



An
Bord
Pleanála

Inspector's Report PL06D.247531

Development

Demolition of house to side of existing house and construction of two-storey extension to the side of existing house, other works and relocation of main dwelling entrance and all associated site works at 16 Laburnum Road, Clonskeagh, Dublin 14.

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D16B/0312

Applicant

Garret and Emer Cullen

Type of Application

Permission

Planning Authority Decision

Grant Permission

Appellant

Mrs Noreen Egan

Observer

None

Date of Site Inspection

3rd February 2017

Inspector

Mairead Kenny

1.0 Site Location and Description

The site is located in the inner suburban district of Clonskeagh in south County Dublin. The site comprises a relatively large residential plot, which originally contained one dwellinghouse. Presently there are two houses the smaller of them being a former family flat of single storey height with a hipped roof. The stated area of the smaller dwelling house is 81 m². The main house is a two-storey structure, which is around 155 m². There is a well in the rear garden, which is open and which is located at the centre of the southern site boundary.

The site contains a large rear garden of approximately 35m in depth, to the rear of which is a commercial development accessed from Clonskeagh Road. To the north is the appellant's house no. 16, which is a low two-storey structure designed around a sunken courtyard and enclosed by a screen wall at the western side and by a high boundary wall (painted white) at the southern side. The single storey hipped roof dwellinghouse is positioned beyond the high boundary wall. At the time of inspection I did not gain access to the courtyard but was able to see into it from a location beside the park car shown in the attached photographs. There are evergreen trees to the front of no. 16.

2.0 Proposed Development

Permission is sought for works comprising:

- Demolition of existing single storey dwellinghouse of 81m² to side of existing house
- Construction of two-storey extension of 123m² to side of house
- Amendments to existing house
- Relocation of dwelling entrance.

The application details received by the planning authority on 15th July 2016 refer.

3.0 Planning History

Under reg. ref. D13A/0409 permission was granted for retention of change of use from family flat to use as a separate dwellinghouse.

Under reg. ref. D06A/0592 permission was granted for the demolition of an existing garage and other structures and construction of a new single storey family flat.

4.0 Planning Authority Decision

Planning and Technical Reports

Case Planner's report – notes that the extension (unlike the existing dwellinghouse) is set back from the common boundary by 1.5m and that it is finished with a flat roof and of overall height of 5.8m and is of reduced length compared with the existing dwelling. The sunken courtyard at no. 14 is noted. Given the context with the single storey dwellinghouse set on the common boundary and the siting and design of the proposed extension it is considered that the development will have no adverse impacts on the neighbouring properties. Other elements of the development are noted. The proposed changes to the external appearance of the dwellinghouse are considered to be acceptable and in keeping with the neighbouring dwellings in the area. Request for further information recommended in relation to structural integrity of the house. Subsequent recommendation to grant permission. The siting and design of the proposed extension ensures that it will have no adverse impacts on the neighbouring properties.

Municipal Services Department – No objection subject to the separation of any existing surface water discharge to the foul sewer and provision within the site of a soakpit to which surface water shall be discharged.

Decision

The planning authority decided to grant permission subject to standard conditions.

5.0 Grounds of Appeal / Observations

Grounds of Appeal

The appeal was made by the owner / occupier of 14 and is summarised below:

- The replacement of the existing single storey structure with a two storey structure will affect the amenity of the no. 14 which has a purpose built sunken courtyard, providing daylight to a number of ground floor rooms
- The proposed extension is overbearing and dominant on the skyline to the main aspect of no. 14
- Lack of consultation and lack of detail in the application submissions including failure to reference the lower ground levels at no. 14
- The design of the single storey structure took on board the neighbours' concerns and resulted in minimal loss of sunlight / natural light
- The shadow analysis presented was inaccurate due to not illustrating the house and courtyard at no. 14 and the ground level of 1350/2400 below no. 16
- The drawings presented do not show sufficient detail and in respect of ground level are incorrect including in relation to ground levels, roof detail, parapet
- The planning officials did not request access to the courtyard or house and conclusions that there will be no adverse impacts were made on the basis of the incorrect illustrations and no proper analysis
- Section 8.2.3.4 refers to the potential for negative impact on the amenities of adjacent properties arising from first floor extensions
- A shadow analysis is enclosed which shows the impact including near complete overshadowing and a major impact on the courtyard and living rooms

- The modification of the roof from a single storey triangular shaped roof structure to a two storey rectangular box shape will cause a further 50% increase in shading
- Even a simple analysis based on the 25 degree rule demonstrates that there will be a reduction in daylight to the existing rooms.

Observations

None.

6.0 Responses

Planning Authority response

No change of attitude to the proposed development.

First Party response

The main points raised in the first party response include:

- The existing family flat is substandard and contains a fixed stairs to a large pitched roof volume
- The side wall of the existing house lies directly on the shared boundary
- The new design closely matches the pitch of the existing side extension and is set back from the shared boundary and thus takes cognisance of any potential impacts on no. 14
- It is confirmed that levels submitted relate only to the applicant's property
- The planner's report is quoted – the observations were assessed
- We append a shadow analysis that was prepared using reliable software – trees which are within the appellant's property at the boundary with no. 16 are omitted from the diagrams – we believe they provide a greater impediment to daylight than any built structure

- Our analysis is more accurate than that presented in the appeal and it clearly displays that there will be no increased overshadowing
- Due to the set back from the boundary the impact potential impact on loss of daylight is lessened.

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.

In relation to extensions to the side of the house these will be evaluated against proximity to boundaries, size and visual harmony with existing and impacts on residential amenity.

8.0 Assessment

The development proposed is required to be considered under the provisions of section 8.2.3.4. 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 constructed would accord with policy 8.2.3.4.

I consider that there is no objection to the demolition of the existing family flat, which is of relatively recent construction and is not of architectural merit or of streetscape value.

The requirements of section 8.2.3.4 relating to extensions are considered below.

In relation to the first floor element of the proposal in particular the policy in relation to first floor extensions to the side of houses refers.

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 overshadowing and the overbearing nature of the development. The site context at the appellant's house includes the sunken courtyard and lower ground levels of over 1350mm and up to 2400mm. While these ground level difference are not shown on the application drawings I do not consider that the submissions by the first party are in any way in contravention of legal requirements or that the information is necessary for the Board to determine this case.

In relation overshadowing I agree with the first party submission to the effect that the set back of the development from the side boundary constitutes a significant aspect of the design and that it will mitigate any adverse effect arising from the changed roofline. The submitted shadow analysis for morning, afternoon and evening demonstrates the minimal nature of any increased overshadowing due to the (overall) higher roof level and change in profile. I accept the accuracy of this submission and consider that it appears representative. I consider that the applicant's case is proven and notwithstanding the particular layout of the appellant's house including the sunken terrace and living rooms, I do not consider that the development will give rise to substantial additional overshadowing. In this regard I note that the shadow analysis has omitted trees from the images presented, which I consider is appropriate.

In relation to the potential that the development would appear to be overbearing when viewed from the courtyard or house I refer to the existing (white) high boundary wall and the proposed set back of 1.5m from the shared boundary. When considered from garden level or from the living rooms the white wall is likely to remain the most significant feature in views. The extension would be set back from that wall. I do not consider that the development would constitute an overbearing structure.

The letter of objections to the planning authority include a submission that a glazed section to the front be finished in opaque glass to avoid overlooking. In view of the

location of this window to the front of the house, the distance to the nearest houses across the street and the fact that the window functions only to light a void I do not recommend that this window be of opaque glazing. In relation to the corner window in the master bedroom, this is 12m from the side boundary, which is well screened. I consider that there are no substantive issues in relation to overlooking to warrant amending the development.

I conclude that both the view to the development and the overshadowing arising at the adjacent houses and particularly the house to the north (no. 14) are acceptable taking into account the setback of the extension and roof profile, which remains relatively low.

The extension is to be completed with brick , which is the dominant material in this area and is acceptable. While the development does not strictly comply with the guidance that extensions be generally in harmony with the existing building, the design is nevertheless successful in my opinion. By retaining a subservient and separate approach to the extension the scheme avoids creating an overly large bulk, which would be out of character with the area. Subtle changes to the fenestration and porch will assist in harmonising the extension and the original house. The development proposed would not constitute over development of the subject site and would retain a large rear garden.

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

The modification to the entrance is acceptable.

The requirements in relation to surface water can be addressed by the standard condition allowing for future agreement.

Appropriate Assessment

Having regard to the nature of the proposed development, which comprises only modifications and extensions 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.

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 carried out in accordance with the plans and particulars lodged with the application, including the particulars received by the planning authority on 16th 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. 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.

3. 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.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

5. 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.

Mairead Kenny
Senior Planning Inspector
6th February 2017