



An  
Bord  
Pleanála

## Inspector's Report PL06S.247883

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<b>Development</b>	Demolition of garage, construction of extension to side and rear and new garage.
<b>Location</b>	75 Monastery Drive, Clondalkin.
<b>Planning Authority</b>	South Dublin County Council.
<b>Planning Authority Reg. Ref.</b>	SD16B/0357
<b>Applicant(s)</b>	Kevin Walsh
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission subject to conditions
<b>Type of Appeal</b>	Third Party vs. grant
<b>Appellant(s)</b>	Linda Reidy
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	16 <sup>th</sup> March 2017
<b>Inspector</b>	Susan McHugh

## 1.0 Site Location and Description

1.1. No. 75 Monastery Drive is located second from the end of a row of 10 dormer style semi-detached houses each with a single storey flat roofed garage to the side. The house, which is unoccupied, is one of a pair of semi detached houses which have a staggered building line along the road on the western side. The houses have gardens to the front and rear with an open plan layout at the front of the dwellings. The third-party appellant is the house to the north at no. 77 which is stepped forward of the appeal site.

## 2.0 Proposed Development

2.1. Permission is sought for; the demolition of existing garage to the side; construction of a side extension with pitched roof and accommodation at first floor; remodelling at first floor with dormer extension to rear; ground floor flat roofed extension at rear; with new garage along rear garden boundary.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to grant permission subject to seven standard conditions.

### 3.2. Planning Authority Reports

- 3.2.1. The Planner's Report is the basis for the Planning Authority decision. It includes:
- Area is zoned RES 'To protect and/or improve residential amenity' therefore in principle the extension of a dwelling is permitted subject to compliance with the relevant provisions of the Development Plan with specific reference to South Dublin County Council House Extension Design Guide, 2010.
  - Notes that the first floor dormer extension to the rear comprises of two portions which are slightly stepped. On the first floor plan the dormer

extension is shown flush, it extends by 2.2 metres at its highest and does not have a visual Impact.

- Notes that the site layout plan does not accurately detail the property located to the north at No. 77 Monastery Drive, which has a rear sunroom and two storey rear extension. Having regard to the modest height and bulk of the proposed dormer extension, in conjunction with the existing development to the rear of No. 77 and the westerly aspect of the rear gardens, it is considered that any overbearing or overshadowing impact will be minimal.
- Back-to-back distances to the rear of these properties exceed 40m; therefore, no negative overlooking issues would result from the proposed first floor dormer extension.
- Ground floor single storey flat roof extension which will extend into the rear garden by 4.05m, be set off the northern site boundary by 0.9m, with a height of 3.5m will not result in an overbearing impact or result in any unacceptable loss to the residential amenity of the adjacent property to the north.
- The proposed garage at the end of the garden will not result in a negative impact on residential amenity due to the remaining area of open space and length of the rear gardens in the vicinity.
- Standard surface water conditions to be attached.
- Concludes that the proposed development by virtue of the overall design and scale would not seriously injure the amenities of the area or of property in the vicinity, and is in accordance with the proper planning and sustainable development of the area and recommends a grant subject to conditions.

### 3.2.2. Other Technical Reports

Irish Water- No objection subject to conditions.

### 3.3. **Third Party Observations**

One submission was received by the PA from neighbours in no. 77 Monastery Drive. This has been forwarded to the Board and is on file for its information. The issues are comparable to those in the 3<sup>rd</sup> Party appeal summarised in section 6 below.

## 4.0 Planning History

- SD04B/0385 – 75 Monastery Drive - Permission granted for a single storey extension to the front and rear of the existing garage, for the conversion of the garage to living accommodation and for the construction of a first floor bedroom over the existing garage space. This permission was not implemented.
- S97B/0095 – 77 Monastery Drive – Permission granted for extensions providing additional kitchen area with bay window and utility room at ground level, new bathroom and bedroom at first floor level and retention of existing bedroom to side at ground level.

## 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 of residential and visual amenities and compliance with standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design 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 produced by the Council provides advice on different types of extensions. Chapter 4 is entitled Elements of Good Extension

Design and provides advice for different types of extensions. Of relevance to the subject application is the advice provided for side and rear extensions.

Side extensions should respect the style of the house and the amount of space available between it and the neighbouring property. If there is not much space to the side of the house and any extension is likely to be close to the boundary, an ancillary style of extension set back from the building line is appropriate.

Rear extensions should match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise, and 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 or area and enough rear garden is retained. 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. 7.2km to the south.

## **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 immediately to the north of the subject proposal. In summary, it states:

- New first floor structure will overshadow existing sunroom to the rear of 77 Monastery Drive which is not shown in the plans.
- The section shown through the garage wall foundation is based on a strip foundation being underpinned by engineer report provided. Any strip foundation would interfere with the boundary wall between the properties. Proposal to weather the existing flat roof is not acceptable.

- The proposed garage at the rear of the property sits on both garden wall foundations, while front and side elevations differ. The windows facing east will take from privacy from the rear of the house and sunroom. Use of a rooflight requested instead.
- The extension is overdevelopment of the site and the two storey element should have a separation of 1000mm from the boundary.
- Query whether drawings are correct.

## 6.2. Planning Authority Response

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

## 6.3. Applicants Response

The applicant responded to the appeal as follows:

- A shadow study prepared by Archimmedia Studios has been submitted. This reveals that during six months from March through to September there is no loss of light to the sunroom over and above the existing shadow casting from No. 75 and its boundary walls. For the remaining balance of the year from September to March the overshadowing is minimal when less use of the sunroom is likely.
- The submitted section (B-B) clearly indicates a strip foundation which does not interfere with the foundation of the boundary wall.
- As the rear garage is single storey, no windows looking out into the garden from the garage will allow an invasion of privacy to either neighbour, as line of sight from these windows will be blocked by the party garden walls on both sides.
- They are entitled to flash down onto the portion of boundary wall which is in their ownership to adequately seal the proposed structure.

- The reference to drawings was in relation to drawings presented to the neighbour prior to the application being lodged and the core proposals for a four bedroomed dwelling remain unchanged.
- A cover letter was also submitted explaining the personal circumstances of the applicant, the fact that the property has full planning permission for a similar extension, that in the course of engaging with the neighbours prior to lodging the application their concerns were taken into consideration in the preparation of the proposed extension.

#### 6.4. Appellants Further Response

This submission can be summarised as follows;

- Proposal has a detrimental effect on the sunlight to their rear garden.
- Proposed second storey extension, because of the stepped rear building line and raised finished floor level circa 450mm above their property, would increase the shadow line dramatically to the rear.
- Notes shadow survey taken at 13.00hrs on 21<sup>st</sup> March, June and September where light to kitchen area and first floor bedroom is significantly reduced.
- Sunroom is used throughout the year as a study and reading area. Sunlight is clearly diminished between Sept to March because of the second floor extension.
- Proposal will have an adverse effect on the market value of their property.
- Proposal constitutes overdevelopment given its overall mass and scale.
- Notes the boundary wall between both dwellings is legally in dual ownership.
- Proposed shed is too large and if reduced in size would eliminate the boundary wall issues, also request use is solely for storage of domestic household and garden equipment.
- Request that the two storey element to the gable be reduced to single storey.

## 7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of 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 acceptable in principle and objective H18(1) states that the Council will favourably consider proposals to extend existing dwellings subject to protection of residential and visual amenities.

The area is characterised by well established, medium density two storey, semi-detached dormer style suburban type housing.

It is noted that the first floor pitched roof element over the proposed garage to the side of the house is set back from the front building line and the ridge height is also stepped down from the main ridge height of the house such that it reads as ancillary to the main house.

The first floor dormer extension to the rear does not extend beyond the rear building line of the existing house. The dormer has a flat roof and is slightly stepped, from its highest at 5.75m to 5.5m.

The single extension to the rear extends by 4.05 metres and is set back approx. 1.0m from the existing boundary with No 77. I consider that the single storey height

of approx. 3.5m is not excessive and will not cause disamenity to the adjoining property.

### *Overshadowing*

The appellants are concerned with overshadowing from the new first floor structure to their existing sunroom and rear of house. It is noted that the existing sunroom is located on the opposite boundary with no. 79 and curved such that it is orientated south and west. It is also noted that there is a first floor extension to the rear of No. 77. On examination of the Shadow Analysis Study carried out by Archimedia Studios on behalf of the applicant there is a marginal increase in overshadowing on 21<sup>st</sup> March at 0900hrs, 1100hrs, 1300hrs, 1500hrs. Having visited the site mid-morning in the month of March, I agree with the Planning Authority that the existing sunroom and rear of house is overshadowed at this time of day already. Having regard to the proposed first floor dormer extension which has a flat roof and is modest in height and bulk, I consider, given the westerly aspect of the gardens, that the overshadowing impact will not be significant.

### *Overdevelopment*

The appellants also refer to the fact that the proposed development constitutes overdevelopment of the site. I would note that the proposed first floor extension is relatively low in height and is within the footprint of the existing house / roofslope. I do not consider that setting back the two storey element by 1m from the boundary would make a significant difference.

It is noted that there will still be 111sqms of open space remaining to the rear. The remaining rear garden length of 11.3m, even allowing for the proposed garage to the rear, is of sufficient length to accommodate the proposed extensions.

The proposed garage at the rear of the garden, although running the width of the garden, is relatively modest with an area of 36sqm. The appellant has raised the issue of overlooking from the proposed garage to the rear of their property. However, given the single storey nature of the garage, the existing blockwork side

boundary wall and mature planting along the neighbouring back garden which will help screen views into no 77, I do not consider that there will be any invasion of privacy.

The appellants are also concerned with the proposed side extension and garage wall foundation and any future strip foundation which would interfere with the boundary wall between both properties. I consider that any issue in relation to a boundary wall is a civil matter between both parties.

In summary, I am satisfied that the proposal will not have a serious negative impact on the residential amenities of the dwellings in the vicinity.

### **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 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 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. Details of the materials, colours and textures of all the 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.

3. The existing dwelling and 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.

4. The proposed garage shall be used for purposes incidental to the enjoyment of the dwelling house as such and shall not be used for habitation or the carrying on of any trade or business and shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** 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. 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 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 developers 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.

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Susan McHugh  
Inspectorate

28th March 2017