



An
Bord
Pleanála

Inspector's Report PL06S.248150.

Development	First floor extension, 2 windows on side gable and 2 roof windows to side slope.
Location	13 Kennington Crescent, Templeogue, Dublin, 6W.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD16B/0406.
Applicant(s)	Niall and Liz Turner.
Type of Application	Permission.
Planning Authority Decision	Grant Permission subject to conditions.
Type of Appeal	First Party v. Condition only.
Appellant(s)	Niall and Liz Turner.
Observer(s)	None.
Date of Site Inspection	19 th May 2017.
Inspector	Susan McHugh.

1.0 Site Location and Description

- 1.1. The appeal site is located on Kennington Crescent approximately 0.5km east of the M50 and approx. 200m north of the grounds of two secondary schools Saint Macdara's and St Judes, and the grounds of Templeogue United FC. The area is characterised by well established, medium density, two storey semidetached suburban type housing. Vehicular access is provided via Kennington Crescent, connecting via the larger estate to Osprey Road and Wellington Road, the main traffic artery to the north.
- 1.2. The appeal site, no.13 Kennington Crescent is located mid row of 12 semidetached two storey houses finished in white painted render. The appeal site, similar to the other houses on the road, shares a side passage with the adjacent dwelling, no. 11, each having a single side first floor gable window. There is an existing single storey extension to the rear of the house. There is a similar rear extension to no. 11.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a first floor bedroom extension (7sq.m) to the rear, with a pitched roof, and other minor works to the existing house.
- 2.2. The proposed first floor extension extends from the rear elevation by approx. 2.5m. It is located over the existing ground floor kitchen which extends by 3.3m to the rear and has a pitched roof. It is proposed to provide a flat roof profile to the remaining ground floor projection.
- 2.3. The extension has a pitched roof subsidiary to the main roof of the house. It is set back approx. 0.8m from the adjacent house, no. 11, and 3.15m from the rear boundary with the adjoining house no. 15. It includes a rear facing window and a high level window on the side elevation facing into house no. 15. Two roof lights are to be provided in the south eastern roof plane over the extended bedroom area. A new side/gable window is also proposed for this area.
- 2.4. *Modifications to the existing kitchen extension include;* a new high level window along the south eastern side gable elevation, a lowered cill level to the existing rear window to create a large box style window, and replacement of an existing window

on the north western side elevation with glazed double doors. It is also proposed to relocate the first floor bathroom window on the rear elevation.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission 10th February 2017 subject to 6 conditions.

Of relevance to this appeal is condition no. 2 :

The proposed extension shall be amended as follows:-

- (a) The proposed high level window on the northwestern elevation of the proposed first floor shall be omitted;*
- (b) The proposed window on the first floor side (eastern elevation) shall be omitted.*
- (c) The proposed high level window on the ground floor on the eastern elevation shall be glazed with obscure glass and non-openable.*

Reason: In the interest of protecting existing residential amenity.

3.2. Planning Authority Reports

3.2.1. The **Senior Executive Planner's** report dated **10/02/17** is the basis for the PA decision. It includes;

- The window proposed on the north western elevation at first floor level could result in the perception of overlooking of the neighbouring property.
- Notes that the double opening window proposed at first floor level on the eastern side elevation overlooks the shared passageway and that there is no opposing window on the neighbouring property. Considers, given the existing window at ground level on the neighbouring property, that the proposed first floor window should be omitted.
- Considers that the two roof lights and the proposed window on the rear elevation are ample in terms of lighting the twin bedroom.

- Notes the ground floor window proposed on the side elevation is acceptable given that the neighbouring dwelling has a ground floor window.

3.2.2. **Other Technical Reports**

Water Service Report – No objection subject to conditions:

3.3. **Prescribed Bodies**

Irish Water – No objection subject to conditions.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

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

5.0 **Policy Context**

5.1. **Development Plan**

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

Chapter 2 refers to housing and Chapter 11 refers to implementation. The Council has also produced guidance in the form of 'House Extension Design Guide'.

Section 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 .

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).

The House Extension Design Guide, Chapter 4 entitled *Elements of Good Extension Design*, provides advice for side and rear extensions.

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 make sure enough rear garden is retained. There is also general advice provided with respect to overlooking, overshadowing and overbearing.

5.2. Natural Heritage Designations

None of relevance.

6.0 The Appeal

6.1. Grounds of Appeal

The 1st Party appeal submitted by Niall and Liz Turner relates to condition 2 only. The grounds of the appeal can be summarised as follows:

- In relation to the omission of the window on the shared side passageway, there is no opposing window and their neighbours had no objection.
- There are already opposing gable landing windows at first floor level albeit to a non-habitable part of the house.
- The neighbouring house has a ground floor window overlooking the shared side passageway with no opposing window in the appellants' property.

- Revised proposals submitted to finish the proposed first floor gable bedroom window in opaque glass, similar to the glass in their neighbours ground floor window.
- Concur with the other condition of the permission to change the glass in the ground floor high level window.
- Propose an additional velux window to the rear roof slope to compensate for the loss of light from the omitted high level window in the north-western elevation.
- Explains the importance of the first floor window on the south eastern gable serving a bedroom which is to be partially subdivided by a partition in order to cater for their two daughters to have adequate space to sleep, study and relax.
- Contend that by omitting this window one part of the room will only be served by a rooflight which will not allow sufficient light or ventilation.

6.2. Planning Authority Response

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

6.3. Observations

None.

7.0 Assessment

- 7.1. Having regard to the nature and scale of the development and the specific issues arising, that being a 1st Party appeal against Condition number 2 of the planning authority decision, I am of the opinion that the determination of the application as if it had been made to the Board in the first instance is not warranted. In that regard, I note the provisions of section 139 of the Planning and Development Act 2000 (as

amended). The assessment will therefore be confined to the specific appeal of Condition number 2 of the planning authority decision.

7.2. I consider the key issues in determining this appeal as follow:

- Residential Amenity
- Appropriate Assessment.

7.3. **Residential Amenity**

The grounds of appeal relate specifically to modifications required in condition no. 2 of the grant of permission which relate to proposed windows and roof lights to both the existing house and proposed extension. I intend to deal with these separately.

7.3.1. *Proposed high level window on the side (north western elevation) of the proposed first floor extension*

Condition 2 (a) requires that this window be omitted. The planning authority considered, given the separation distance of 3.15m from the north western rear boundary with the adjoining house no. 15, that it could result in the perception of overlooking. The applicants agree to this modification and has submitted revised elevation drawings Drawing No. P-06 Rev A. indicating the omission of this high level window. In lieu of the omission of this window the applicants have also proposed an additional roof light to be located on the rear north eastern facing roof slope, as indicated on revised elevation Drawing No. P-04 Rev A and revised roof plan drawing no. P-06 Rev A.

I consider, therefore, that this matter is effectively resolved and that the condition can be modified accordingly.

7.3.2. *Proposed window on the side (south eastern elevation) of the existing first floor*

Condition no. 2 (b) requires that this window be omitted. The omission of this first floor window is the crux of this appeal. This window, which measures 1.2m in height and 1.2m in width, overlooks the narrow shared passageway with the adjacent

house no. 11. As noted by the planning authority, there is no opposing window on the adjacent side gable elevation of no. 11 at first floor level. The only first floor gable windows to these houses serve the landings.

The planning authority considers that because of the existing window at ground level on the neighbouring property, that the proposed first floor window should be omitted in the interests of residential amenity. It is noted that this existing ground floor window in the side gable of house no. 11 is finished in opaque glazing. The planning authority also considers that the two roof lights and the proposed window on the rear elevation are sufficient in terms of lighting the twin bedroom.

The applicants have made a strong case as to why this proposed window is necessary, as it is intended to serve a twin bed room which will be partially subdivided (by way of an internal partition) thereby limiting the amount of natural light and ventilation. They contend that this window should be retained and that it be finished in translucent glazing as annotated on elevation Drawing No. P-06 Rev A.

I consider that this first floor window serves an important function in terms of providing light and ventilation to this twin bedroom. I also consider that subject to it being finished in opaque glazing that it will not have a negative impact on the residential amenities of the adjacent dwelling no. 11.

I consider, therefore, that the condition can be modified accordingly.

7.3.3. Proposed high level window on the ground floor on the side (south eastern elevation)

Condition no. 2 (c) requires that this window be glazed with obscure glass and be non-openable.

The appellant states that they concur with this requirement although it is not entirely supported from examination of the side elevation drawing submitted on appeal Drawing no. P-06 Rev A. that these modifications are explicitly proposed.

I consider that this high level window subject to it being finished in opaque glazing will not give rise to any overlooking of the adjacent house no. 11. I also consider that given the adjacent house no. 11 already has a ground floor window, that it would be unreasonable to require that the high level window be non-openable as required by the planning authority.

In summary, I consider that this high level window at ground floor is acceptable and will not impact on the residential amenities of the adjoining property house no. 11, subject to it being finished in opaque glazing.

7.4. 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 the Board consider the appeal in the context of section 139 of the Planning and Development Act 2000 (as amended). I further recommend that the Board direct the planning authority to modify Condition No. 2.

9.0 Reasons and Considerations

Having regard to the existing and proposed side gable windows and the relationship with existing residential development in the vicinity, it is considered that the proposed modifications to windows and roof lights are warranted, in order to protect the residential amenities of adjacent properties, and in the interest of the proper planning and sustainable development of the area.

10.0 Condition

2. The proposed extension shall be amended as follows:

- (a) The proposed high level window on the first floor side north western elevation shall be omitted, and replaced with a roof light on the north east facing roof slope as indicated on Drawing No. P-04 Rev A. submitted to the Board 9th March 2017.
- (b) The proposed window on the first floor side south eastern elevation shall be glazed with obscure glass as indicated on Drawing No. P-06 Rev A. submitted to the Board 9th March 2017.
- (c) The proposed high level window on the ground floor side south eastern elevation shall be glazed with obscure glass.

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.

Susan McHugh
Planning Inspectorate

25th May 2017