



An
Bord
Pleanála

Inspector's Report PL 06D 248377

Development	Single storey extension (39 square metres) with attic space at the rear of existing dwelling.
Location	Glenholme, 115 Churchtown Road Lower, Churchtown, Dublin `14.
Planning Authority	Dun Laoghaire Rathdown County Council.
P. A. Reg. Ref.	D17B/0063
Applicant	Stephen and Brigitta Lannen
Type of Application	Permission for Retention
Decision	Grant Permission for Retention
Type of Appeal	Third Party
Appellant	Charleville Residents' Association.
Observer	
Date of Site Inspection	7 th July, 2017
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1. The site which was formerly that of a derelict dwelling has a stated area of 900 square metres is rectangular in shape and is located at the corner of Churchtown Road Lower and the entrance to the Charleville residential estate. Vehicular access is off Churchtown Road Lower adjacent to the entrance to Charleville. A single storey dwelling facing onto Churchtown Road Lower adjoins the southern boundary. Along the internal access road to Charleville the site boundary is on the southern side and two storey houses are along the northern side. Along the entire length of northern side boundary there is a rendered and capped boundary wall.
- 1.2. The existing dwelling constructed on the site is a large detached dwelling with habitable accommodation at attic level with rooflights in all of the roof slopes.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for permission for retention of a single storey extension with attic space to the rear. Also included in the proposal are additional roof lights in the north facing and east (rear) facing roof slopes.
- 2.2. The separation distance from the northern site boundary, adjacent to the internal access road to Charleville is circa 2.2 metres. The separation distance from the southern boundary is circa one metre.

3.0 Decision of the Planning Authority

3.1. Decision

By order dated, 31st March, 2017 the planning authority decided to grant permission for retention subject to five conditions, three of which are development contribution conditions. Condition No 2 has the requirement that that SUDS drainage measures have been considered with the applicant being required to provide for an alternative arrangement for disposal of surface water such as a soak but and or water butts.

3.2. Planning Authority Reports

- 3.2.1. The planning officer in his report concluded that the proposed development is not seriously injurious to visual or residential amenities at adjoining properties.
- 3.2.2. The internal technical reports of the Transportation Department and Municipal Services Department indicate no objection subject to conditions.

3.3. Third Party Observations

- 3.3.1. Objections received by the planning authority which include an objection from the appellant party indicate objection to the proposed building height and visual impact relative to surrounding development, roof tile colour, extent of fenestration, overall dwelling size, potential for habitable use of the attic space and restricted vision for vehicles accessing Churchtown Road Lower to due to the front boundary wall height.
- 3.3.2. A submission in support of the proposed development was also received by the planning authority from the occupants of No 117 Churchtown Road Lower. It is stated that the objections from residents have no basis in planning and that the proposed development of the site is a positive addition to the area, adding value to property in the locality.

4.0 Planning History

- 4.1.1. According to the planning officer report the site has the following history.

P. A. Reg. Ref D15A/0263: Permission was granted for demolition of the garage, alterations to the front and side and rear, extension of the hipped roof over a conservatory utility area at the rear, realignment of the vehicular entrance and a replacement 2.4 metres high boundary wall of the boundary wall on the northern site frontage at the side and rear.

P. A. Reg. Ref. D97A/758: Permission was refused for a dwelling at the rear of Nos. 115 and 117 Churchtown Road Lower.

A section 5 Declaration was issued in response to a request from the applicants in which it is stated that a range of works and construction of an

extension and garage is development and is not exempt development. (The register reference is unavailable.

- 4.1.2. There is also a record of enforcement with regard to Condition Nos 1 and 6 of the grant of permission relating to window installation and entrance and parking arrangements. (Reference 13714 refers)

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dun Laoghaire Rathdown County Development Plan, 2016-2022 according to which the site is subject to the zoning objective: A: *to protect and/or improves residential amenity*. Policies objective and standards for extensions to existing dwellings are set out in Section 8.2

6.0 The Appeal

6.1. Appeal by Charleville Residents' Association.

- 6.1.1. An appeal was received from Nigel Brennan on behalf of Charleville Residents' Association on 24th April, 2017 along with several appendices comprising documents lodged with the planning authority and planning authority documentation in connection with the application. The submission includes an account of the planning history and Images and photographs are also included to illustrate the case made in the appeal.

- 6.1.2. It is requested that permission be refused on grounds that the proposed development due to:

the scale, bulk, fenestration, height and roof colour which is out of character with the dwellings to the south,

serious traffic hazard and,

undesirable precedent for further inappropriate development.

6.1.3. Failing a refusal of permission, it is submitted that additional clarification and additional conditions are required.

6.2. According to the appeal:

- The information available with the application is insufficient, contradictory and inaccurate because:

Details of external finishes are not provided

There are four windows on the north, first floor elevation whereas only three are shown on the drawings.

The combined floor areas of the ground and first floors is not 200 square metres. It is at least 238 square metres.

Living space is clearly shown on the plans as opposed to attic space.

There are differences in detail relating to height of the buildings, neighbouring buildings, boundary walls and the window positions on the application drawings compared to the details on the application drawings for the previously permitted development under P. A. Reg. Ref. D15A/0263 for the appeal site and D12B/0273, D12B/0168, D09A/0022. These differences are required according to Condition No 1.

- The height of the extension exceeds the height of the permitted dwelling.

The proposed development does not accord with section 8.2.3.4. (i) of the development plan which has the requirement that there will be no significant negative impacts on surrounding residential or visual amenities and there are additional criteria relating to roof profiles.

The extension (proposed for retention) is 900 mm higher than the previously permitted extension. It exceeds the height of the main structure. It should be assessed in relation to the existing structure. The visual amenities of the area are reduced by the lack of harmony and visibility of the extension. A condition with a requirement for a 900 mm reduction in height would bring the development line with the development plan.

- The roof colour of the house and extension differs from that of adjoining properties.

A condition similar to Condition No 2 attached to the prior grant of permission which had the requirement that the roof colour be similar to the roof colour of the adjoining properties to the south is required. Any variation in roof colour severely reduces the visual amenities of the area.

- The wall height increase at the front of the site poses significant traffic hazard at the junction of Lower Churchtown Road and Charleville.

The only (prior) grant of permission was for changes to the splays and to the width the entrance at the front. No change in height of the low wall on the northern boundary to the front were included but these height changes are introduced in the current application. The planning officer is incorrect by stating that the wall and entrance were considered under the previous application. With reference to statutory guidance, the development plan in (Section 8.2.3.1) requires provision for sightlines at the exit from driveways to be in accordance with section 4.4.5 of the Design Manual for Urban Roads and Streets. (DMURS.) It should be established as to whether the changes in which the line of sight is reduced significantly increase traffic hazard at the junction of Charleville and Lower Churchtown Road. If permission (for retention) is granted, the alterations to the walls to the front should be removed or a condition for reduction to the previous heights including restored capping to the original should be added.

- The number size of first floor windows introduce on privacy at properties in Charleville and the first floor use

It is requested, should permission be granted that the number of windows at first floor be limited or obscure glazing and blinds be required to prevent overlooking. The prior application shows two first floor north facing windows. One is for the master bedroom's en-suite and a second larger one serving as a light well for the ground floor. The roof as constructed has four windows at first floor level. One for the master bedroom, two additional windows servicing en suites on the first floor and a fourth as a light well for the proposed extension which is over the main living space. The additional windows would invade the privacy at Nos 1 – 6 Charleville and the light well would cause light pollution.

- The proposed development would set dangerous precedent.
- The approach to planning with regard to the history of the proposed development is neither equitable or robust.

6.3. Applicant's Response to the Appeal.

6.3.1. A submission was received on 22nd May from LHA architecture on behalf of the applicants and attached to it is a separate statement by the applicant.

It is submitted by the applicant and the agent that the appeal is frivolous and vexatious and should be dismissed.

- The extension constructed at the rear of the existing dwelling is exempt development. The application was made because it was necessary to regularise an interpretation that condition No 1 of the grant of permission under P. A. Reg. Ref. D15A/0263 had been breached.
- Every precaution was taken in carrying out the previously permitted development under P. A. Reg. Ref. D15A/0263, the intention being to comply with the planning process and its requirements.
- The planning authority in noting that the development may satisfy exempt development limitations sought regularisation of the extension to ensure compliance with Condition 1 of the Grant of permission under P. A. Reg. Ref. D15/0263.
- The issues raised in the appeal have nothing to do with the proposal for retention of the extension in the application.
- The occupants of No 117 Churchtown Road Lower, have voiced full approval for the proposed development in their observations submitted at application stage to the planning authority.

6.4. **Planning Authority Response**

In a letter received from the planning authority it is confirmed that the appeal gives rise to no changes in the planning authority's view based on the planning authority's assessment and decision.

7.0 **Assessment**

- 7.1. The application is confined to a proposal for permission for retention of the extension to the dwelling at the rear which incorporates attic space. Some of the issues raised in the appeal relate to elements of development on the site not subject of the current application for permission for retention. They primarily relate contentions that wall heights and entrance arrangements are not consistent with the original grant of permission under P. A. Reg. Reg. D15A/0263 and are enforcement matters that can be resolved between the applicant and the planning authority.
- 7.2. The issues considered central to the determination of the decision with regard to the proposed development for retention are that of impact on visual and residential amenities of the area
- 7.2.1. Based on visual inspection, especially the details for the roof profile and fenestration in the roof slopes it appears there is an accurate representation of the proposed development as constructed and as proposed in the drawings, in the current application for permission for retention.
- 7.2.2. While it is considered that the extent of fenestration at roof level is considerable the site environs has the capacity to accept the proposed additional fenestration for the north slope and east (rear) slope of the extension. Omission of the additional fenestration proposed would slightly ameliorate the relative conspicuousness of the overall amount of fenestration on the north facing roof slope the impact considered insignificant and unwarranted from the perspective of impact residential and visual amenity. The retention of the additional fenestration which lights the extension proposed is acceptable in conjunction with the permitted fenestration. The concern with regard to visual conspicuousness is attributable to the roof tile colour which is discussed in section 7.3-7.5 below.

- 7.2.3. Given the separation distance of approximately twenty-two metres between the footprint of the dwelling and the front building line of the dwellings along Charleville facing towards the dwelling and the roof pitch and position of the proposed additional north facing rooflight on the roof slope overlooking of neighbouring properties would not occur.
- 7.2.4. The addition of the extension, the retention of which is proposed increases the length of the north facing elevation to sixteen metres thus increasing the mass in views within the public realm on Charleville. However, owing to the position of the footprint relative to other dwellings in the vicinity, the single storey parapet level and height and proportions overall, the existing dwelling as modified according to the proposals for retention can be accepted into the site and established surrounding built environment. To this end, owing to the site size, configuration and location there is scope for acceptance of the modifications that result in enlargement of the permitted dwelling in design and form as satisfactorily integrating with the established development.
- 7.3. is agreed with the appellant that the colour of the roof tiles that have been erected contrasts with the prevailing roof colours of the surrounding development. The current application does not include any details as to proposed roof tile colour. The dark grey/blue/black tile colour on the roof renders the development visually conspicuous and inconsistent with Condition No 2 attached to the original grant of permission under P. A. Reg. Ref. D15A /0263 which contains the requirement that the roof tiles be similar in colour to those on the existing adjoining properties to the south. A proposal for a material change to the roof colour as required under Condition No 2 of the prior grant of permission under P. A. Reg. Ref.D15A/0263 has not been included in the descriptions in the notices for the current application for permission for retention. To this end, the proposed development materially contravenes the roof tile colour requirements of Condition No 2 of the permitted development under P. A. Reg. Ref. D15A /0263.
- 7.4. The roof profile of the dwelling, as permitted and, incorporating the proposed modifications, as constructed in the current application is the primary and dominant element of the development in views from the public realm. While the site is generally considered to have the capacity to accept the permitted dwelling

incorporating the proposed retention of the additional extension the sole element that renders the development incompatible with the adjoining development to the south in the streetscape views along Churchtown Road Lower and therefore seriously injurious to the visual amenities along the streetscape is the roof tile colour. There is less adverse visual impact along Charleville in that the dwelling does not immediately adjoin existing neighbouring dwellings. However, the proposed development for retention in the current application compared to and relative to the permitted development by way of enlargement and alteration does not significantly increase the degree of adverse visual impact attributable to the inappropriate roof tile colour. With the exception of the roof tile colour the proposed development is considered acceptable.

- 7.5. The outstanding issue in view of the foregoing is that of the material contravention of the requirements of Condition No 2 or the grant of permission for the original development the adverse visual impact of which is exacerbated to a limited extent in the current as constructed, modified proposal.
- 7.6. Subject to compliance with the requirement for roof tile colour under Condition No 2 of the original grant of permission and a compatible external finish the proposed development would satisfactorily integrate with and complement existing adjoining and surrounding development and the visual amenities of the area. The matter could be rectified by replacement of the roof tiles the implementation of which could be addressed in consultation with the planning authority within a limited time period. In addition, the colour of the external finishes to the elevations can be modified to a colour more complementary to the prevailing roof tile colours of the adjoining development, in agreement with the planning authority. As has been pointed out in the appeal, no details of external finishes were provided in the current application. The existing off white/light grey finish may not be compatible with the roof tile colours required under Condition No 2 of the original grant of permission under P. A. Reg. Ref. D15A/0293. In the event that permission for retention is granted, an additional condition can be included with a requirement for external finish colours to be agreed by compliance with the planning authority and implemented within a specified limited period.
- 7.7. In conclusion, it is considered that the proposed development is acceptable subject to the development being modified with regard to roof tile colour to render it

consistent with condition No 2 of the original grant of permission under P. A, Reg. Ref D15A/0263 and with regard to external finishes. These matters can be addressed by condition.

8.0 Recommendation

- 8.1. In view of the forgoing it is recommended that permission be granted subject to attachment of conditions with requirements for replacement roof tiles and for an external finish which can be addressed by compliance submissions.

9.0 Reasons and Considerations

- 9.1. Having regard to the site location and configuration relative to the established pattern and character of development in the surrounding area it is considered that subject to compliance with the conditions set out below, the proposed development would not be seriously injurious to the visual and residential amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

- 1 The development shall be in accordance with Condition Nos 1-10 attached to the grant of permission under P. A. Reg. Ref. D15A/0263 except as amended to conform with the provisions indicated in the plans lodged in connection with the application and with the following conditions.

Reason: To ensure consistency with the development as previously permitted.

- 1 The roof tiles shall be replaced with roof tiles similar in colour to those of the adjoining dwelling to the south side within six months of the date of this order. Prior to the commencement of the required works the applicant shall provide samples and submit and agree full details with the planning authority.

Reason: In the interests of the visual amenities of the area, especially the streetscape views along Churchtown Road Lower and to ensure consistency

with the requirements of Condition No 2 attached to the prior grant of permission under P. A. Reg. Ref. D15A/263.

3. The colour of the external finishes which shall be compatible with the colour of the roof tiles shall be agreed in writing with the planning authority and implemented within six months of the date of this order.

Reason: In the interests of the visual amenities of the area, especially the streetscape views along Churchtown Road Lower.

JANE DENNEHY
Senior Planning Inspector,
12th July, 2017.