planning authority including a low pitched roof, skylights and vertical windows including opaque glass. The applicant has also made a reasoned argument in relation to precedence. The amendments overcome previous concerns relating to the overly dominant rear extension and reduce the overall bulk, scale and mass of the extension. The development has been well designed to match the existing house and there are now no significant issues of overlooking or overshadowing.

Municipal Services – Drainage Planning – No objection subject to a condition relating to surface water discharge to a soakpit or rainwater harvesting tank with an overflow to the drain / sewer.

5.2 Third party submissions

Submissions were received from the owner / occupier of 54 Brookfield Place and from the owner / occupier of 8 Brookfield Terrace. Both object to the development and have made submissions to the Board in addition.

5.3 Decision

The planning authority decided to grant permission subject to conditions including:

- All modifications herein permitted including to the provision of obscure glazing at the first floor rear bedroom windows shall be completed within 9 months.

6.0 Grounds of Appeal / Observations

6.1 Grounds of Appeal

The main points of the third party appeal are:

- The impact of the extension as viewed from 54 Brookfield Place was inadequately considered by the applicant's architect and planning authority
- The building is clearly overbearing and has a bulky mass and its scale is not in keeping with the terrace and results in significant overshadowing
- The majority of extensions are single storey and have not created problems of overbearing or overlooking
- The development significantly affects our privacy and results in direct overlooking and the roof and window amendments do not alleviate concerns or resolve the reasons for refusal
- Any new windows at the rear of the building will be closer to the planning officer has not considered the proximity of this building from the site of our property where there is insufficient distance to afford privacy in this form of development
- A number of first floor extensions are referenced and photographs enclosed
- A grant of permission would set a precedent and result in increased density and an unsatisfactory living environment
- A single storey extension would not have the same impact and the proposed development overshadows and impacts negatively from garden level and from the rear of the house and is contrary to the zoning.

6.2 Planning Authority response

The grounds of appeal do not raise any issues to justify a change of attitude to the proposed development.

6.3 Observation

The main points of the observation include:

- the development is of a scale, mass and design that is entirely out of keeping with other approved development on the terrace, is visually incongruous and does not blend with the overall architectural aesthetic
- the design modification cannot achieve both a means of access and remediate intrusiveness of the window design on the privacy of residents at Brookfield Place
- the modified design does not remediate the issue of proximity and is a gross invasion of the privacy of residents at no. 54.

First Party Response

The design proposal resulted from considering a number of options and the selected option results in no overlooking at all by reason of the inclusion of obscure window frames on the vertical face of the extension and clear glass above eye level (1.5m). The roof will be altered to omit projecting eaves and the pitch of the roof increased to reduce the height of the rear façade of the extension. The finish will be brick to match the existing rear of the terrace. There are precedent cases. As the development is west of the site and the extension is below the ridge line any shadow cast will be generated by the existing terrace. No additional overshadowing will arise on the rear of no. 54 Brookfield Place.

7.0 Policy Context

Under the provisions of the **Dun Laoghaire County Development Plan 2016-2022** the site is zoned objective 'A' (residential).

Policy 8.2.3.4 outlines requirements relating to extensions to dwellinghouses.

8.0 Assessment

The development which it is proposed to retain falls under the provisions of section 8.2.3.4 and will be assessed below in that regard. I also respond briefly to a number of comments made in third party submissions.

Development plan policy and residential amenity

I consider that the development may be deemed to be in accordance with the zoning objective subject to the Board being satisfied that the extension to be retained and completed would accord with policy 8.2.3.4.

The primary requirements of section 8.2.3.4 are considered below.

In relation to the first floor element of the proposal in particular I note that the two third party submissions state that there was no previous extension at ground floor level. This comment appears to arise from the wording of the policy in relation to first floor extensions to the side of houses. That is not relevant to the current appeal. I do not see the relevance of whether or not there previously was an extension to the rear of this house. Based on the pattern of development it would appear likely that there was a very small ground floor extension.

I note also that the appellant has referenced matters relating to alterations to roof profiles and to dormer windows which I do not consider are relevant to this development, which comprises a two-storey rear extension.

In relation to first floor rear extensions the primary considerations in the plan include overshadowing, overbearing and overlooking. The main concern identified by third parties relates to overlooking.

The modified design of the fenestration includes a velux / vertical window combination. There are 2 no. small windows proposed at first floor level. The clear glazing element is only installed in the sloping roof, i.e. in the velux. In the rear wall the vertical windows are to be of obscure glazing above eye level. I consider that in the circumstances of this case and having regard to the separation of only about 12m between the directly opposing windows it is appropriate to strictly regulate the

matter and I recommend that the entire of the vertical window element be of manufactured obscure or opaque glazing.

Subject to such a condition, I am satisfied that the modest scale of the windows together with the use of obscure glazing will completely eliminate any potential for overlooking. In addition I note that the scale of the windows is similar to the original installations. The separation between the ground floor rear garden and the rear wall of the appellant's house is reduced by almost 2.5m. There will be an increased perception of being overlooked. In the context of the elimination of actual overlooking (which would have previously arisen) I consider that the reduced separation is acceptable.

In relation to overshadowing I agree with the first party submission to the effect that the main concern will arise from the terrace. I do not consider that the development will give rise to substantial additional overshadowing.

The view to the development and the overshadowing arising at the adjacent houses is acceptable in my opinion taking into account the shallow depth of the extension and the roof profile.

The development proposed would not constitute over development of the subject site and would retain adequate rear garden length of over 7m.

The rear elevation is to be completed with brick to match the existing and the roof profile would slope in a manner similar to the main roof. The roof material proposed is a zinc finish and the rainwater goods comprise an integrated box gutter. As such the proposal constitutes a well-designed and high quality roof treatment. I consider that the extension complies with the guidance that it be generally in harmony with the existing building.

I am satisfied that the development complies with the zoning objective and with the particular development plan provisions in relation to extensions to dwellinghouses.

Other issues

I note that third party comments were taken into account by the planning authority as is clearly set out in the report on file. Two submissions are referenced and a summary is provided.

In relation to the obscure glazing which is referenced in condition 5, I consider that the condition is reasonable. I do not however consider that there is a need to set a timeframe for completion in the context of an incomplete and occupied dwellinghouse.

Finally I note that the submission to the planning authority and the Board consider in detail the planning history of this area and refer to other extensions at the rear of houses. I consider that it is appropriate to consider this proposal on its own merits and in the context of the current development plan and I do not propose to make a comparative assessment of other developments.

Appropriate Assessment

Having regard to the nature of the proposed development, which comprises only modifications to an existing house in a suburban location on serviced lands I am satisfied that 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.

9.0 Recommendation

I recommend that permission be granted for the reasons and considerations and subject to the conditions below.

Reasons and Considerations

Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 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.

CONDITIONS

1. The development shall be retained 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 glazing of the entire vertical element of the two first floor rear windows shall be manufactured opaque or frosted glass and shall be permanently maintained in such glass. The application of film to the surface of clear glass is not acceptable.

Reason: In the interest of residential 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.

Mairead Kenny

Senior Planning Inspector

3rd February 2017