



An  
Bord  
Pleanála

## Inspector's Report PL.06D.247601

---

<b>Development</b>	Refurbishment and extension to an existing house.
<b>Location</b>	3 Sycamore Grove, The Park, Cabinteely, Dublin 18.
<b>Planning Authority</b>	Dun Laoghaire-Rathdown County Council.
<b>Planning Authority Reg. Ref.</b>	D16B/0377.
<b>Applicant</b>	Gregory O'Malley.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant with conditions.
<b>Type of Appeal</b>	Third Party.
<b>Appellant</b>	Maura Murphy.
<b>Observer</b>	None.
<b>Date of Site Inspection</b>	15 <sup>th</sup> February 2017.
<b>Inspector</b>	Dáire McDevitt.

## **1.0 Site Location and Description**

1.1 Sycamore Grove is a mature suburban area within Cabinteely to the southwest of the Stillorgan Road (N11). The application site was developed as part of a scheme of 10 detached houses in the 1980s, Sycamore Grove and Sycamore Walk, which are part of a larger residential area referred to as 'The Park'.

1.2 No. 3 Sycamore Grove is a detached house with gable forming the front elevation addressing the road. The site fronts onto Sycamore Grove and a public park, known as 'The Mound' to the south. The site is bounded on three sides by existing houses. The houses fronting Sycamore Grove have a staggered building line and are built on a hill which slopes from west to east (levels drop by c. 9 metres with a difference, for example, of c. 1.5 metres between No. 4 and No. 3 and No. 3 and No. 2 Sycamore Grove). Given the stepped nature of the sites there are substantial retaining walls forming side boundaries to the rear gardens. A number of the houses have converted the attic space and installed rooflights.

1.3 No. 8 Sycamore Walk (appellant's house) bounds the application site to the rear (northeast) and has a detached structure within its curtilage along the rear boundary with the application site.

1.4 Maps, photos and aerial images of site are in the file pouch

## **2.0 Proposed Development**

2.1 Existing House: c.80 sq.m.

Proposed House: c.140 sq.m.

Application site: 0.0316 hectares.

2.2 Permission is being sought for:

- A single storey rear extension (c.12.8sq.m) which protrudes c. 2.66m beyond the existing rear building line of No. 3 and set back c. 0.5 metres from the southwestern boundary with No. 4 Sycamore Grove.
- Detached garden shed (c.13sq.m) along the southwestern boundary with No. 4 Sycamore Grove, set back c. 0.3 metres from this boundary wall.
- Attic Conversion with rooflights, gable windows and windowless dormer extension:
  - 2 no. roof lights and the windowless dormer feature to the southwest roof slope facing No. 4 Sycamore Grove.
  - 2 rooflights serving the single storey extension.
  - 1 roof light to the dormer roof facing No. 8 Sycamore Walk (northeast) and a portal window to the main rear elevation facing No. 8 Sycamore Walk.
  - 4 rooflights to the roof slope facing no. 2 Sycamore Grove (southeast).
  - 1 no. portal gable window to rear and front elevation respectively.
- Solar panels to the southwest roof.
- External insulation.
- The extension and external insulation will result in a separation distance of c.0.5 metres from the party wall to the southwest and c.1 metres from that to the southeast and a rear garden depth of c.7.48 metres.

The application included the following documentation:

- Planning Report.
- Water & Drainage Design Planning Report.

### **3.0 Planning Authority Decision**

#### **3.1 Decision**

Grant permission subject to 6 standard conditions.

#### **3.2 Planning Authority Reports**

##### **3.2.1 Planning Report (18<sup>th</sup> October 2016)**

This formed the basis of the Planning Authority's decision. The main issue considered related to design and residential amenity.

The Planning Authority was satisfied that due to the footprint and scale of the proposal and having regard to its relationship with No. 8 that it would not have a detrimental impact on the visual and residential amenities of the area.

### **3.2.2 Other Technical Reports**

**Drainage Section (7<sup>th</sup> September 2016).** No objection subject to relevant condition regarding surface water.

### **3.3 Third Party Observations**

One submission was received at application stage from the current appellant. The issues raised in the submission are largely in line with the grounds of appeal and shall be dealt with in more detail in the relevant section of this report.

The main points of concern raised can be summarised as follows:

- Overshadowing/overlooking and the negative impact on the residential amenities of No. 8 Sycamore Walk.
- Overbearing design.
- Undesirable precedent for dormer style extensions.
- Stability of boundary wall and impact on site drainage (this was not raised in the grounds of appeal).

### **4.0 Planning History**

There is no planning history attached to the application site.

Adjoining sites:

**Planning Authority Reference No. D07B/0250.** Permission granted at No. 2 Sycamore Grove for attic conversion with 6 no. rooflights to side and window to front.

**Planning Authority Reference No. D06B/0603.** Permission granted at No. 9 Sycamore Walk for attic conversion with 4 no. rooflights to side.

## 5.0 Policy Context

### 5.1 Dun Laoghaire-Rathdown County Development Plan 2016-2022

The site is subject to Land Use Zoning objective 'A' *To protect and/or improve residential amenity.*

#### Relevant policies and objectives:

- **Section 8.2.3.4 (i) Extensions to Dwellings**

*Ground Floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.*

*Dormer extension to roofs will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations.*

*Dormer extensions shall be set back from eaves, gables and/or party boundaries.”*

- **Section 8.2.8.4 (ii) Separation distances**

*A minimum standard of 22 metres separation between directly opposing rear first floor windows should usually be observed, normally resulting in a rear garden depth of 11 metres. However, where sufficient alternative private open space (e.g. to the side) is available,*

*this may be reduced to 7 metres for single storey dwellings – subject to the maintenance of privacy and protection of adjoining residential amenities.*

## **5.2 Natural Heritage Designations**

None of relevance

## **6.0 The Appeal**

### **6.1 Grounds of Appeal**

A Third Party appeal has been received on behalf of Maura Murphy, No. 8 Sycamore Walk, The Park, Cabinteely, Dublin 18. The grounds of appeal are summarised as follows:

#### **Residential Amenity**

- The development would detract from the residential amenities of No. 8 due to overlooking and loss of privacy from the rear gable window (portal window) and the rooflight on the dormer roof.

#### **Design**

- Overbearing design due to excessive length, height and built form which would be visually dominant and contravene Section 8.2.3.4 (i) of the County Development Plan.

#### **Precedent**

- Would set an undesirable precedent for dormer style attic conversions. Permissions to date in the area have included rooflights and avoided windows which directly overlook properties to the rear.

### **6.2 Applicant Response (19<sup>th</sup> December 2016)**

This is summarised as follows:

- The boundary between No. 3 Sycamore Grove and No. 8 Sycamore Walk consists of trees and hedges and a shed within the curtilage of No. 8 Sycamore Walk. The current proposal would not increase overshadowing of No. 8 Sycamore Walk from that already being experienced.

- The proposed roof would not have an overbearing impact on No. 8 Sycamore Walk given the distance, angle, backdrop of other roofs to Sycamore Grove stepping down the slope and given the existing trees and hedges to the rear of No. 8 Sycamore Walk.
- There is c.23.4 metres separation distance from the rear of first floor facades of both houses.
- The dormer would not have a negative impact on the character of the area.
- There is no window with vertical fenestration in the dormer, an angled rooflight serving a bathroom faces No. 8, but no overlooking results.
- A portal window is proposed to the rear attic elevation. There is a separation distance of c.23.4 metres to the main rear elevation of No. 8 Sycamore Walk which exceeds the minimum required in the Development Plan.

### **6.3 Planning Authority Response (13<sup>th</sup> December 2016 & 1<sup>st</sup> February 2017)**

The Board is referred to the original Planner's Report on file as no new matters were raised in the appeal.

### **6.4 Appellants Response to Applicants Response (30<sup>th</sup> January 2017)**

- No objection to the rooflight serving a bathroom.
- Accepts the illustration submitted on overshadowing and has no objection on these grounds.
- Concerns remain regarding overlooking from the portal window to the rear elevation notwithstanding compliance with the minimum required separation distance.
- If the portal window is granted, requests that this be conditioned to be opaque/obscure glass.

### **6.5 Observations**

None

## **7.0 Assessment**

The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment screening also needs to be addressed. The issues can be dealt with under the following headings:

- Design.
- Residential Amenity.
- Appropriate Assessment.

### **7.1 Design**

7.1.1 The appellant has raised concerns that the design is overbearing due to excessive length, height and built form which would be visually dominant and contravene Section 8.2.3.4 (i) of the County Development Plan, would be out of character with the established pattern of development in the area and set an undesirable precedent for similar style developments.

7.1.2 In relation to the matter of precedent it should be noted each planning application is assessed on its own merits, having regard to the relevant planning considerations and site context.

7.1.3 The proposal is for a modest single storey rear extension (12.8 sq.m) and an attic conversion which includes a windowless dormer section. It is proposed to reclad the northwest, southeast and southwest walls with external insulation to match the existing rendered facades of the house and neighbouring properties. Solar panels are also proposed to the southwest roof.

7.1.4 Having regard to the difference in levels as one moves west along Sycamore Grove, the overall scale and bulk of the alterations and extensions are not considered overbearing. The proposed dormer element is set back behind front and rear gables and does not extend beyond the eaves of the house. The dormer element is considered acceptable as it integrates with the proposed roofspace and would not be visually obtrusive. In reaching this conclusion I

have had particular regard to Section 8.2.3.4 (i) of the County Development Plan.

## **7.2 Residential Amenity**

- 7.2.1 Section 8.2.8.4 (ii) of the County Development Plan refers to the usual requirements for a minimum separation distances of 22 metres between opposing rear first floor windows. It also refers to the acceptance of rear garden depth of 7 metres where sufficient open space is provided and the protection of existing residential amenities is ensured.
- 7.2.2 The appellant has acknowledged that there would be no overlooking from the proposed rooflight but has raised concerns that, notwithstanding that the minimum required separation distance of 22 metres is adhered to, overlooking of No. 8 Sycamore Walk will occur from the portal window to the rear elevation. The separation distance as set out in the Plan refers to opposing first floor windows which is not an issue here. It is noted that the separation distance between the first floor opposing facades is c. 23.4 metres which exceeds the minimum required between first floor opposing windows.
- 7.2.3 The appellant has requested that if permission is granted that the portal window be conditioned to be opaque/obscure glass. Overlooking of the rear gardens of adjoining properties, in particular no. 8 Sycamore Walk, is not considered material having regard to the separation distances between the properties. I do not consider that a condition restricting the type of glazing is required.
- 7.2.4 The detached shed is modest in scale (c.13sq.m), its location within the rear garden of No. 3 Sycamore Grove will not have a negative impact on the residential amenities of No. 8 Sycamore Walk or other adjoining properties.
- 7.2.5 There is an expectation within urban areas that there will be a degree of overshadowing between neighbouring properties. The proposed extension and detached shed will not have a material impact on the degree of overshadowing currently experienced by adjoining properties and therefore will not have any additional negative impact on the residential amenities of same. The appellant

in follow up correspondence to An Bord Pleanála has accepted that overshadowing is not an issue.

7.2.6 Having regard to the character and pattern of development in the area I consider that the development is acceptable in the context of the amenities of adjoining properties. The overall design and scale of the proposed extension and detached shed has adequate regard to the existing pattern of development in the area and the residential amenities of existing dwellings, and, as such, would not result in overlooking or an unacceptable loss of privacy. The proposed development would not detract from the residential amenities of nearby properties nor set an undesirable precedent for development in the area.

### **7.3 Appropriate Assessment**

Having regard to the nature of the proposed development and the location of the site in a fully serviced built up suburban area, 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**

I recommend that permission should be granted, subject to conditions as set out below.

## 9.0 Reasons and Considerations

Having regard to the nature, extent and design of the development proposed, to the general character and pattern of development in the area and to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity and would not be out of character with 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, 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.

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.

3.

The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays,

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 amenities of adjoining residential occupiers.

---

Dáire McDevitt  
Planning Inspector

16<sup>th</sup> February 2017