



An
Bord
Pleanála

Inspector's Report PL06D.248161

Development

Development consisting of a new canopy over the front entrance, a new two-storey extension and internal modifications to an existing house and all associated site works.

Location

34 The Rise, Woodpark, Ballinteer, Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D16B/0517

Applicant(s)

Aslam Rawat & Naseema Moorad

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third-v-Grant

Appellant(s).

Michael Fahey

Date of Site Inspection

09th May 2017

Inspector

Colin McBride

1.0 Site Location and Description

1.1 The appeal site, which has a stated area of 0.0247 hectares, is located to the south of Dundrum town centre and north of the M50. The appeal site is located within an existing housing development consisting of two-storey semi-detached dwellings. The site is occupied by number 34, which is attached to no. 36 located immediately to the south. No. 32 is located immediately to the north and to the west the site backs onto the side boundary of the rear garden associated with no. 2 Ballintyre Walk Walk (two-storey semidetached dwellings). The dwelling on the appeal site has a single-storey extension on the back as does the dwelling to south (no. 36), whereas the dwelling the north (no. 32) has not been extended to the rear.

2.0 Proposed Development

2.1. Permission is sought for a new canopy over the front entrance, a new two-storey extension with flat roof to the rear to replace existing single-storey extension with pitched roof, removal of chimney, internal alteration to the existing house layout and associated site works. The proposed extension has a floor area of 148sqm and a ridge height of 6.060m.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 11 conditions. Of note is the following condition.

Condition 7: First floor portion of rear extension to be reduced in depth by 1m, glazing at first floor level serving master bedroom to be reduced in overall height and the frameless guard is to be omitted.

3.2. Local Authority and External reports

3.2.1. Drainage Planning (15/12/16): No objection subject to condition.

3.2.2. Transportation Planning (01/02/17): No objection subject to condition.

3.2.3. Planning Report (16/02/17): The overall design and scale of the proposal was considered to be acceptable subject to some amendments including reduced depth of the first floor portion of the extension among other alterations. A grant of permission was recommended subject to the conditions outlined above.

4.0 Planning History

4.1 No planning history.

5.0 Policy Context

5.1. Development Plan

5.1.1 The relevant development plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned Objective A with a stated objective 'to protect and/or improve residential amenity'.

6.0 The Appeal

6.1 Grounds of appeal

6.1.1 A third party appeal has been lodged by Prendiville Planning on behalf of Michael Fahey, 32, the Rose, Woodpark, Ballinteer, Dublin 16. The grounds of appeal are as follows...

- The appellant notes Development Plan policy under Section 8.2.3.1 of the County Development Plan and is critical regarding the character of the extension relative to the existing built form in the area. The appellants note that similar style two-storey extensions were refused at no. 17 and no. 20 due to being out of character, having an overbearing impact and overlooking.
- The appellant raises concern regarding overlooking/loss of privacy due to the large amounts of glazing proposed in the extension. The appellant also questions the impact of condition no; 7 in regards to the balcony element.

- The appellant raises concern regarding overshadowing and loss of light noting that the proposal does not pass the 45-degree rule under the BRE guidelines.
- The appellant notes concern that the design and scale of the proposal would have an overbearing impact in regards to his property.

6.2 Responses

6.2.1 Response by Dun Laoghaire Rathdown County Council.

- It is considered that the grounds of appeal do not justify a change in attitude to the proposed development.

6.2.2 Response by Marchitecture on behalf of the applicants, Aslam Rawat and Naseema Moorad.

- It is noted that there is precedent for similar two-storey extensions at no. 23 The Rise, no. 18 The Grove and no. 5 The Lawn (PL06D.203658) and PL06D.214059.
- It is noted that alterations proposed would not result in loss of character or impact in regards the visual amenities of the area.
- The applicants note the extent of development that they would have been able to construct under exempted development and consider that the condition attached (no. 7) is unnecessary. It is noted that the proposal would have no adverse impact in regards to overlooking. It is noted that condition no. 7 should be omitted
- In regards to loss of light it is noted that the proposed extension is provided with a flat roof and that reference to the 45-degree rule is crude way of assessing the proposal without taking into all factors. The applicants have submitted a shadow assessment to demonstrate impact. It is noted that such demonstrates that there no additional loss of light caused to the appellant's property.

- The Planning Authority raised no concerns regarding the bulk or scale of the development of it having an overbearing impact with condition no. 7 designed to reduce overlooking.

6.2.3 Response by Prendiville Planning on behalf of the appellant Michael Fahey.

- The response notes that the precedents identified in the applicants' response are not justification for the proposal and reiterate that there are two examples of similar extensions refused (Ref no. D1A.0190 and D08B/0589).
- The appellant reiterates concerns regarding loss of character.
- The appellant reiterates concerns regarding loss of privacy and overshadowing with it noted the proposal does not pass the 45-degree rule and that the shadow analysis does indicate an increase in overshadowing.
- The appellant reiterates that the proposal is excessive in bulk and scale and would have an overbearing impact relative to his property.

6.2.4 Further response by Dun Laoghaire Rathdown County Council.

- It is considered that the grounds of appeal do not justify a change in attitude to the proposed development.

6.3 Observation

6.3.1 An observation has been submitted by Prendiville Planning on behalf of Olivia Nolan, 36 The Rise, Woodpark, Ballinteer, Dublin 16.

- The observer notes Development Plan policy under Section 8.2.3.1 of the County Development Plan and is critical regarding the character of the extension relative to the existing built form in the area.

- The observer raises concern regarding overlooking/loss of privacy due to the design and orientation of windows relative to her property.
- The observer raises concerns regarding overshadowing and loss of light.
- The observer notes concern that the design and scale of the proposal would have an overbearing impact in regards to their property.
- The proposal would set a precedent for similar extensions to dwellings in the area.

7.0 Assessment

7.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Design/scale, visual/residential amenity

Other Issues

7.2 Design/scale and visual/residential amenity:

7.2.1 The proposal is for a two-storey extension to the rear of a two-storey semi-detached dwelling. The extension has a flat roof profile with a ridge height of 6.060m and projecting just over 6m from the rear building line (projects slightly further at first floor level due to an overhang). The extension is separated from the boundary with no. 32 by 1.613m. Where the extension adjoins no. 36 it steps down to a single-storey element and it adjoins a single-storey extension to the rear of no. 36. The appeal submission from the owner of no. 32 and the observation from no. 36 raise concerns about the design and scale of the extension with concerns regarding an overbearing impact, loss of light and privacy. The Planning Authority had some concerns regarding the scale of the extension relative to adjoining properties and applied condition no. 7, which requires that the first floor portion of rear extension be reduced

in depth by 1m, glazing at first floor level serving master bedroom to be reduced in overall height and the frameless guard is to be omitted.

7.2.2 The appellant notes the BRE guidelines and in particular the 45-degree rule and the fact that the proposal would not pass such in relation to the glazed door serving the kitchen on the rear elevation. It is notable that this door is the only source of light to the kitchen and that the other window on the ground floor rear elevation serves a separate room. Notwithstanding such I would consider that the design of the extension is relatively low profile with flat roof and a significantly lower ridge height than the existing dwelling on site and on adjoining sites. In addition, there is a degree of separation between the extension and the southern elevation of the appellant's property. I am satisfied that the applicants in their response have submitted a shadow impact assessment and that such demonstrates that the proposal would not result in a significant or adverse loss in light relative to the appellant's property.

7.2.3 The owner of the dwelling to south also raised concerns regarding impact on residential amenity. I would consider that the impact of the proposal is much less pronounced in regards to no. 36 due to the fact that the existing dwelling has a single-storey extension to the rear, is located to the south of the appeal site and has a similar finished floor level and building line to the dwelling on the appeal site. I would not be concern regarding the impact of the proposed on the residential amenities of no. 36.

7.2.4 The issue of overlooking was raised in the appeal submission and the observation. No windows are proposed at first floor level on the northern elevation facing the appellant's property with the majority of glazing facing west and in keeping with the main orientation of the existing dwelling on site. On the southern elevation, part of the glazing wraps around with glazing at the south western corner as well as a small window serving an ensuite bathroom also on the southern elevation. According to the information on file the window panels on the southern elevation and window serving the ensuite bathroom is to feature obscure glazing. I would consider that such measures would deal with any concerns regarding overlooking and a condition requiring the fitting of such glazing should be applied in the event of grant of permission. If the Board are concerned regarding the glazed section at the south

western corner, such could be omitted by way of permission in the event of a grant of permission. Condition no. 7 requires that the first floor portion of rear extension to be reduced in depth by 1m and the glazing at first floor level serving master bedroom to be reduced in overall height (to match the existing window in the rear elevation at first floor level) and the frameless guard is to be omitted. I would recommend that this condition be retained as such would eliminate the possibility of overlooking due to the fact the current proposal provides for a balcony although not a projecting one.

7.2.5 In regards the overall visual amenity of the area the majority of the development is located to the rear of the dwelling and not highly visible in the surrounding area due to it having a lower ridge height than the existing dwelling. The proposal does entail some alteration to the front elevation in the form of a new canopy above the door. I would consider that the design of canopy is in keeping with character and scale of the existing dwelling and that the proposed development would have no adverse impact on the visual amenities of the area.

7.3 Other Issues:

7.3.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, 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 a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

9.1 Having regard to the residential zoning objective for the area, to the pattern of development in the area and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable having regard to design and would not seriously injure the visual or residential amenities of the area. 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. The proposed development shall be amended as follows:

- (a) The proposed first floor rear extension shall be reduced in depth by 1 m.
- (b) The glazing on the rear elevation at first floor level serving the master bedroom shall be reduced in overall height and width to match the dimensions of the existing window in place.
- (c) The proposed frameless guard on the rear elevation shall be omitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of residential amenity.

3. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 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 residential amenities of property in the vicinity.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

5. 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 and a construction stage traffic management plan.

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

6. 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.

Colin McBride
Planning Inspector

12th June 2017