



An
Bord
Pleanála

Inspector's Report PL06D.248059

Development	Construction of a new extension to an existing house with all associated site works.
Location	'Wychwood' 6 Carrickbrennan Road, Monkstown, County Dublin
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D16B/0200.
Applicant(s)	Sarah Jane Treacy.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	1. Herbie Graham and Oonagh Cremins. 2. Máirin Mac Goráin
Observer(s)	None
Date of Site Inspection	12.05.17
Inspector	Fiona Fair.

1.0 Site Location and Description

- 1.1. The application site 'Wychwood', with a stated area of 0.048 ha, is located on the eastern side of Carrickbrennan Rd to the north of Monkstown, County Dublin.
- 1.2. The site encompasses a two storey semi-detached house, with attached garage. It is set back from the Carrickbrennan Road with a front and substantial rear garden. Access is via electronic gates off the Carrickbrennan Road.
- 1.3. The dwelling is attached to the southern side of 'Lisfannon', 7 Carrickbrennan Road, one of the appellant's properties. Dál Riada the other 3rd party appellant's property is located further to the north adjoining Lisfannon.
- 1.4. The dwelling faces west towards Carrickbrennan Road and overlooks an area of green open space, serving dwellings in Carrickbrennan Lawn. The open space area is bordered by a stone wall along Carrickbrennan Road. A small stream runs along the eastern / rear garden boundary of the appeal site, known locally as Mickey Brien's River / Rochestown Stream / Carrickbrennan Stream.
- 1.5. The general character of the area is defined by way of substantial mature detached and semidetached dwellings with sizable gardens to the rear.

2.0 Proposed Development

- 2.1. Permission for the construction of a new extension to the existing semi-detached, two-storey dwelling to include:
 - 4 sq. m at ground floor level to the side,
 - 29 sq. m single-storey, flat roofed extension to the rear,
 - 12 sq. m first floor addition to the side and
 - 12 sq. m first floor addition to the rear to include the removal of the existing dormer and construct a new pitched roof over.

The GFA of the existing dwelling is stated as 249 sq. m (157 GF and 92 FF)

The proposed extensions had an overall stated GFA of 57 sq. m

By way of additional information, the proposal was amended. The extent of the proposed single storey rear extension to be reduced from 5.5m in depth to 4m in depth. This would be a reduction of 9 sq. m to approx. 48 sq. m

The height of the of the proposed single storey extension is stated as 3.7m

3.0 Planning Authority Decision

3.1. Decision

Planning permission granted subject to nine number conditions. Conditions of note include:

Condition 2. Which requires that the flat roof area above the single storey extension to the rear shall be non-accessible and shall not be used as a balcony accessible from the first floor new doors and windows.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planning Report: The planning report supports the draft decision to grant planning permission. It is considered having regard to the residential zoning and amendments incorporated subject to additional information that the proposed development would not detract from the residential amenity of the area and is therefore acceptable.

3.2.2. Other Technical Reports

- Surface Water Drainage Planning Report: No objection subject to conditions

3.3. Third Party Observations

Objections received, concerns raised are similar in nature to those raised in the third party appeals on file, summarised below.

4.0 Planning History

Reg. Ref. D00A/1009 Permission Granted for ground floor extension of 54 sq. m, a first floor extension of 24 sq. m, a garage conversion and ancillary works to existing living accommodation and also for alterations to existing vehicular access to an existing semi-detached, 2 storey residence.

5.0 Policy Context

5.1. Development Plan

The operative plan for the area is the Dún Laoghaire-Rathdown County Council Development Plan 2016 - 2022. The site is located in an area where the land use zoning objective is 'A' – to protect and/or improve residential amenity'

The following Sections of the County Development Plan are of relevance:

Section 8.2.3.4 Additional accommodation in existing built up areas.

Extensions to dwellings

6.0 The Appeal

6.1. Grounds of Appeal

Two third party appeals were submitted by Herbie Graham and Oonagh Cremins and Máirin Mac Goráin the issues raised are summarised under the following headings:

Contravention of Dun Laoghaire County Development Plan

- Cause overshadowing and overlooking of adjacent property (in particular 'Lisfannon' No. 7 Carrickbrennan Road) contrary to section 8.2.3.4 of the DLRD CDP
- Proposal is contrary to the residential zoning of the site – 'To protect and / or improve residential amenity'
- Would result in depreciation of property in particular No 7 Lisfannon, adjoining attached dwelling.

Contrary to the Urban Design Manual

- Invades privacy
- Concern with respect to the glass balcony and windows at upper level giving rise to overlooking

Visual dominance in particular to the north

- Scale, bulk and mass of the proposal would appear overly dominant within the immediate context of the Monkstown ACA
- Extension uncharacteristic of the area
- Massing unacceptable and visually incongruous
- Proposal provides for a terraced effect on the street
- Design is at odds with neighbouring dwellings

Overdevelopment of the Site

- The dwelling has been extended previously. The proposed development would result in a total build form which is double the original building on site and increases the site coverage to c. 40%
- Similar proposed extension D07B/0952 was refused as it would have constituted over development.
- Proposal is uncharacteristic of the area
- Unacceptable levels of overshadowing in particular to the north
- Visually intrusive
- Result in a rear garden depth of c. 10m
- Loss of privacy

Overbearing

- The length of the proposed extension is excessive. At both ground and first floor level
- No regard for the established rear building line along Carrickbrennan Road

Overshadowing

- Proposal located to the south of 'Lisfannon'
- Evening sunlight and day light would be significantly reduced
- Negative impact upon useable private open space located immediately outside of living area and kitchen of 'Lisfannon'

Stream & Flooding

- Low lying area, history of flooding (Oct 2011)
- The proposed development would be flooded if even a partial re-occurrence of these high-water levels took place.
- Further development could impact upon permeability of rain water and thus contribute to flooding risk / hazard

Incomplete Site and Elevation Plans

- There is a notable change in level between the appeal site and adjoining site to the north 'Lisfannon'
- Overall building height including proposed first floor levels were not submitted for assessment.
- Undue underestimation of shadow impact

Structural Concerns

- Demolition of the party boundary wall between the appeal site and 'Lisfannon' and its replacement is a cause of concern in respect of noise and structural damage

Appeal by owners of number 7 'Lisfannon' is accompanied with Photomontages dated 10.02.2017 by James Horan Architectural Illustration

6.2. Planning Authority Response

Two responses received summarised as follows:

- The concerns raised were considered and the applicant was requested to amend their proposal in order to address the concerns by reducing the scale of the development.
- Condition number 2 attached to the notification of decision to grant planning permission requires that the flat roof area be non-accessible and shall not be used as a balcony.
- Remains the p.a. position that the proposed extension would not cause significant overlooking or overshadowing subject to conditions.
- With respect to a request from The Board (dated 18th April 2017) with respect to page four of the planning application form, the p.a. has responses (8th May 2017) that their website does not include page four of the application and the file cannot be located. They regret that only documents available are those already submitted to the Board.

7.0 **Assessment**

I consider the key issues in determining this appeal are as follows:

- **Principle of the Development on the Site**
- **Overdevelopment / Impact Upon Residential Amenity**
- **Surface Water Disposal / Flood Hazard**
- **Other Issues**
- **Appropriate Assessment**

7.1. **Principle of the Development on the Site**

- 7.1.1. The proposal entails extension of an existing semidetached dwelling at ground and first floor to the rear and side. The site is zoned 'A', with a stated objective "to protect and/or improve residential amenity" in the Dun Laoghaire Rathdown County Development Plan 2016 - 2022. The principle of the proposed development is acceptable, within the zoning objective, subject to regard being had to section 8.2.3.4 'Additional Accommodation in Existing Built-Up Areas' set out in the County

Development Plan and, in particular, with respect to residential amenity, visual amenity and surface water drainage. These aspects of the proposed development are explored in the following sections of this report

7.2. Overdevelopment / Impact Upon Residential Amenity

- 7.2.1. Regard is had to concerns raised by the third parties, in particular, with respect to over development, visual amenity, loss of light, overshadowing, overbearing and overlooking. I note that the proposed ground floor extension would provide for an extended kitchen, living area and dining room. It was originally proposed to extend, to the rear, by some 5.1m, however, by way of further information the depth of the ground floor extension was reduced to 4m. It is proposed to have a flat roof with a height of 3.7m and extends along the party boundary with No. 7 'Lisfannon', the appellants property, located to the north.
- 7.2.2. To the side it is proposed to replace the mansard style roof of the attached garage with a hipped roof which ties in with the ridge height of the host dwelling and to extend to the southern party boundary at first floor level. A separate entrance door, 'lobby' is proposed to the converted garage space which now is proposed to comprise of a guest bedroom and w.c. At first floor, to the rear, it is proposed to remove the existing dormer and to construct a new pitched roof over. The first floor rear bedroom is to be extended to provide a walk in wardrobe to the northern aspect of the roof space. The depth of the first floor from the rear wall of the dwelling is not being amended. The first floor is proposed to be set off the northern party boundary by 2.0m and the pitch of the rear roof at 7.9 m (eves approx. 5.8m) is well below the ridge height of the semidetached dwelling which is approx. 9.0 m
- 7.2.3. It is proposed to construct a first floor balcony from the rear bedroom (identified as bedroom 1 on plans submitted) The balcony faces east and is set off the northern boundary by some 7.0m
- 7.2.4. The appellants dwelling 'Lisfannon' has been extended and modified to its rear with a single storey ground floor extension. I note their concern that the proposed ground floor extension, which extends some 5.8m further to the rear of their rear wall along the party boundary, an additional 4m from the current situation on the ground would have a negative impact upon light and impact from overbearing. Regard being had

to; the height of the extension, the height of the party boundary wall, ground levels, and orientation (due south) I am of the opinion that the depth of the extension should be scaled back by a further meter to a depth of 3 m maximum. In arriving at this conclusion regard is had to the substantial size of the existing extended semidetached dwelling at 'Wychood' and to the single storey nature of the rear extension, its flat roof profile and the size of the rear gardens. However, the overriding issue in my opinion is the depth and location of the extension, proposed to be constructed, right up to the northern party boundary with 'Lisfannon'.

- 7.2.5. Albeit, I am satisfied with the overall design, the proposed ground floor extension does project some 5.8m further to the rear than the appellants' property, and therefore I have sympathy with respect to concerns of overbearing impact. (The ground floor extension has a height of 3.7m) In relation to privacy/overlooking, the orientation of the extension is in keeping with the orientation of the dwellings at this location with windows on the extension oriented to the rear east.
- 7.2.6. The design and scale of the first floor rear and side extensions is in keeping with the host dwelling. The first floor extension is set off the party boundary with 'Lisfannon' by 2m. I am of the opinion that the degree of shadow cast is not such a deviation from the existing situation such that the proposal would diminish residential amenity to a significant or material degree to warrant a refusal of planning permission in this regard.
- 7.2.7. Having regard to all of the information before me, and having conducted a visit of the site and its environs, I am of the opinion that subject to the ground floor rear extension being reduced by a further 1m to a depth of 3m maximum that the scale, mass and design of proposed development, is acceptable, in the context of existing permitted development. Regard is had to the shadow analysis submitted with the application and to the planning photomontages submitted with the third party appeal.
- 7.2.8. I note condition number two of the notification of decision to grant planning permission which requires that the flat roof area be non-accessible and shall not be used as a balcony. I agree and recommend that should the Board consider that permission should be forthcoming, in accordance with my recommendation, that this condition be reattached to any decision to grant planning permission.

7.3. Surface Water Disposal / Flood Hazard

- 7.3.1. Concern has been expressed by adjoining property owners to the north of the appeal site with regard to flooding. The rear garden of the property is bounded by a stream and it is submitted that in October 2011 this stream flooded the rear gardens of the pair of semidetached dwellings ('Wychwood' and 'Lisfannon'). Concern is expressed that further development could impact upon permeability of rain water and thus contribute to flooding risk / hazard.
- 7.3.2. I note the Drainage Report on file which has no objection to the proposal subject to conditions. The appeal site is a fully serviced site within the urban boundary of the City. It is not located within flood zones A or B as specified in the Flood Risk Management Guidelines for Planning Authorities 2009. I evidenced no flooding or signs of flooding on the appeal site at the time of my site visit.
- 7.3.3. It is a requirement of the p.a. that all water generated by the proposed development shall be discharged by direct infiltration to a soakpit or similar built in the garden. The surface water drainage report states: 'The soakpit shall have no overflow to the drain / sewer. If the applicant wants to use a water butt or rainwater harvesting tank, then that shall have an overflow to a soakpit. If direct infiltration is deemed not possible, the applicant shall submit a report signed by a chartered engineer, showing a test done (with photos, etc.) and shall propose alternative SuDs measures'. I recommend that a condition be attached to any decision to grant planning permission that the storm water runoff shall be retained on site. Full details and supporting calculations shall be submitted to and agreed in writing with the p.a. prior to the commencement of development. All soakaways must be designed in accordance with BRE Digest 365 or similar as approved by the p.a.
- 7.3.4. Given the foregoing, it is my opinion, that no clear evidence has been submitted that would indicate that the proposed development would be at risk of flooding or would give rise to a public health hazard, provided development is carried out to an appropriate standard, in accordance with requirements and conditions.

7.4. Other Issues

- 7.4.1. Concern has been raised with respect to incomplete site and elevation plans, construction noise and structural concerns of possible replacement of the party boundary wall between the appeal site and 'Lisfannon'.
- 7.4.2. Having assessed the plans and drawings submitted I am of the opinion that there is sufficient information on the file for an informed decision to be made. Construction noise will be controlled by way of condition attached to any decision to grant planning permission and in any case will be for an infinite period of time.
- 7.4.3. I see no evidence to suggest that the party boundary is to be removed. The drawings submitted indicate the proposed extension being constructed right up to the party boundary, inside the appeal site red line boundary. This being said, such a matter is not a planning consideration with the onus on the applicant to have sufficient control over the land to carry out the proposed development.

7.5. Appropriate Assessment

- 7.5.1. Overall I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature of the proposed development, urban location and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the 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

- 8.1.1. I recommend that the decision of the planning authority be upheld and planning permission be Granted to the proposed development.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the land-use zoning of the site 'A', with a stated objective "to protect and/or improve residential amenity" the existing pattern of development on the site and in the vicinity, it is considered, that subject to compliance with the conditions set out below, the proposed development, would not seriously injure residential amenity 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, as amended by the further plans and particulars submitted on the 22nd of December 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 development shall be amended as follows:

- (i) The depth of the ground floor rear extension shall be further reduced by 1 m to 3m maximum. Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority within one month of the date of decision to grant planning permission.

Reason: In the interests of residential and visual amenity

3. The flat roof area, above the single storey rear extension, shall be non-accessible and shall not be used as a balcony accessible from the first floor.

Reason: In the interest of the residential amenity.

4. The dwelling shall be used as a single dwelling unit and shall not be used for any non-residential activity or multiple dwelling use without a prior grant of planning permission.

Reason: In the interest of orderly development.

5. The external finishes of the proposed development shall be as indicated on the plans and drawings submitted.

Reason: In the interest of the visual amenity.

6. (a) 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.

(b) Storm water runoff shall be retained on site.

(c) Full details and supporting calculations shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

(d) All soakaways must be designed in accordance with BRE Digest 365 or similar as approved by the planning authority

Reason: In the interest of public health.

7. That all necessary measures be taken by the contractor, including the provision of wheel wash facilities, to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

8. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 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

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

10. 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.

Fiona Fair

Planning Inspector

16.05.2017