



An
Bord
Pleanála

Inspector's Report PL29S.248442

Development	Minor modifications to permitted extension to dwelling under PL29S.246860 / reg.ref.WEB1139/16, to comprise bedroom window and extension to chimney stack.
Location	The Willows, 8A Sunbury Gardens, Dartry, Dublin.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1075/17
Applicant(s)	Peter Nickels and Edelle O'Doherty
Type of Application	Permission
Planning Authority Decision	Split GRANT / REFUSE
Type of Appeal	First Party
Appellant(s)	Peter Nickels and Edelle O'Doherty
Observer(s)	
Date of Site Inspection	01/08/17
Inspector	John Desmond

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	3
3.3. Prescribed Bodies	4
3.4. Third Party Observations	4
4.0 Planning History.....	4
5.0 Policy Context.....	4
5.1. Development Plan.....	4
5.2. Natural Heritage Designations	Error! Bookmark not defined.
6.0 The Appeal	5
6.1. Grounds of Appeal	5
6.2. Applicant Response	Error! Bookmark not defined.
6.3. Planning Authority Response	5
6.4. Observations	6
6.5. Further Responses.....	6
7.0 Assessment	6
8.0 Recommendation.....	6
9.0 Reasons and Considerations.....	6
10.0 Conditions	7

1.0 Site Location and Description

- 1.1. The application relates to a detached 2-storey dwelling of c.180-sq.m on a site of c.428-sq.m in an older, low density residential suburb in Dartry, south Dublin city. The site is located within Sunbury Gardens, a suburban development of around 12 semi-detached period red-bricked dwellings surrounding a landscaped park, dating from the around 19th Century. The site accommodates one of a pair of similar infill dwellings from around the 1960's or '70's, comprising simple 2-storey, flat-roofed dwellinghouse in brown brick.

2.0 Proposed Development

- 2.1. The applicant proposes to amend that development permitted by the Board under PL29S.246860, for the extension and alteration of the existing house, to provide a new window on the west-facing elevation at second floor level (which was omitted by condition 2(a) of the Board's decision) and extend the chimney stack on the north elevation, but also to omit the window on the north-facing window required under condition 2(a).

3.0 Planning Authority Decision

3.1. Decision

SPLIT DECISION:

To **GRANT** permission for the extension of the chimney stack

To **REFUSE** permission for the bedroom window on western elevation

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report is consistent with the decision of the planning authority to issue a split decision. Having regard to the detail of Inspector's report to the previous Board decision PL29S.246860, the Planning Officer considered the revised proposal, by reason of the height and scale of the structure, together with its proximity to

properties in the vicinity, to be unacceptable. The Planning Officer had no objection to the proposed raised chimney stack.

3.2.2. Other Technical Reports

Drainage (09/03/17) – no objection subject to previous conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

PL29S.246860 / W1139/860: Permission **GRANTED** by the Board (07/11/17), overturning the decision of the planning authority, for extensions and alterations to existing dwelling, including additional floor level. Condition no.2 of the Board's decision required (a) the omission of the western elevation window illuminating bedroom no.5 at second floor level and its replacement with a window of similar dimensions on the northern elevation and (b) the omission of the proposed high level window on the western elevation illuminating the home office/study, in the interest of protecting the residential amenities of adjoining properties.

5.0 Policy Context

5.1. Development Plan

The site is zoned objective Z1 sustainable residential neighbourhoods '*To protect, provide and improve residential amenities.*'

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal submitted by Peter Nickels and Edelle O'Doherty may be summarised as follows:

- The requirement of condition no.2(a) to PL29S.246860, relocating window to bedroom no.5 to the north elevation would result in far greater overlooking of neighbouring property to the north, no.2 Highfield Road, overlooking the whole of its rear garden.
- Relocating the window to the north elevation negatively effects the thermal efficiency of the passive house design principles incorporated in the development, supported by S.16.2.1.2 and 16.2.2.3 of the CDP 2016.
- The window has been redesigned to satisfactorily address the issue of overlooking. The Architect's Report (see Appendix 3) explains that overlooking of The Orchard (property of concern to the Board in its previous decision) is restricted due to the diagonal offset between the two dwellings, the location of that dwelling 2.3m from its boundary wall, the presence of substantial planting along the eastern boundary to that property providing visual screening, and the room in that dwelling closest to the application site is to a utility room.
- The proposed design specifically eliminates overlooking of adjoining properties.
- There are similar dormer windows at roof level locally (see Appendix 2).
- The Planning Officer's report includes a quote from the Inspector's Report from the previous decision, however the section of text highlighted was, in fact, from a third party observation, not the Inspector's own words.

6.2. Planning Authority Response

None.

6.3. **Observations**

None.

6.4. **Further Responses**

None.

7.0 **Assessment**

7.1. This is a single issue case as the principle and details of the proposed extension of and alterations to the existing dwelling have been determined under the Board's decision on PL29S.246860. The issue arising in this case is potential overlooking of neighbouring property and consequential serious injury to residential amenities.

7.2. Having inspected the site, I am satisfied that the revised design for the second floor west-facing window omits any potential of a significant increase in overlooking of neighbouring property, including the scout den to the west and the bungalow the northwest. The proposed development is acceptable.

8.0 **Recommendation**

8.1. I recommend that permission be **GRANTED** subject to the conditions set out under section 10.0.

9.0 **Reasons and Considerations**

Having regard to the revised design of the proposed window within the context of the overall scale and nature of the development concerned and the character of the surrounding area and the zoning objective, Z1 '*To protect, provide and improve residential amenities*', applicable to the site, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity by way of overlooking or otherwise, would not be out of character and would be consistent with the provisions of the Dublin City Development Plan 2016-2022 and 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 development shall comply with all conditions attached under permission PL29S.246860 excluding condition 2(a).

Reason: In the interest of clarity

John Desmond
Senior Planning Inspector

1st August 2017