



An
Bord
Pleanála

Inspector's Report PL29S.247864.

Development

Demolition of existing single storey structure to side and rear, and the construction of a two storey pitched roof extension to side, single storey flat roof extension to the rear, new dormer window and rooflights in the attic space, works to the entrance and shed to the rear.

Location

46 Rathdown Drive, Terenure, Dublin 6W.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

3997/16.

Applicant(s)

Colin and Jeanette Keaney.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

Third Party

Appellant(s)

Alan and Monica Holmes.

Observer(s)

None.

Date of Site Inspection

03rd of April 2017.

Inspector

Karen Hamilton.

1.0 Site Location and Description

- 1.1. The appeal site is located along Rathdown Drive, an established residential area of two storey semi-detached dwellings located south of Terenure, Dublin 6W. The site fronts onto a public green space which runs parallel to the R137.
- 1.2. The existing dwelling is a detached two storey dwelling with an attached side garage and private front and rear gardens. There is a private laneway along the north of the site serving a dwelling to the rear (No 45a). There is a two storey detached dwelling to the north of the laneway (No 45) and a two storey semi-detached dwelling to the south (No 47). The character of the dwellings in the vicinity range is style and finish.

2.0 Proposed Development

- 2.1. The proposed development consists of the following:
 - Demolition of a single storey side extension (75m²),
 - Construction of a two storey side and single storey rear extension (132m²)
 - New dormer window and Velux roof lights to the rear,
 - Widening of the existing vehicular access to 3.5m with new entrance gates,
 - New pitched roof shed to the rear.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Grant Permission subject to 7 conditions all of which are standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer reflects the decision to grant permission and notes the objection received and the guidance in the development plan for extensions to dwellings.

3.2.2. Other Technical Reports

Drainage Division- No objection subject to conditions.

Roads Division- No Objection subject to conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

One observation received by the appellant and the issues raised are summarised in the ground of appeal.

4.0 Planning History

No planning history on the subject site, the following history is for dwellings directly north (No 45) and south (No 47).

No 47 Rathdown Drive

2023/12

Permission granted for amendments to previous 332/11 for ground floor tiled canopy roof over single study extension and front porch together with metal cladding to the rear dormer.

3332/11

Permission granted to demolish garage and front porch to construct two storey extension to the side and attic conversion and dormers to the rear.

No 45 Rathdown Drive

2236/16

Permission refused for single storey garage extension to the front of existing dwelling protruding 3m past existing building line for reasons of infringement on the current building line.

4567/09

Permission refused for 1 no dormer window to the south elevation as it was out of character with the surrounding area.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

The appeal site is located on lands that are zoned Z1 where it is an objective 'to protect and or improve residential amenities.

Extension to dwellings.

- **Appendix 17** of the Plan sets out design guidance with regard to residential extensions.
- **Section 16.10.12:** Relates to alterations and extensions to dwellings and states that development will only be granted where it will not have an adverse impact on the scale and character of the area and will not adversely affect amenities enjoyed by occupants of adjacent buildings. In terms of privacy, access to daylight and sunlight.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted from the residents of the adjoining property to the north of the site and may be summarised as follows:

- The erection of the two storey element of the proposed development will have a negative impact on the residential amenity and it is requested that this two storey element is reduced to a single storey.
- Reference is provided for Section 16.2.2.3 and 16.10.12 of the development plan and zoning Z1.
- Concern is raised in relation to overlooking from the proposed bedroom window and privacy along the side into the bedroom.

- The increase in depth of the extension will cause significant overshadowing and overbearing on their property. A block plan has been submitted from a company on behalf of the appellants to illustrate the proposed two storey side extension.

6.2. Applicant Response

The applicants have responded to the grounds of appeal and the issues raised may be summarised as follows:

- It is felt that the proposed development is designed to take into consideration the location of other dwellings around the site.
- The separation distance of the two storey extension is 5.7m from the gable wall of No 47 Rathdown Drive (south) and 7m from the gable all of No 45 Rathdown Drive (north).
- The block model submitted by the appellant does not appear to be an accurate reflection of the side extension, has no fenestration details and is designed to abut the boundary, this is not the case.
- It is not accepted the second floor element of the proposed development should be removed.
- Section 16.2.2.3 of the plan outlines that alterations and extensions would respect the streetscape, scale and bulk of the existing dwelling.

6.3. Planning Authority Response

None received.

6.4. Observations

None received.

7.0 Assessment

7.1. The main issues of the appeal can be dealt under the following headings:

- Impact on Residential Amenity

- Impact on Visual Amenity
- Appropriate Assessment

Impact on Residential Amenity

7.2. The subject site includes a two storey detached dwelling set behind the building line of No 45, to the north and along the building line of No 47 to the south. The proposed development includes a two storey side extension, first floor rear extension and rear dormer window and Velux windows. The grounds of appeal argue the proposed development, in particular the two storey side extension, will have a negative impact on the residential amenity by way of overbearing, overshadowing and overlooking. I have assessed the proposed development and I have dealt with each of these issues separately below.

7.2.1. Overbearing: The proposed two storey extension is located along the north east of the existing dwelling, above the current garage. A private laneway runs along the north of the site separating No 45. The proposed two storey extension extends over the full length of the dwelling and rear extension (18m) and will match the height of the dwelling (9m). The appellants in No 45, have submitted a block model prepared by Archimedia Studios, as evidence to illustrate a negative impact on the residential amenity No 45. The response from the applicant refers to the inadequacy of the block plan, argues the laneway separating the sites has not been included and the use of an approximate eye angle from an undisclosed location in the rear garden gives the appearance of a greater bulk, which is not the case.

7.2.2. No 45 is set forward from the building line of No 46 by 2m and has a current separation distance of 7.5m from the side of the existing dwelling, due to the location of a laneway which runs between the two properties. The first floor of the proposed development will extend 12m along the side of the existing dwelling, where 5m of this is to the rear of the existing dwelling. Due to the location of No 45 to the north, the entire first floor of the proposed extension will adjoin the appellants rear garden. On this basis, I consider the proposed first floor would have an overbearing effect and have a significant impact on residential amenity of the adjoining property. I consider the scale and mass of the first floor could be reduced significantly by the removal of part of the first floor (approx. 5m), so that the proposal is in line with the

side elevation and rear building line of the existing dwelling. I consider it reasonable to include a condition for this amendment.

- 7.2.3. Overshadowing: The second floor of the side extension is located to the southwest of the rear elevation and garden of No 45. The block plan submitted from the grounds of appeal illustrates an increase in overshadowing from the proposed development on the rear garden of No 45. A full set of shadow projection drawings have not been submitted, although I have assessed the impact of the second storey and I consider that based on the location of the proposed development and the design of the first floor, the increase of floor space to the rear of the existing dwelling would overshadow the rear garden of No 45. As previously stated, I consider the removal of the rear element of the first floor of proposed development would reduce any impact on overbearing and I also consider this condition could address any significant impact of overshadowing on the private amenity space of No 45.
- 7.2.4. Overlooking: The north east elevation of the second floor facing No 45 includes two windows with obscure glazing for an ensuite and hall. The bedroom windows on the second floor are located in the rear elevation and there is a separation distance of approx. 70m to the rear of No 121 Rathdown Park. A small window, to serve a walk in wardrobe is proposed along the south west, facing the rear of No 47. Section 16.10.2 of the development plan provides guidance for the location of first floor windows with a 22m separation distance recommended. Therefore, based on the use of obscure glazing along the boundary with No 45, the use of the space for a wardrobe and the separation distance from the dwelling to the rear, I do not consider there would be any overlooking from the proposed development on the adjoining properties.

Impact on visual amenity.

- 7.3. The inclusion of the side extension alters the overall appearance of the dwelling and further alterations to the façade include a new pitched roof over the existing bay window. There are many differing styles and designs of dwellings in the vicinity of the site. Section 16.10.12 of the development plan states that extensions to dwellings would not have an adverse impact on the scale and character of the dwelling. I note the design of the proposed development is similar in style to the adjoining dwelling to the south (No 47), granted under 3750/04, and I consider this dwelling adds to the

visual amenity of the area. The external materials of the proposed extension are to match the existing dwelling.

7.4. The proposed development includes a dormer window to the rear. Section 17.11 of the development plan provides guidance for dormers which should reflect the scale and portions of other windows and be subordinate to the roof profile. I consider the proposal complies with the guidance of the development plan and is similar to a recent development on No 47 which I consider appropriate.

7.5. Therefore, based on the proposed design and the range of styles in the vicinity I do not consider the proposed development would have a negative impact on the visual amenity of the area.

Appropriate Assessment.

7.6. Having regard to the nature and scale of the proposed development within a serviced area and separation distance 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 the conservation objectives of any European site.

8.0 Recommendation

8.1. Having regard to the above it is recommended that permission be granted based on the following reasons and considerations and subject to the attached conditions.

9.0 Reasons and Considerations

Having regard to the residential zoning objective for the area and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. 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 Prior to commencement of development the applicant shall submit the following revised plans for the written agreement of the planning authority to illustrate the following:

- a) the reduction of the first floor extension by approx. 5m to be in line with the rear building line of the current dwelling.

Reason: In the interest of residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings 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.

- 5 Site development and building works shall be carried only out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 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.

Karen Hamilton
Planning Inspector

10th of April 2017