



An
Bord
Pleanála

Inspector's Report PL06D.248199

Development	First floor rear extension to dwelling.
Location	No. 6 Marine Avenue, Sandycove, Co. Dublin.
Planning Authority	Dún Laoghaire-Rathdown Co. Council.
Planning Authority Reg. Ref.	D16B/0539.
Applicant	Stephen Breen.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellants	Girvan & Anne-Marie Dempsey
Observer	Linda Reid
Date of Site Inspection	7 th of June 2017
Inspector	Siobhan Carroll

1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.0275 hectares is located on Marine Avenue, Sandycove in south County Dublin. The subject site contains a two-storey semi-detached dwelling with an area of 210 square metres. The surrounding area is primarily residential in character. The house types in the vicinity are predominantly two-storey and semi-detached.
- 1.2. The dwelling has been modernised and extended. It features a two-storey extension to the side and rear and a rear dormer extension. There is a lane off neighbouring Marine Parade to the north which provides rear access to the back garden. The adjoining dwelling no. 5 Marine Avenue features a ground and first floor extension to the rear of the property.

2.0 Proposed Development

- 2.1. First floor flat roof extension to the rear of the semi-detached dwelling. The extension has a floor area of 10.1sq m.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 9 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The development would not give rise to overlooking or overshadowing the proposed extension was considered acceptable.

3.2.2. Other Technical Reports

3.2.3. Drainage Planning – no objections

3.3. Third Party Observations

- 3.3.1. The Planning Authority received two submissions in relation to the planning application. The issues raised are similar to those set out in the appeal and the observation to the appeal.

4.0 Planning History

Reg. Ref. D13B/0325 – Permission was granted for the construction of a two storey side extension with extended existing roof containing converted attic space with dormer window to the rear and skylight to the side and a one/two storey flat roofed extension to the rear, with all associated site works, including the demolition of an existing single storey extension to the rear. This development was carried out.

Reg. Ref. D04A/0101 – Permission was granted for the demolition of a single storey detached garage to side to be replaced with new single storey detached 'Granny Flat' to side. The development was not carried out.

Neighbouring site

Reg. Ref. D11B/0113 – Permission was granted for the replacement of all existing windows, a new rooflight to side of existing house, demolition of existing single storey rear extension and side garage, erection of a new single and two storey extension to side and rear of existing dwelling no. 5 Marine Avenue. This development was carried out.

5.0 Policy Context

5.1. Development Plan

The site is governed by the provisions of the Dún Laoghaire – Rathdown County Development Plan 2016-2022.

- The site at No. 6 Marine Avenue, Sandycove, Co. Dublin is located on Map 3 of the Dun Laoghaire Rathdown Development Plan and is identified as being Zoned Objective A 'to protect and/or improve residential amenity'.

- Chapter 8 – Principles of Development
- Section 8.2.3.4(i) refers Extensions to Dwellings

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was lodged by Girvan & Anne-Marie Dempsey on the 21st of March 2017. A summary of the contents is as follows;

- The appeal submission comprises a letter which raises the issues of overshadowing, the scale of the proposed extension and the proximity of the extension to the appellant's property no. 5 Marine Avenue.
- The submission also includes a copy of the observation which the appellants submitted to the Planning Authority. The issues raised refer to the fact that the proposed development would have a detrimental impact on their residential amenity. The extension would be located less than 100mm from the party boundary.
- The proposed extension would have a negative impact in terms of reducing the amount of daylight entering the kitchen window (rooflight) and first floor bedroom window.
- The proposed extension would have an overbearing impact.
- Using the '45 degree approach' as outlined in the Section 2.2 of 'The Good Practice Guide to Site Layout Planning for Daylight and Sunlight' by PJ Littlefair it is considered that the proposed extension will result in an undesirable 'tunnel effect' to the rear elevation of 5 Marine Avenue.
- The construction of the proposed extension and its future maintenance would require access from the appellant's property.
- The appellants suggest that alternative design solutions should have been considered by the applicants.

6.2. Applicant Response

A response to the third party appeal was submitted by NBK Architects on behalf of the applicant Stephen Breen on the 18th of April 2017. The issues raised are as follows;

- The current proposal and the previously permitted development under Reg. Ref. D13B/0325 are in accordance with the Development Plan. The appellants were granted permission for a similar development under Reg. Ref. D11B/0113.
- In relation to the matters of overshadowing and overbearing the proposal should be considered in context. The proposed extension would be situated between two existing first floor rear extension approved by the Planning Authority. The proposal would remove an existing landing window which overlooks the appellant's property.
- Any overshadowing of the appellant's dining area and the bedroom/nursery window is caused by their own first floor extension located to the south.
- It is considered that no tunnel would be created in the area referred to as it is 3.5m wide and with a depth of 2.4m.
- The principles of Section 2.2 of 'The Good Practice Guide to Site Layout Planning for Daylight and Sunlight' by PJ Littlefair which refers to the '45 degree approach' do not apply in this case as the rear elevations of no. 5 & no. 6 Marine Avenue have been extensively remodelled at ground and first floor. Furthermore, given the northern orientation of the proposed extension it is considered that the provisions of 'The Good Practice Guide to Site Layout Planning for Daylight and Sunlight' would be applicable to the extensions carried out under Reg. Ref. D11B/0113.
- Regarding the matter of overshadowing, it is considered that the proposal is daylight neutral.
- In relation to the matter of access to construct the extension it is considered that it will be completed and maintained in the future without any access to the appellant's property.

6.3. Planning Authority Response

- The Planning Authority submitted a response to the Board on the 18th of April 2017 and advised that the grounds of appeal do not raise any new matters which would justify a change of attitude to the proposed development.
- The Board were advised to refer to planning officer's report.

6.4. Observations

An observation to the appeal was submitted by Linda Reid on the 18th of April 2017. The issues raised are as follows;

- The proposed first floor extension would overlook the observers rear garden.
- The observer already experiences overlooking to the rear of her property.
- It is requested that permission be refused on the basis of impact on residential amenity and loss of privacy.

7.0 Assessment

7.1. Section 8.2.3.4(i) of the Dun Laoghaire Rathdown Development Plan 2016-2022 refers to extensions to dwellings. There are a number of specific criteria set out in this section of the Plan which relate to first floor rear extensions. It is stated that first floor rear extensions will be considered on their merits and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. The factors which are taken into consideration in determining proposals for first floor extensions include, overshadowing, overbearing, overlooking, proximity, height and length along mutual boundaries.

7.2. The proposed first floor extension has a floor area of 10.1sq m and a flat roof design is proposed to match that of the existing first floor extension. The extension would project out 3.59m from the existing building line. It would be inset marginally from the party boundary with the appellant's property.

- 7.3. The main contention of the appellants relates to the scale of the first floor extension, the proximity to their property and the impact that it would have on the daylight and sunlight which their property would receive. They contend that the proposed development would interfere with the flow of natural light specifically to the rooflight serving the kitchen and also the first floor bedroom window.
- 7.4. The appellant's property no. 5 Marine Avenue adjoins the subject dwelling and is situated immediately to the south. The dwelling has been extended to the rear at ground and first floor levels. At ground floor level the extension projects out 3.5m from the main rear building line this matches the ground floor extension to the subject property no. 6. The appellants refer to the '45 degree' rule and consider that the proposed extension will result in an undesirable 'tunnel effect' to the rear elevation of their dwelling.
- 7.5. The '45 degree' rule is set out in the BRE Digest 209: Site Layout Planning for Daylight and Sunlight. The sun is 45° or more above the horizon from mid-April to mid-August, between approximately 11.00am and 3.00pm (British Summer Time). Accordingly, where any extension or new building that may overshadow another dwelling or its amenity space and where there is a potential adverse impact upon the current levels of daylight/sunlight enjoyed by adjoining properties then the degree of overshadowing that will be experienced by the adjoining property should be established.
- 7.6. I have examined the proposed plans and elevations and having regard to the location of the appellant's property to the south of the proposed extension I am satisfied that potential overshadowing would be very limited. I would concur with the point made in the first party response that shadowing of those windows would be caused by the two-storey rear extension to the appellant's dwelling granted under Reg. Ref. D11B/0113.
- 7.7. In relation to the issue of overbearing and 'tunnel effect', I note that the proposed extension projects out 3.59m and that there is a separation distance of circa 4m from the proposed extension to the first floor extension to the appellant's property. Therefore, having regard to the site context and to the limited depth of the proposed extension and relative to the separation distance of proposed extension to the first

floor extensions to the appellants dwelling to the south, I consider that it would not result in an undue 'tunnel effect' or overbearing impact.

- 7.8. The proposed bedroom will be served by a single window to the rear (south-eastern) elevation. Given that no new windows are proposed to the side elevations of the extension, I am satisfied that that would not unduly increase the level of overlooking of neighbouring properties.
- 7.9. The appellants raised the point that the construction and future maintenance of the extension would require access from their property. In response the first party have confirmed that it will be completed and maintained in the future without any access to the appellant's property.
- 7.10. In relation to the matter of appropriate assessment, I consider that having regard to the nature of the proposal an extension to a dwelling and the nature of the receiving environment, namely a suburban and fully serviced location that no appropriate assessment issues arise.

8.0 Recommendation

- 8.1. I have read the submissions on file and visited the site. Having due regard to the provisions of the Development Plan, together with all other issues arising, I recommended that permission be granted for the following reasons and considerations.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the current Development Plan for the area, and having regard to the pattern of existing development in the area and the design and scale of the proposed extension, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would comply with the provisions of the Development Plan. 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.

Reason: In the interest of clarity.

2. The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

3. The 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.

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, as amended. The contribution shall be paid prior to 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

An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Siobhan Carroll
Planning Inspector

9th of June 2017