



An
Bord
Pleanála

Inspector's Report PL 06D.248138

Development	Demolition of existing rear extension and erection of ground floor rear extension.
Location	3 Synnott Terrace, Dún Laoghaire, County Dublin.
Planning Authority	Dún Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D16B/0500
Applicant(s)	Bryony October
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Bryony October
Date of Site Inspection	17 th May, 2017
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. No. 3 Synnott Terrace, Dún Laoghaire, County Dublin is located at the western end of Dún Laoghaire town centre. It comprises a mid-terrace property on which lies a two-storey house, extended to the rear at ground floor level and with a small back yard (approximately 4m deep). The existing extension to the rear is part flat-roofed / part pitched-roofed that matches the adjoining No. 4 Synnott Terrace. Most of the houses in the row of six dwellings have single-storey rear extensions. The yards to the rear of these properties are enclosed by a high stone wall.

2.0 Proposed Development

2.1. The proposed development would consist of the demolition of an existing ground floor rear extension and the construction of a new flat-roofed extension to the rear. The extension to be demolished has a stated floor area of 12 square metres and the new extension would have an area of 19.4 square metres, providing a kitchen, bathroom and all-weather garden. The site area is stated to be 0.0073 hectares.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission for the development subject to 4 no. conditions on 10th February 2017. Condition 2 required the extension to be modified and reduced in depth by a metre.

3.2. Planning Authority Reports

Planning Reports

The Planner noted observations made, the site's and adjoining properties' planning histories, departmental reports received, and development plan provisions.

Differences between the current proposal and a previously refused proposal were acknowledged. It was considered that the changes made were significant, with reference made also to an increase in yard depth proposed. The reduction in depth of the extension from 7m to 6m was not considered to be a big difference. Potential

boundary wall, services or similar issues were regarded as being private party matters. It was considered that a condition to further reduce the length/depth of the extension by one more metre to 5m, increasing the size and length of the private open space, would ameliorate any significant negative impacts on adjoining properties. A grant of permission, subject to conditions, was recommended.

Other Technical Reports

The Drainage Engineer had no objection to the proposal.

3.3. **Third Party Observations**

Submissions were made to the planning authority from Hugh Mullan (No. 2 Synnott Terrace) and Mary Kelly (No. 4 Synnott Terrace) raising concerns in relation to impact on the structural integrity of the adjoining properties, overshadowing, impact on existing services, and reinstatement of the boundary wall.

4.0 **Planning History**

P.A. Ref. D16B/0256

Permission was refused for the demolition of a rear extension and the development of ground and first floor rear extensions.

5.0 **Policy Context**

5.1. **Dún Laoghaire-Rathdown County Development Plan 2016-2022**

Zoning

The site is zoned 'A' with the objective "To protect and/or improve residential amenity."

6.0 First Party Appeal

6.1. The grounds of the appeal relate to the attachment of Condition No. 2 of the planning authority's decision and may be synthesised as follows:

- The floor area of the existing house at 56.6 sq.m is well below the minimum floor area of 63 sq.m for a two-bedroom apartment. The proposed house would be 64 sq.m, with a remaining garden of 11 sq.m. The proposal brings the house into line with current standards, represents proper planning and extends the useful life of the house.
- The proposal does not increase overlooking, overbearing or overshadowing.
- The all-weather garden extends the time throughout the year when the garden can be enjoyed. If reduced as conditioned, the room would not be big enough to take furniture and so would have no useful purpose during winter months / wet days.

6.3 Planning Authority Response

The planning authority submitted that the grounds of appeal do not raise any new matter which would justify a change of attitude to the proposed development.

7.0 Assessment

7.1 I am satisfied, having examined the details of the application and having visited the site, that the determination of the application by the Board, as if it had been made to it in the first instance, would not be warranted. Accordingly, I consider that it is appropriate to use the provisions of section 139 of the Local Government (Planning and Development) Act, 2000, as amended, and to consider the issues arising out of the disputed condition only.

7.2 The existing extension to be demolished is a single-storey rear extension with a stated floor area of 12 square metres. Its pitched roof component ties in with the rear extension of the adjoining property of No. 4 Synnott Terrace. The new replacement extension would have floor area of 19.4 square metres and would provide a flat roof

to an overall height lower than the adjoining extension. The drawings submitted with the application show that the separation distance between the rear elevation of the bathroom of the existing extension and the rear site boundary wall is 3.445 metres. The proposed extension would be developed for the full width of the site, with the all-weather garden, enclosed by glazing to the rear, would be sited approximately 3 metres from the rear site boundary wall.

7.3 The reason given in Condition 2 of the planning authority's decision for the reduction in depth of the proposed extension by 1 metre is "In the interests of the proper planning and sustainable development of the area and to protect the residential amenities of the area." With regard to providing acceptable standards for the occupants of the property on the appeal site, I note that a significant part of the proposed development would constitute an all-weather garden. In the context of reduction of external private open space to the rear of the dwelling, I do not consider that there would be a substantial loss of private amenity space to serve the needs of occupants, having regard to the function of the all-weather garden. Thus, I do not consider that it is reasonable to conclude that residential amenity is seriously eroded for occupants of the development. Moving to the impact of the proposed development on adjoining properties, I note the established footprint of the existing extension, the function and layout of the proposed extension, and the design of the proposed extension. The proposed development would not have any adverse impact on adjoining residential properties by way of overlooking, overshadowing or overbearing impact. It would not be prominent or excessive in height, bulk or scale relative to other developments in the vicinity. I, thus, conclude that the proposed development would not adversely impact on the amenity of residents in the vicinity. Applying standard managed construction methodologies should ensure that the structural integrity of all adjoining physical structures would be maintained.

7.4 Overall, I do not consider that there is a necessity to reduce the depth of the proposed extension by 1 metre as is required by Condition No. 2 of the planning authority's decision. Such an impact would have unnecessary adverse impacts on the use and functioning of the all-weather garden component, reducing its depth to between 1.4 and 1.7 metres. Furthermore, it would not derive any additional benefits for adjoining residents.

8.0 Recommendation

- 8.1. I recommend that Condition No. 2 of the planning authority's decision is removed as follows:

Having regard to the nature of condition number 2 the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE the said condition number 2 and the reason therefor.

9.0 Reasons and Considerations

Having regard to the nature of the proposed development, inclusive of an all-weather garden, and to the limited scale, bulk, height, and layout of the proposed development, it is considered that the proposed development would provide a satisfactory standard of accommodation for residents of the property and would not result in any significant adverse impacts on the amenity of residents in the vicinity.

Kevin Moore
Senior Planning Inspector

17th May 2017