



An
Bord
Pleanála

Inspector's Report PL.06D.248512

Development	Retention of alterations and extensions at ground floor and attic level.
Location	10 Seapoint Avenue, Blackrock, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17B/0091.
Applicants	Mr & Mrs. R. Collins.
Type of Application	Retention.
Planning Authority Decision	Grant.
Type of Appeal	Third Party Vs Decision.
Appellant	Elizabeth Burke.
Observers	None.
Date of Site Inspection	25 th July 2017.
Inspector	Dáire McDevitt.

1.0 Site Location and Description

- 1.1. The site, No. 10 Seapoint Avenue, Blackrock, Co. Dublin, is located at the western (Blackrock) end of Seapoint Avenue, on the northern side of the road. It consists of a single storey detached house within a row of similar style houses. The house is gable-ended with the ridge line running parallel to the street. There is a north facing rear garden which bounds the rear garden of Newtown House (Protected Structure). There is no boundary along the side of the houses between No. 10 and the appellant's house, No. 12. The gable of No. 12 forms the boundary here. There is a fence separating the rear gardens and a hedge along the boundary between the front gardens. The site has a stated area of 0.27 hectares.
- 1.2. Photographs, maps, aerial images in the file pouch.

2.0 Proposed Development

Permission is being sought for the retention of alterations and extensions consisting of works to the rear of the ground floor and attic area comprising of:

- A rear ground floor kitchen/family room/utility and a stairwell with primarily pitched roof over.
- Attic conversion.
- Rooflights to the rear and side pitches.
- Rear attic window.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 10 standard conditions.

3.2. Planning Authority Reports

3.2.1. Planner's Report

This Report forms the basis for the Planning Authority's decision and the main issues are highlighted below:

- Visual Impact
- Residential Amenity.

3.2.2. Other Technical Reports

- Municipal Services Department. Drainage Planning: No Objection.

3.3. Third Party Observations.

Two submissions were received by the Planning Authority. This included one on behalf of the current appellant, which is largely in line with the grounds of appeal, and shall be dealt with in more detail in the relevant section of this Report.

The submissions are summarised as follows:

- Overlooking of No. 14 Seapoint Avenue from a velux window.
- Working proceeding without the benefit of planning permission.
- Height and form of extension is out of character with the area.
- No permission for previous extensions to the property.
- New door opening c. 0.9m from a bedroom window of No. 12 Seapoint Avenue.
- Negative impact on the privacy of adjoining properties.
- Overshadowing and loss of light.
- The extension would be overbearing and visually obtrusive.

4.0 Planning History

There is no record of planning applications pertaining to the site.

Planning Authority Reference 14616, An Bord Pleanála Reference RL06D.RL3544 current Section 5 Referral in relation to the works which form part of the current application. Undecided.

5.0 Policy Context

5.1 Dun Laoghaire Rathdown County Development Plan 2016-2022

- Site is zoned under Land Use Objective 'A' *To protect and/or improve residential amenities.*

Section 8.2.3.4 refers to the development management stands for extensions to dwellings and criteria required to be adhered to. This includes that ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. Dormer extension to roofs will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties.

Section 8.2.8.4 (ii) refers to the minimum standard of 22 metres separation between directly opposing rear first floor windows should usually be observed, normally resulting in a rear garden depth of 11 metres.

5.2 Natural Heritage Designations

None of relevance.

6.0 The Appeal

6.1 Grounds of Appeal

A third party appeal has been lodged by Elizabeth Burke, 12 Seapoint Avenue, Blackrock, Co. Dublin. The adjoining property to the east of No. 10. The grounds of appeal are summarised as follows:

- The new side door serving the utility room opens up immediately adjacent to and overlooking the appellant's bedroom window. Irrespective of the proposed frosted glazing of the door, it is unacceptable and should be removed.
- No. 12 is a single storey house and all bedrooms are at ground floor level and there is no boundary between the door and her bedroom window.
- Unauthorised works carried out to date.
- There was originally a window serving a boxroom to the side of no. 10 facing the appellant's window but her privacy was protected as there had previously been a shed located between the two windows.
- Extension would be visually dominant, overbearing and obtrusive when viewed from No. 12 and contrary to Section 8.2.3.4. of the Development Plan.
- Overshadowing and loss of light.

6.2 Applicant Response

This is mainly in the form of a rebuttal and is summarised as follows:

- The roof lights in the attic spaces are above eye level and cause no overlooking of neighbouring gardens.
- The issue of an obscured glass door and whether or not it should be omitted should not form part of an appeal as it falls under the remit of exempted development.

- Any perceived lack of privacy from the use by the applicant of the passageway on their property might best be addressed through the use of internal shutters on the appellant's window.
- All works carried out are covered under the exempted development, a matter which is currently under appeal.

6.3 Planning Authority Response

Referred to the original planners Report.

6.4 Observations

None

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal. I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Residential Amenity.
- Appropriate Assessment.

7.1 Residential Amenity

7.1.1 Section 8.2.8.4 (ii) of the County Development Plan refers to the usual requirements for a minimum separation distances of 22 metres between opposing rear first floor windows. There is no standard in relation to doors.

7.1.2 The appellant has raised concerns that the door serving the utility room detracts from the residential amenity of her house as it is c. 0.9m from and directly overlooks a bedroom window which is on the gable which forms the boundary between the properties. The appellant has acknowledged that there was originally a window serving a box room where the new door to the side of No. 10 has been inserted but the view into her house had been obscured by a shed previously located in the side passage. I note that the floor plans of the

original house show a window serving a bedroom c. 1.3 metres from the appellant's window. I am satisfied that the use of this side passage and access to it by a door does not give rise to new issues of overlooking. In my view the use of an obscured/frosted finish to this door adequately addresses the concerns raised by the appellant.

7.1.3 There would be no overlooking from the rooflight at the attic level. Overlooking of adjoining rear gardens from the dormer window is akin to that normally experienced in urban areas and is not considered material. The issue of opposing first floor windows does not arise. Therefore, there is no negative impact on the residential amenities of adjoining properties arising from these windows to be retained.

7.1.4 The rear extension extends for c. 6 metres and is set back from the boundaries c. 0.9 metre. It has a height of c. 5.2 metres which in is keeping with the original ridge height of the house. The attic has been converted and extended above the ground floor extension. Having regard to the set back from the side boundaries the extension is not considered overbearing and does not have material impact on the degree of overshadowing currently experienced by No. 12 and, therefore, will not have any additional negative impact on the residential amenities of same.

7.1.5 Having regard to the character and pattern of development in the area I consider that the development to be retained is acceptable in the context of the amenities of adjoining properties. The overall design and scale of the extension has adequate regard to the existing pattern of development in the area and the residential amenities of existing dwellings, and, as such, would not result in overshadowing, overlooking or an unacceptable loss of privacy. The development to be retained would not detract from the residential amenities of nearby properties.

7.2 Appropriate Assessment

Having regard to the nature of the proposed development and the location of the site in a fully serviced built up suburban area, 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

I recommend, therefore, that permission for retention be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations.

Having regard to the pattern of development in the area, the development to be retained would not be out of character, would not seriously injure residential amenity and would it be inconsistent with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the Planning Authority, except as may otherwise be required to comply with the following conditions.

Reason: In the interest of clarity.

2. 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.

Dáire McDevitt
Planning Inspector

4th August 2017