



An  
Bord  
Pleanála

## Inspector's Report PL06.248539

### Development

Demolition of existing single storey extension to rear and construction of a new two storey extension to the side and part single, part two storey extension to rear of existing semi detached house. Attic conversion including dormer windows to the side and rear of house.

### Location

53 Sycamore Road, Mount Merrion, Co. Dublin.

### Planning Authority

Dun Laoghaire Rathdown County Council

### Planning Authority Reg. Ref.

D17B/0095

### Applicant(s)

David and Emer Kennedy

### Type of Application

Permission

### Planning Authority Decision

Refuse Permission

### Type of Appeal

First Party v. Refusal

### Appellant(s)

David and Emer Kennedy

### Observer(s)

None

**Date of Site Inspection**

02/08/2017

**Inspector**

Erika Casey

## 1.0 Site Location and Description

- 1.1. The subject site is located at the junction of Trees Road Upper and Sycamore Road in an established residential area. It accommodates no. 53 Sycamore Road, a two storey semi detached house and has a site area of 0.56 ha. Development in the vicinity comprises similar low density suburban housing designed in an Arts and Crafts style.
- 1.2. The site is bound by a low stone wall and mature hedgerow. There is a large garden located to the south of the dwelling and a small patio area to the rear. To the west, a part single part two storey infill dwelling has been constructed (15A Trees Road Lower).

## 2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of an existing single storey extension located to the rear of the dwelling with an area of c. 30.5 sq. metres. It is proposed to construct a two storey extension to the side of the existing house and a part two storey, part single storey extension to the rear. The two storey extension to the side and rear accommodates a garage and utility room at ground floor level and at first floor level, new bedroom, bathroom and ancillary accommodation. At ground floor level to the rear, a large kitchen and family dining area is proposed.
- 2.2. The development also proposes the conversion of the attic to create an open plan play room, additional bedroom and storage area.
- 2.3. A number of elevational amendments are proposed. On the east elevation fronting Sycamore Road, a new roof light window is proposed and the existing chimney stack removed. There are more significant amendments to the rear and side elevations. To the rear, two new dormer windows are proposed in lieu of the existing roof lights. The proposed master bedroom at first floor level is served by a large new picture window and two smaller windows and there are also 2 additional windows on the northern elevation of the extension. A solar panel is proposed on the southwest plane. New doors and glazing are proposed to serve the living and dining areas at ground floor level. 3 additional roof lights are proposed to serve the attic area.

- 2.4. The proposed side elevation to Trees Road presents the most significant change with extensive new fenestration including 3 new dormer windows. The proposed development retains a large area of grassed open space to the side and a patio area to the rear. The proposed extension is approximately 5.3 metres from the boundary of no. 15A to the west at its closest point.

## 3.0 Planning Authority Decision

### 3.1. Decision

Refuse Permission dated 24<sup>th</sup> April 2017. One reason for refusal:

*“Having regard to the applications sites prominent location and Policy AR8: Nineteenth and Twentieth Century Buildings, Estates and Features of the 2016 – 2022 Dun Laoghaire Rathdown County Development Plan it is considered that the proposed side extension by reason of its scale, height and massing would irreparably alter the profile of the roofscape and result in the loss of the chimney stack to the gable which is an integral feature of the character of the building and its neighbour. The proposed works would seriously detract from the area in terms of visual amenity, set an undesirable precedent for similar type of development and would, therefore, be contrary to the proper planning and sustainable development of the area.”*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Report (26/04/2017)

The Planner’s Report notes the following key points of relevance:

- Concerns are raised in respect of the two proposed windows on the northern elevation of the proposed first floor rear extension and degree of overlooking and loss of privacy to adjoining properties most notably No. 51 Sycamore Road.
- The side extension extends c. 3 metres from the existing boundary and it is considered that it is adequately set back and would not significantly break the building line.

### 3.2.2. Other Technical Reports

**Conservation Report (19/04/2017):** Principle of development acceptable however would have concerns regarding the scale, height and massing of the extension which will irreparably alter the profile of the roofscape and result in the loss of the chimney stack to the gable end which is an integral feature of the character of the building and its neighbour.

**Drainage Planning (23/03/2017):** No objection subject to conditions.

### 3.3. Prescribed Bodies

3.3.1 No reports received.

### 3.4. Third Party Observations

3.4.1 No objections received.

## 4.0 Planning History

Reg. Ref.D99A/1024/Appeal Reference PL06D118606

Permission granted in September 2000 for a development comprising a new dwelling to the rear of No. 53 Sycamore Road with access to Trees Road. This relates to no. 15A Trees Road.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The operative Development Plan is the Dun Laoghaire County Development Plan 2016 – 2022.

5.1.2 The subject site is zoned A: *“To protect and/or improve residential amenity.”* The principle of a residential extension is acceptable under this zoning objective.

5.1.3 Section 8.2.3.4 of the Plan addresses additional accommodation in existing built up areas. This notes the following key points:

- In determining first floor extensions the Planning Authority will have regard to factors such as:
  - Overshadowing, overbearing and overlooking -along with proximity, height and length along mutual boundaries.
  - Remaining rear private open space, its orientation and usability.
  - Degree of set-back from mutual side boundaries
- Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and impacts on residential amenity.

5.1.4 Policy AR8 states:

*“It is Council policy to:*

- i. Encourage the appropriate development of exemplar nineteenth and twentieth century buildings and estates to ensure their character is not compromised.*
- ii. Encourage the retention of features that contribute to the character of exemplar nineteenth and twentieth century buildings and estates such as roofscapes, boundary treatments and other features considered worthy of retention.”*

## 5.2. Natural Heritage Designations

5.2.1 None applicable.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.2 The main grounds of appeal can be summarised as follows:

- The proposal complies with all relevant policy including Policy AR8 and will make a positive contribution to the area in terms of visual amenity and general streetscape.
- It is considered that the design and detailing of the development are entirely appropriate and would not compromise the exemplar quality of the estate. The

scale and massing of the dwelling is controlled and has been designed to create interest without appearing overbearing.

- Whilst the design results in the loss of the chimney stack, this is considered acceptable as the development will result in the presentation of a more considered elevation to Trees Road.
- Notwithstanding this contention, the appellant proposes an alternative design approach where the existing chimney is retained and incorporated into the design proposal. The brick detailing to the existing chimney stack is retained.
- The appellants also propose further design modifications including the simplification of the roofscape by removing the dormer windows to the Trees Road elevation so that the development is more consistent with the neighbouring dwelling.
- Detailed consideration of the potential impact of the development on the residential amenities of adjacent properties has been considered in the design including a full shadow analysis. The development would cause no overlooking or overshadowing of adjacent properties.
- A number of precedent decisions are cited where permission has been granted by the Council/An Bord Pleanála having regard to policy AR8. Specific reference is made to register reference D15B/0435 – PL 06D. 246836 where the Board did not consider that the removal of the existing chimney would conflict with Policy AR8 or would be unacceptable.

## **6.2. Planning Authority Response**

- The Planning Authority note that the reason for refusal has been adequately addressed through the revisions in the design proposed submitted by the appellant. The report notes that concerns have been raised in respect of the proposed dormer windows on the northern elevation of the proposed first floor extension and request that these be omitted from the proposed development.

## **6.3. Observations**

- No observations received.

## **7.0 Assessment**

### **7.1. Introduction**

7.1.1 The main issues are those raised in the grounds of appeal and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Scale and mass of extension.
- Architectural character and loss of chimney stack.
- Overlooking and impact on residential amenity.
- Appropriate Assessment.

### **7.2 Scale and Mass of Extension**

7.2.1 The proposed development comprises a two storey extension to the side and a part two, part single storey extension to the rear of the existing dwelling house. The first floor extension extends out approximately c. 7 metres at its maximum point from the rear building line. To the side, it extends by approximately 3 metres from the existing building line. Whilst the scale of the extension is significant at over 200 sq. metres, it is considered that it has generally been designed to accord with character of the existing dwelling and will assimilate both with the existing dwelling and with the general pattern of development in the vicinity. The shadow diagrams submitted with the application demonstrate that the development will have no adverse shadow impacts on adjacent properties.

7.2.2 A sufficient degree of open space both in the form of a grassed lawn to the east of the dwelling and a paved patio area to the rear has been retained affording the subject dwelling a sufficient degree of amenity and private open space.

7.2.3 Adequate separation distances have been retained between the subject dwelling and adjacent properties. The rear extension is separated from the eastern façade of no. 15A Trees Road by over 6 metres and it is noted that there is no fenestration in the gable of this existing dwelling.

7.2.4 Having regard to the design approach, the palette of materials, extent of open space and separation distances from adjacent properties, it is considered that the design



and scale of the extension is appropriate and would have no material adverse impact on the visual or residential amenities of adjacent properties.

### **7.3 Architectural Character and Loss of Chimney Stack**

7.3.1 It is noted that the design of the proposed extension would result in the omission of the original chimney stack. Concerns regarding this loss have been raised by both the Planning and Conservation officers and form the basis for the reason for refusal by the Planning Authority. It is noted that the chimney stack is considered to be an integral feature of the character of the dwelling and the estate in general and its loss would irreparably alter the profile of the roofscape. It is the policy of current County Development Plan to:

*“encourage the retention of features that contribute to the character of exemplar nineteenth and twentieth century buildings and estates such as roofscapes, boundary treatments and other features considered worthy of retention”.*

7.3.2 Whilst it is noted that the subject dwelling is neither a protected structure nor within a Conservation Area, it is considered that the existing chimney stack forms a particular feature of the design of the dwelling and of neighbouring properties. The design and brick detailing contributes to the overall Arts and Craft character of the estate. Whilst the appellant notes the precedent of the decision of the Board under PL06D.246836, it should be noted that in that instance, the applicant proposed to reconstruct a new chimney in the design of the original.

7.3.3 As part of the appeal response, the appellants have submitted revised drawings which:

- Retain the existing chimney stack at the gable of the existing dwelling and incorporate it into the new works.
- Omit the dormer windows to the new roof facing Trees Road.

7.3.4 The Planning Authority have noted that they welcome these amendments and have no objection to the principle of the development.

7.3.5 It is considered that the revised drawings submitted by the appellants represent a satisfactory design solution and will ensure the retention of the existing chimney stack. In this regard it is considered that the integrity of the character of this

exemplar twentieth century estate will be retained and there will be no material adverse impact on the character of the roof profile.

7.3.6 The omission of the three dormer windows along the side elevation to Trees Road is also considered a more appropriate design response. This results in a more simplified elevational design and is more consistent with the character of the original dwelling. It is considered that these amendments overcome the reason for refusal.

#### **7.4 Overlooking and Impact on Residential Amenity**

7.4.1 As noted above, the subject extension has been designed with adequate separation distances from adjoining properties. Concerns have, however, been raised by the Planning Authority with respect to the two proposed windows located on the northern elevation of the two storey extension to the rear. There are concerns regarding potential overlooking of no. 51 Sycamore Road and thus a potential adverse impact on the residential amenities of this property.

7.4.2 The subject windows serve the master bedroom located at first floor level. They are approximately 6.2 metres from the boundary with no. 51 Sycamore Road. 3D views of this proposed fenestration are presented in the application and appeal documentation. It is considered that whilst there may be minor oblique views from this fenestration to the neighbouring property, given the distance from the northern boundary and the fact that they serve bedroom accommodation, it is not considered that there would be a significant degree of overlooking and in this regard there would be no material adverse impact on the amenities of the adjacent property. In this regard it is not considered necessary to remove these windows by condition.

#### **7.5 Appropriate Assessment**

7.5.1 Having regard to the nature and scale of the proposed development, an extension to an existing dwelling within an established urban area, and its distance 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 It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

- 9.1 Having regard to the provisions of the current Dun Laoghaire Rathdown County Development Plan 2016-2022, the location of the site in an established residential area and its zoning for residential purposes and to the nature, form, scale and design of the proposed development, 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. The proposed development would 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 as amended by the further plans and particulars submitted to An Bord Pleanála on the 19th day of May 2017 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 external finishes of the proposed extension, including roof tiles/slates, shall be the same as those of the existing dwelling in respect of colour and texture.

**Reason:** In the interest of visual amenity.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

**Reason:** In the interest of public health and to ensure a proper standard of development.

4. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, 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 adjoining property in the vicinity.

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:

- measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network, and
- off-site disposal of construction/demolition waste.

**Reason:** In the interests of public health and safety and residential amenity.

6. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

**Reason:** In the interest of the amenities of the area.

7. 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 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 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.

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**Erika Casey**  
**Planning Inspector**

3rd August 2017