



An
Bord
Pleanála

Inspector's Report PL06S.247877

Development	Renovations to house, extensions to rear, conversion of attic, extension to front and associated site works.
Location	11 St Gerard's Road, Greenhills, Dublin 12.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD16B/0248
Applicant(s)	Michael McDermott
Type of Application	Permission
Planning Authority Decision	Grant Permission subject to Conditions
Type of Appeal	Third Party vs grant
Appellant(s)	Marie McCarthy and others
Observer(s)	None
Date of Site Inspection	16 th March 2017.
Inspector	Susan McHugh

1.0 Site Location and Description

- 1.1. The appeal site is located within the suburb of Greenhills, part of the mid-20th Century south-western expansion area of Dublin City. The area is characterised by medium density two storey terraced housing. The appeal site is located on Saint Gerard's Road which is located c. 210m due west of Saint Peters Road, the R112 which connects with the Walkinstown roundabout to the north c. 1km. Saint Patricks Catholic Church and Girls National School are located to the south. There are mature trees along the footpaths. The road way is of sufficient width to provide for parking on either side of the road, as well as allow for two-way traffic.
- 1.2. The appeal site, no. 11 St. Gerard's Road, is located at an end of terrace of 6 houses on the southern side of the Road. There are a further 3 blocks of terraced houses along the road to the west. The site benefits from a long south facing rear garden which backs onto a laneway and which adjoins Limekiln Lane Road to the south. The laneway is accessed from a laneway which runs along the side of no 1 St Gerard's Road to the east. A mobile home is located in the rear garden of the appeal site. The appellants have addresses along the terraces to the east and west. House no. 9 is located immediately adjoining to the east within the terrace of the appeal site, while there is a separation distance between house no. 13 to the west as it is located at the end of a separate terrace.

2.0 Proposed Development

Permission is sought for renovations to the existing house the construction of

- a single storey extension to the front along the width of the house providing for extended sitting room and new porch,
- ground floor extension to the rear providing for new kitchen dining and lounge area,
- first floor extension to the rear providing for an extended and additional bedroom and,
- attic extension providing for bathroom and study area. The overall area is 47.65sqm.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to 9 conditions. Condition 2 states that the mobile home located in the rear garden shall be removed from the property. Condition 3 requires (a) the setting back of the first floor rear extension from the boundary with 9 St. Gerard's Road to the east by 1m and to be 2.5m in depth, and (b) the roof above the proposed extension to be hipped and pitched at the same angle as the existing rear roof plane and have a ridgeline 300mm below the existing main roof ridgeline.

3.2. Planning Authority Reports

3.2.1. The **1st Senior Executive Planner's** report dated **12/09/16** states

- Area is zoned RES 'To protect and/or improve residential amenity'. Considers extension would comply with Council policy in relation to extensions to dwelling houses.
- The proposed front extension is acceptable as it complies with the House Extension Design Guide with respect to 1.5m depth.
- Considers that the ground floor extension which projects by 6.5m from the existing rear wall of the house and the full width of the house is acceptable subject to a reduction in depth by 1m.
- Considers the first floor rear extension to be excessive, noting the lack of a separation distance to no 9. St. Gerard's Road. A request for further information on a revised first floor plan which would reduce the depth and a shadow diagram for the March and October equinoxes is recommended.
- Considers the attic extension which maintains the existing roof ridge would result in a roof of significant massing and scale to be inappropriate for the site location. A request for further information to redesign the rear roof return so that it is reduced in depth to significantly below the main roof ridge line is recommended.

- Notes that the mobile home located in the rear garden (which is not part of the application) is unauthorised. A request for further information to regularise the matter is recommended.
- Notes lack of information submitted in relation to services and a request for further information is recommended.

The **2nd Senior Executive Planner's** report dated **16/12/16** following FI considers

- The reduction in depth of the first floor rear extension from 3.6m to 3.3m to be inadequate and recommends that it be reduced further in depth to 2.5m and set back by 1m from the boundary with no. 9 St. Gerard's Road.
- The shadow diagrams provided are also considered and concludes that there would be significant overshadowing of adjoining properties. The report also notes that the rear ridgeline of the proposed extension has not been reduced which exacerbates the visual effect of the proposal. A grant of permission is recommended subject to the rear ridgeline of the proposed extension being reduced by 300mm.
- The rear extension reduced to 5.5m in depth is considered acceptable.
- Connections to the existing foul sewer to the rear and existing surface water sewer to the front of the house and provision of front and rear soak pits are acceptable.
- The removal of the mobile home from the site prior to commencement of development is recommended by way of condition.

3.2.2. Other Technical Reports

The **Area Engineer** in a report dated **31/08/16** recommends further information in relation to surface water drainage details located within the site boundary up to and including a point connection to the public water sewer. The **2nd report** dated **14/12/16**, following the submission of further information, indicates no objection subject to conditions.

Irish Water in a report dated **26/08/16** recommends further information in relation to foul drainage details. The **2nd report** dated **14/12/16**, following the submission of further information, indicates no objection subject to conditions.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

One submission was received on behalf of neighbours in no. 1,3,5,7,9, and 13 St. Gerard's Road. The issues raised are comparable to those in the 3rd Party appeal summarised in section 6 below.

4.0 **Planning History**

There are no relevant applications associated with the subject site or in the immediate vicinity.

Enforcement History – S7738 Placing of a mobile home type dwelling in the rear garden of the property.

5.0 **Policy Context**

5.1. **Development Plan**

Under the County Development Plan 2016-2022, the site is Zoned '**RES: To protect and/or improve residential amenity**'.

Sections 2.4.1 of Chapter 2 considers residential extensions.

Policy H18 Objective 1 states: To favourably consider proposals to extend existing dwellings subject to the protection or residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the

guidance set out in the South Dublin County Council House Extension Guide (2010) or any superseding guidelines).

Section 11.3.3 of Chapter 11 considers Additional Accommodation. Section 11.3.3(i) states with respect to Extensions: The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.

The House Extension Design Guide provides advice on different types of extensions. Chapter 4 is entitled *Elements of Good Extension Design*. Of relevance to the subject application is the advice provided for Rear extensions and Attic conversions. Rear extensions should match the shape and slope of the roof of the existing house, although flat roofed single storey extensions may be acceptable if not prominent from a nearby public road. There is also general advice provided with respect to overlooking, overshadowing and overbearing impact.

5.2. Natural Heritage Designations

There are no designated areas in the vicinity. The Glenasmole Valley SAC (Site Code 001209) is c. 6.2km south west.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal against the decision to grant permission by the planning authority has been lodged by the neighbours along the terrace to the east, house no.s 9,7,5,3, and 1, and the adjoining property to the west house no. 13. In summary, it states:

- The subject house has been in a derelict condition for some time. The appellants would welcome a family to live there and maintain it in good condition.

- The public notices should have referred to the proposed roof light to the front, proposed side-facing bathroom window, which is not conditioned to be obscured and the existing unauthorised inhabited mobile home on site.
- The proposal does not comply with the SDCC House Extension Design Guide as the proposal does not respect the appearance and character of the house and local area. Thoroughness of assessment is called into question.
- The shadow diagram shows that the windows in No. 13 will be affected to a degree, including those in the kitchen /breakfast room extension, in No. 9 there will be loss of light to bedrooms, rear living rooms and glazed conservatory throughout the latter parts of the afternoon and evening. The front facing ground floor living room, particularly in No. 9 will also be affected.
- Creation of a tunnel effect, along the terrace, and an overbearing impact.
- The front extension may limit car parking.
- Proposed development would result in overdevelopment of a restricted site, provide an inadequate level of private open space and, therefore, provide a substandard level of amenity for future occupants.
- Having regard to its height and scale, together with proximity to boundaries, the proposed rear extension would seriously injure the residential and visual amenity of adjoining property by reason of overbearing impact as well as overshadowing to the east and west.
- The sewer at the rear of the terrace serves six homes at no's 1 to 11 and is already over capacity.
- Concern in relation to the enforcement of the removal of the mobile home.

6.2. Applicant Response

The applicant responded to the appeal as follows:

- Proposed development will ensure the house currently unoccupied and formerly used for anti social behaviour is renovated and occupied.

- The mobile home on site is in use temporarily until the development is completed.

6.3. **Planning Authority Response**

The planning authority confirmed its decision and considered that the issues raised by the appellants have been considered in the planner's report.

6.4. **Observations**

None.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of the appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Residential Amenities
- Appropriate Assessment

7.2. **Residential Amenities**

The development is located in an area zoned RES: 'To protect and/or improve residential amenity'. In this zone residential extensions to an existing dwelling are considered an acceptable development in principle, and objective H18(1) states that the Council will favourably consider proposal to extend existing dwellings subject to protection of residential and visual amenities.

The area is characterised by well established medium density, two storey terraced suburban type housing.

The house is in a derelict condition and appears not to have been occupied for some time. The refurbishment of the house is, therefore desirable from a general residential amenity perspective.

Overbearing/Overshadowing/Overlooking:

The appellants are concerned having regard to the height and scale of the proposed development and its close proximity to boundaries, that the proposed rear extension would seriously injure the residential and visual amenity of adjoining properties by reason of overbearing impact as well as overshadowing to the east and west.

I propose to look at each element of the proposed works to the rear of the house in turn.

At ground floor level it was originally proposed to extend the house by 6.5m along the width of the property, including a side parapet wall of 3m in height to the adjoining house to the east no 9 St. Gerard's Road. By way of further information, the depth of the extension was reduced to 5.5m to help mitigate the impact on this property. As modified the extension at ground floor level, would project just a short distance beyond the side parapet wall of the conservatory at no. 9. I consider, therefore, that no adverse impact would arise. Given the separation distance there would be no significant impact on No. 13 to the west.

The appellants are concerned with the degree of overshadowing to the rear of house no. 13 to the west and no. 9 to the east. The main issue again, in my view, relates to no. 9.

At first floor level it was originally proposed to extend the house by 3.6m. By way of further information, the depth of the extension was reduced to 3.3m. The planning authority still had significant concerns in respect to the excessive nature of the extension and its impact in terms of overshadowing on the rear of no. 9 St. Gerard's Road. The planning authority modified by way of condition the depth of the extension to 2.5m and set it back by 1m from the boundary with no. 9 St. Gerard's Road.

The House Design Guide states that 'Two storey extensions will not normally be accepted to the rear of terraced houses if likely to have an overbearing impact due to the close spacing between houses.' I would also note that along the terrace there is no precedent for first floor extensions to the rear.

On examination of the Shadow Analysis Study submitted by way of further information there is a degree of overshadowing. The planning authority included a condition setting back the first floor extension by 1m from the boundary with 9 St. Gerard's Road to the east and to a depth of 2.5m, which I consider will help address the issue of overshadowing. I would recommend that a condition to this effect is included should the Board consider granting permission.

With respect to the proposed attic extension both the planning authority and the appellants again expressed concerns regarding the overbearing impact of the rear roof extension which maintained the existing roof ridge height. The planning authority included a condition reducing the height of the ridgeline by a further 300mm below the existing main roof. I consider that this will go some way to reduce the visual impact of the massing of the attic roof, and it also results in a more attractive roof design.

It is also proposed to construct a single storey extension to the front of the property, which extends by 1.5m in depth, and as such complies with the House Extensions Design Guide and is acceptable. It is noted that there is a similar extension to the front of house 12A to the northwest of the site.

Overdevelopment

The appellants consider that the proposed development would result in overdevelopment of a restricted site and provide an inadequate level of private open space. Having regard to the length, area and southerly orientation of the rear garden and subject to the modifications set out above, I do not consider the proposed development would result in overdevelopment of the site.

Windows and Roof lights

The appellants also note a side facing bathroom window which is not referred to in the public notices and which they consider should be conditioned to be obscured. They also note a number of roof lights proposed which are also not referred to in the

public notices. There are a number of proposed windows along the west facing side gable. At ground floor serving a bathroom, at first floor a landing and bathroom and at attic level a stairwell. I would concur with the appellants that a condition be attached such that these windows are finished with obscure glazing. I would however not consider the omission of a reference to the windows and roof lights in the public notices as material in the context of the current application.

Services and Drainage

I note the appellants concern in relation to the capacity of the existing sewer serving houses no. 1 to 11. However, it is noted that the Planning Authority sought further information in relation to the connection details to the existing foul sewer to the rear of the house and the existing surface water sewer to the front of the house and that the Environmental Services Section and Irish Water recommend conditions. I consider that this matter can be adequately dealt with by way of condition.

Removal of the Mobile Home

While the appellants recognise that the Board have no role in relation to enforcement they still request that a condition be attached requiring the removal of the unauthorised mobile home. I consider that a condition, similar to that attached by the Planning Authority, requiring its removal, would be appropriate.

In conclusion, I am satisfied that the subject proposal, subject to modifications, will not seriously injure the residential and visual amenities of the area.

7.3. Appropriate Assessment

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, 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 that planning permission should be granted subject to conditions for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the location of the site on residentially zoned lands and to the compliance with the development standards for residential extensions in the South Dublin 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 residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proposer 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 further plans and particulars submitted on the 24th of November 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 ground floor rear extension shall be reduced to a depth of 5.5m.
 - (b) The first floor rear extension shall be reduced to a depth of 2.5m and set off the boundary with no. 9 St. Gerard's Road to the east by 1m.
 - (c) The roof above the proposed extension shall be hipped and pitched at

the same angle as the existing roof planes and shall have a ridgeline 300mm below the existing ridgeline.

(d) The proposed windows along the gable at ground, first and attic level should be finished in opaque glazing.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

3. Details of the materials, colours and textures of all external finishes to the proposed extension 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. The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

5. Water supply and drainage arrangements, including the 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.

6. Prior to commencement of development the mobile home located in the rear garden shall be removed from the property, 11 St. Gerard's Road.

Reason: In the interest of protecting residential amenity and ensuring orderly development.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 applications 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,

Susan McHugh
Planning Inspectorate

28th March 2017