



An
Bord
Pleanála

Inspector's Report PL06D.247530

Development	Demolition of internal walls, roof structures to the rear and garage to the existing house with all associated site works with the refurbishment and renovation of the existing house.
Location	12 Sweetbriar Lane, Kilmacud, Dublin 14.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D16A/0122
Applicant(s)	Laurence O'Byrne
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-v-Grant
Appellant(s)	Brian & Deidre Lynch
Date of Site Inspection	06 th February 2017
Inspector	Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.352 hectares is located halfway between Stillorgan and Dundrum on the western side of Sweerbriar Lane. The appeal site is occupied by an existing dwelling that is part of a terrace of dwellings. The dwelling on site is a dormer style dwelling with first floor accommodation within the roofspace. The dwelling on site and those that make up the terrace have a unique layout in that are made up of two sections with pitched roofs (running on a north-south access) linked by a flat roof section with a small external courtyard to the south of the flat roof section. There is an existing single-storey garage to the rear of the site. Immediately to the north and south are no.s 12 and no.s 14. Immediately to the east are existing dwellings within Hazel Avenue with an existing laneway running to the rear of the site and the rest of the terrace of dwellings. On the opposite side of Sweetbriar Lane (west) are two-storey semi-detached dwellings.

2.0 Proposed Development

2.1. Permission is sought for demolition of internal walls throughout the main dwelling, roof structures to the rear of the dwelling, existing garage to the rear of the site. The external wall to the front of the existing dwelling, the front section of the pitched roof structure to the front of the existing dwelling are to be retained. It is proposed to construct a two-storey dwelling adjoining the existing external wall and roof structure to the front of the existing dwelling including an inaccessible planted roof at first floor level to the rear, a single-storey garage structure to the rear of the site, replacement triple glazing to the front of the dwelling. Refurbishment and renovation of the existing dwelling inclusive of all associated site works. The proposal would provide for a development with a gross floor area of 212sqm.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 15 conditions. The conditions are standard in nature.

3.2. Local Authority and External reports

- 3.2.1. Drainage Planning (07/04/16): Further information required including proposals for separate disposal of foul and surface water.
- 3.2.2. Planning Report (20/04/16): Further information required including engineering report confirming that walls for retention can be retained in constructing the proposal, confirmation is also required that the works proposed (reduction of existing floor level) can be carried out without destabilising adjoining dwellings and proposals for separate disposal of foul and surface water.
- 3.2.3. Drainage Planning (23/06/16): Clarification required including determination of the location of the public sewer and demonstration of sufficient rights of permission to excavate on the private laneway to the rear.
- 3.2.4. Planning Report (30/06/16): Further information as per the Drainage Planning section.
- 3.2.5. Drainage Planning (04/10/16): No objection subject to condition.
- 3.2.6. Planning Report (13/10/16): The proposal was considered acceptable in regards to the residential amenity of adjoining properties with the shadow study indicating no adverse impact. The overall design and scale of the proposal was considered acceptable in the context of adjoining amenities and the visual amenities of the area. A grant of permission was recommended subject to the conditions outlined above.

4.0 Planning History

- 4.1 No planning history on site.
- 4.2 D09B/0429: Permission granted for 2 no. dormer windows, conversion of two existing attic spaces at no. 10 Sweetbriar Lane.

5.0 Policy Context

5.1. Development Plan

5.1.1 The relevant Development Plan is the Dun Laoghaire Rathdown County Development Plan. The site is zoned Objective A with a stated objective 'to protect and/or improve residential amenity'.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by Brain & Deidre Lynch, 10 Sweetbriar Lane, Kilmacud, Dublin 14. The grounds of appeal are as follows...

- The proposal will block sunlight from entering the courtyard area of no. 10, which is a source of natural light to the downstairs area of the appellants' dwelling. The proposal also impacts on windows serving a sitting room to the rear of no. 10.
- The appellants suggest that that the proposal could be altered to make the balcony half the width and provide a greater degree of separation from the appellants' property.
- The appellants raise concerns that the reduction in floor level would cause considerable damage to the party walls and impact adversely on the structural integrity of the adjoining dwellings.
- The mid-section of the proposal would reduce privacy with a window proposed at second floor having a clear view of the velux windows on both dormers at no. 10.
- The proposal would have an adverse impact on the value of the appellants' property and potentially no. 14 on the other side.

6.2. Planning Authority Response

6.2.1 Response by Dun Laoghaire Rathdown County Council

- It is considered that the grounds of appeal do not raise any issues that would justify a change of attitude towards the proposed development.

7.0 Assessment

7.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development

Design/scale, visual/residential amenity

Other Issues

7.2 Principle of the proposed development:

7.2.1 The proposal entails demolition of a significant portion of a dormer dwelling (features a small amount of floorspace within roofspace) and an detached garage, retention of a portion of the existing dwelling including side party walls, the front wall and the part of the roof plane of the forward section of the dwelling. It is proposed to reduce the finished floor level by 1.2m and construct 2 no. two-storey structures around an external courtyard and a single-storey detached garage to the rear of the site. The proposal is for alterations of an existing dwelling within a residential area zoned Objective A, 'to protect and/or improve residential amenity'. The proposal development is consistent with the zoning objective. The principle of the proposed development is acceptable with the main considerations the impact of the proposal on the visual amenities of the area and the amenities of adjoining properties. Such aspects are to be examined in the following sections of this report.

7.3 Design/scale and visual/residential amenity:

- 7.3.1 The appeal site is occupied by an existing dwelling part of a terrace of what appear to be single-storey dwellings. The dwellings are made up of two parts which are two pitched roof sections that run on a north-south axis parallel to each other and are connected on one side with a flat roof section (northern side) with a small external courtyard area (southern side). The dwellings have first floor space in the front pitched roof section. The proposal seeks to demolish the majority of the existing structure and provide 2 no. two-storey sections, one of which extends from the existing ridge eastwards with a flat roof section equivalent to the existing ridge height and a two-storey portion further east with a lower ridge height (decreased floor level) connected with a flat roof corridor (northern side) and an external courtyard provided in a similar location as the existing (southern side).
- 7.3.2 In regards to overall visual impact, the height of the proposed development does not exceed the ridge height of the existing and adjoining dwellings with the front pitched roof plane of the dwelling to be retained and the extension to match the ridge height and extend eastwards and then stepping down 1m as it moves eastwards with this lower section matching the ridge height of the pitched roof section to the rear of the existing dwellings on adjoining sites. The proposed development would have no visual impact from the public area to the west (Sweetbriar Lane) as it would not be visible. The proposed development would be visible from the housing development of Hazel Avenue and its distributor road located to the east of the site, I would however consider the fact that the proposal does not exceed the ridge height of the existing dwelling and steps down moving eastwards also not exceeding the ridge height of the rear section of the existing dwellings, would mean the proposal would not have a significant or adverse visual impact in the surrounding area.
- 7.3.3 One of the main issues raised relates to impact on the residential amenities of adjoining properties and in particularly no. 10, which is located on the site immediately to the north of the appeal site. In regards to overall impact on adjoining amenities, the overall extent of the extended section of the dwelling has regard to the footprint, building line and ridge height of the existing dwelling on site and adjoining sites. The proposal does extend slightly beyond the rear building line of the dwelling

to the south; however at ground floor level does not extend beyond the rear line of no. 12. At first floor level the rear section does not extend beyond the rear building line of existing dwellings that make up the terrace. The design of the proposed development also has regard to the unique pattern of development of existing dwelling in retaining an external courtyard in the middle of the dwelling and adjacent the southern boundary.

7.3.4 One of the main concerns raised by the appellants relates to the impact of the proposal on light level of the courtyard area of their dwelling. It is notable that the courtyard area of the appellants dwelling has been covered over by a roof section and has a number of roof lights. This area appears to be a living room. There is also a bedroom area that appears to be lit exclusively by roof lights. The applicant submitted a shadow and overlooking study. I am satisfied that the shadow study illustrates that the proposed development would not result in a significant loss of light to the existing dwelling. I would also note that in most cases the rooflights on the roof profile of the appellants' property are not the main source of light with the east and west facing windows being the primary sources of light and the rooflights still providing an adequate degree of light despite the proposal. The overall design of the proposal has adequate regard to the pattern of development of the existing dwellings. The proposed development would have no adverse impact in regards to overshadowing on the dwelling located to the south (no. 14).

7.3.5 The appellants also raise the issue of overlooking as a concern noting that the proposal would overlook a rooflight serving a bedroom. Where the first floor area adjoins the appellants properties there are two narrow windows, one orientated east serving a shower room that is to have obscure glazing, the other is a window orientated west that serves bedroom 2 but is not the main window as it has a significant level of glazing on the eastern elevation. It is not indicated whether the window facing west is to have obscure glazing. I would consider that this would be satisfactory in regards to adjoining amenity if it is fitted with obscure glazing or the Board may wish to omit it all together. I am satisfied that subject to such provisions that the proposal entails no instances of overlooking of the appellants property. In relation to the dwelling to the south (no. 14), the windows facing east and west over the courtyard at first floor level would not overlook the adjoining property with the flat

roof section north of the courtyard serving no. 14 providing an adequate buffer as well as the fact that any views are oblique views. In addition the applicant is proposing a projecting metal fin on the first floor window facing east that prevents views to the south. There is a single-storey projecting section to the rear with a grass roof and a parapet wall around it. It is noted that this is not to be used as a balcony and no access is proposed to this area with the windows (first floor eastern elevation) having a cill height 1m above the floor level. I am satisfied that this area is not to be accessed, however would recommend that the parapet wall be removed by way of condition (revised plans to be agreed in writing with the planning authority). I am satisfied that the overall design and scale of the proposal would have no adverse impact on the amenities adjoining properties.

7.3.6 The proposal for a single-storey garage is in keeping with the scale of existing development on adjoining sites and would not impact adversely on the visual amenities of the area or the amenities of adjoining residential properties.

7.4 Other Issues:

7.4.1 The proposal entails significant demolition of the existing dwelling and appears to retain only the side walls (party walls), front wall and the front roof plane. The proposal also entails significant excavation with a lowering of the finished floor level by 1.2m. The appellants raise concerns regarding the impact of such works on the structural integrity of the adjoining dwellings. It is notable that during the processing of the application further information was requested including a report from a structural engineer regarding such. The applicant has outlined the measures to be taken to carry out the proposed development. In this regard I am satisfied that there is an engineering solution to constructing the proposed development and the onus is on the applicant to ensure that no damage is done to the adjoining properties. I would recommend that conditions be attached regarding construction management.

7.4.2 The applicant provided satisfactory detail regarding foul and surface water drainage by way of further information and the proposal was deemed acceptable by the relevant Council section subject to conditions.

7.4.3 I am satisfied that an appropriate condition confining use of the garage to uses ancillary to the existing dwelling would be required and sufficient to alleviate any concerns about future use.

7.4.4 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, 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 a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

9.1 Having regard to the residential zoning objective for the area, to the pattern of development in the area and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable having regard to design and would not seriously injure the visual or residential amenities of the area. 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, as amended by the plans and particulars submitted on the 08th day of June, 2016 and the 19th day of September, 2016, 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 parapet wall around the grass roof section is to be omitted,

Revised drawings show 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. The windows at first floor level serving the shower room and bedroom no. 2 (window facing west), shall have obscured glazing fitted and be permanently maintained as such.

Reason: In the interests of residential amenity.

4. The garage shall be for use ancillary to the main dwelling and shall not be leased, sold or rented independent of the main dwelling

Reason In the interests of orderly development.

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

7. 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 and a construction stage traffic management plan.

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

8. 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.

Colin McBride
Planning Inspector

06th February 2016