



An
Bord
Pleanála

Inspector's Report PL.06D.248029

Development	Two storey extension to the front, side and rear of house and widening of the vehicular entrance off the road.
Location	Belgrove, Sandyford Road, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D16A/0791.
Applicants	Willet Ho.
Type of Application	Permission & Permission for Retention.
Planning Authority Decision	Grant.
Type of Appeal	Third Party v. Grant.
Appellants	John McCarthy.
Observers	None.
Date of Site Inspection	4 th May 2017.
Inspector	Dáire McDevitt.

1.0 Site Location and Description

- 1.1. The application site is located along the north eastern side of Sandyford Road in a mature suburban area in Sandyford village to the south of the M50. The area has a mixture of house types, designs and scale. There are a number of commercial units in the immediate vicinity.
- 1.2 The site, with a stated area of 0.375 hectares, is one of a pair of two storey semi-detached houses, Belgrove & Sallybrook (appellant's house), built in the 1950s with a brick and plaster finish. Colman's of Sandyford, a commercial unit, adjoins the site to the southeast and Sandyford Park housing estate is to the rear. The house is unoccupied at present with hoarding erected to the front and scaffolding around the rear extension. The front garden has been cleared and is gravelled.
- 1.3 Maps, photographs and aerial images in file pouch.

2.0 Proposed Development

The development consists of retention of an incomplete two storey and single storey extension (c.25.7sq.m) to the rear and permission for a c. 59.4 sq.m two storey extension to the side and front of the existing c. 121 sq.m house. The front extension would project c.1.7m beyond the existing front building line. A pitched gabled roof is proposed to the front extension.

The proposal also includes:

- Attic conversion for storage purposes with roof lights the rear.
- Widening of the existing vehicular access off Sandyford Road to 3.3 metres.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 17 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports (13th December 2016).

This forms the basis of the Planning Authority's decision and the main points referred to relate to design and residential amenity.

3.2.2. Other Technical Reports

Drainage Section. No objection subject to conditions.

Transportation Section. No objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

One submission received at application stage by the current appellant. The issues are broadly in line with the ground of appeal and are dealt with in more detail in the relevant section of this Report.

4.0 Planning History

Planning Authority Reference D06B/0107 permission granted for two storey extensions to Belgrove. Development not constructed.

Planning Authority Reference D08A/0601 & D09A/06012 (An Bord Pleanála Reference PL.06D.239900). Permission refused for the demolition of Belgrove & Sallybrook and the construction of 4 town houses for reasons relating to the overdevelopment of the site.

5.0 Policy Context

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

Land Use Zoning Objective 'A' *To protect or improve residential amenity.*

Section 8.2.3.4 (i) refers to Extensions to Dwellings. Such proposals shall be considered in relation to a range of criteria including having regard to length, height, proximity to boundaries and quantum of usable rear private open space remaining. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations.

Section 8.2.8.4 (i) sets out the private open space requirements for private houses. A figure of 48 sq.m is required for a 2 bed house and 60 sq.m for a 3 bed house.

Section 8.2.8.4 (ii) refers to standards for minimum separation distances between first floor opposing windows and garden depths.

Section 8.2.4.9 (i) refers to the minimum width of 3m and maximum of 3.5m required for vehicular entrances.

5.2. Natural Heritage Designations

None applicable.

6.0 The Appeal

6.1. Grounds of Appeal

An appeal has been received on behalf of John McCarthy, Sallybrook, Sandyford Road, Dublin 18. The grounds of appeal are summarised as follows:

- The design, scale, height, mass and finishes are inappropriate and contrary to the Development Plan requirements.

- The Board should consider all the works in the appeal, including the recently constructed extension to the rear.
- The proposal would have a detrimental impact on the residential amenities of Sallybrook due to overlooking, overshadowing and overbearing impact.
- Concerns regarding the structural integrity of Sallybrook following the extensive internal and external works that are being carried out.
- Drainage concerns arising from the removal of shared drainage systems.
- Fire safety concerns regarding attic and fire proofing.
- Depreciation in the value of Sallybrook

Shadow Study diagrams submitted with the appeal.

6.2. Planning Authority Response

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

6.3. Applicant's Response to the Third Party Appeal

The applicant has submitted a detailed response which is mainly in the form of a rebuttal. However, the following points of note were made:

- The shadow study submitted with the appeal is inaccurate and the applicant has submitted a Shadow Analysis Study.
- The drainage has not been interfered with.
- The attic area is to be used for storage purposes only.

6.4. 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.
- Other Issues.
- Appropriate Assessment.

7.1 Design.

7.1.1 Section 8.2.3.4 (i) of the County Development Plan refers to the criteria set out for domestic extensions. The appellant has raised concerns that the height, scale and design of the extensions would be overbearing and out of character with the area and have a detrimental impact on the adjoining property and the streetscape of Sandyford village.

7.1.2 The proposal is for a modest two storey extension to the front and side and to retain a two storey and single storey extension to the rear. The overall scale and bulk of the alterations and extensions are not considered overbearing. The roof and height of the extensions are considered acceptable as they integrate with the existing structure 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 8.2.3.4 (i) refers to extensions to dwellings and that such proposals shall be considered in relation to a range of criteria including having regard to length, height, proximity to boundaries. The appellant has raise concerns

regarding overshadowing in the grounds of appeal. A Shadow Study has been submitted to support his concerns. This has been refuted by the applicant who has submitted a separate Shadow Analysis Study.

- 7.2.2 The single storey element to the rear bounds Sallybrook, while the first floor element of the rear extension is located along the southern flank of the site bounding Colman's. This first floor element projects c. 3.5m beyond the rear building line of Sallybrook, however, it is set back c. 3m from its boundary. Having regard to the set back of the first floor element from the shared boundary with the appellant's house and the scale and height of the single storey element adjoining it, I am satisfied that the proposal will not have a material impact on the degree of overshadowing currently experienced by the appellant's property and, therefore, will not have any additional negative impact on the residential amenities of same.
- 7.2.3 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, scale and height of the proposed extensions have 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 overshadowing, overlooking or an unacceptable loss of privacy. The proposed developed would not detract from the residential amenities of nearby properties nor set an undesirable precedent for development in the area.
- 7.2.4 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 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.
- 7.2.5 Overlooking of the rear gardens of adjoining properties is not considered material having regard to the separation distances between the properties.
- 7.1.8 I, therefore, consider that the appeal should be not be upheld and permission should be granted subject to modified conditions.

7.3 Other Issues:

7.3.1 The appellant has raised the issue of structural integrity and fire proofing. These matters are dealt with under the Building Regulations.

7.3.2 Concerns has also been raised in relation to drainage and that the works carried out to the date have interfered with the rainwater pipes. The Municipal Engineer has no objection to the proposal and I am satisfied that this issue can be dealt with by condition.

7.4 Appropriate Assessment

7.4.1 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 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.

4. 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 within one month of the date of this Order, 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.

Dáire McDevitt
Planning Inspector

8th May 2017