



An  
Bord  
Pleanála

## Inspector's Report PL06S248557.

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### Development

Permission for a first floor bedroom extension 21sq.m located over the existing rear ground floor kitchen return with a new hipped and tiled roof to match the existing front roof.

### Location

49 Cypress Drive, Cypress Downs, Templeogue, Dublin 6W.

### Planning Authority

South Dublin County Council.

### Planning Authority Reg. Ref.

SD17B/0071.

### Applicant(s)

Joseph Donaghey

### Type of Application

Permission.

### Planning Authority Decision

Grant Permission subject to conditions.

### Type of Appeal

First Party v Condition 2

### Appellant(s)

Joseph Donaghey

### Observer(s)

Kyran Vallom.

### Date of Site Inspection

19<sup>th</sup> July 2017.

### Inspector

Bríd Maxwell.

## 1.0 Site Location and Description

1.1. The appeal site 0.0414ha comprises an established two storey dwelling site located at 49 Cypress Drive, Cypress Downs, Templeogue, Dublin 6W. The site is occupied by an established two storey detached dwelling with a gross floor area of 166m<sup>2</sup> and garden to front and rear. The general area is characterised by detached and semi-detached two storey dwelling houses with brick fronts and hipped roofs. The appeal dwelling faces south and is adjoins to the west by two storey dwelling sites facing onto the Heath to the west.

## 2.0 Proposed Development

2.1. The proposal involves permission for a first floor bedroom extension of 21 sq.m to be located over the existing rear ground floor kitchen return. The extension is intended to provide a bedroom with ensuite bathroom facility.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Council by order dated 16<sup>th</sup> April 2017 decided to grant permission and 5 conditions were attached including:

Condition 2. No development shall take place under this permission until the applicant, owner or developer has lodged with the planning authority

(i) Revised plans that incorporate all of the following amendments –

The length of the proposed first floor extension, currently 6.34metres, shall be reduced by 2metres.

The applicant, owner or developer may consult with the planning authority in advance of lodging the required revised plans.

(ii) A commitment to complete the development in accordance with the required revised plans, and

(iii) The above requirements have been lodged with and this has been acknowledged in writing by the planning authority.

Reason: To protect the amenities of the area, compliance with development plan policy and in the interest of the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

3.2.1.1 The Planner's report asserts that due to the setback from site boundaries there would be no significant overshadowing or loss of light. Opposing windows to No 1 The Court while within approximately 15m does not lead to undue loss of privacy. Due to the length of the extension at above ground level, the relative proximity to No 3 The Heath and the relative orientation of the two properties the development would have a somewhat overbearing impact and a smaller scale would be more appropriate. This could be achieved by the omission of the ensuite bathroom,

#### **3.2.2. Other Technical Reports**

3.2.2.1 Roads Department - No objection subject to conditions.

3.2.2.2 Water Services Report. No objection subject to conditions.

3.2.2.3 Irish Water – No objection subject to conditions.

### **3.3. Third Party Observations**

3.3.1 Submission from Brendan Balfe Architect on behalf of Kyran Vallom of 3 the Heath, Cypress Downs, one of the residential sites adjoining immediately to the west of the appeal site. Objects on grounds of overbearing nature with regard to nature, size and proximity. Proposal will result in an overbearing structure running the full length of the back garden of No 3 The Heath. Will result in overshadowing, loss of view, light and sunshine.

### **4.0 Planning History**

4.1 No recent planning history on the appeal site or in the immediate vicinity.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The South Dublin County Development Plan 2016-2022 refers.

- The site is zoned RES “*To protect and/or improve residential amenity*”.
- Section 2.4.0 Residential Consolidation
- Policy H17. “*To ensure that new development in established areas does not impact negatively on the amenities or character of the area*”.
- H18. Residential Extensions “To support the extension of existing dwellings subject to the protection of residential and visual amenities.”
- H18 Objective 2. “To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Guide 2010 (or any superseding guidelines)”
- Section 11.3 1 Dwelling Standards.
- South Dublin County Council House Extension Design Guide 2010.

### 5.2. National Policy

Sustainable Residential Development in Urban Areas  
Quality Housing for Sustainable Communities Best Practice

### 5.3. Natural Heritage Designations

- South Dublin Bay & River Tolka Estuary SPA
- Wicklow Mountains SAC
- Glenasmole Valley SAC
- Rockabill to Dalkey Island SAC
- North Bull Island SPA

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 The First Party Appeal is submitted by David Kelly Architectural Design and Conservation and relates to condition 2 of the decision of South Dublin County Council. Grounds of appeal are summarised as follows:

- The extension is required in order to provide a new bedroom with easily accessible en-suite shower room adjacent.
- No intention to affect the amenities of immediate neighbours.
- The reduction of the proposed first floor to 4 metres in length would render the inclusion of the proposed ensuite impossible and part M requirements for an accessible bedroom would not be met.
- Proposal for a hipped roof to the extension was intended to match the existing roof. Applicant prepared to provide a flat roof to reduce overall bulk.
- Established boundaries contribute to the privacy of adjoining properties.
- Due to the irregular area of the site the location of the proposed extension is the only feasible one for the required additional accommodation.
- Windows have obscured glazing on the west and east elevations. Larger bedroom window proposed on the northern elevation would be 14.7m from the house to the rear - No 1 The Court and not in a direct line.
- Light coloured materials proposed.
- Solar path diagrams indicate that the proposed extension would have little more effect on the neighbouring properties.
- Number of precedents for comparable and in some cases much larger 2 storey extensions.

## 6.2 Observer

6.2.1 The submission by Brendan Balfe Architects on behalf of the observer Mr Kyran Vallom of 3 The Heath, one of the residences immediately adjacent to the west of the appeal site is summarised as follows:

- Note discrepancy in the stated dimensions on submitted application drawings. Section on Drawing No 1616/03P gives a soffit to ridge height of 1500mm, the elevation on Drawing No 1616/4P gives the equivalent height as 1670mm.
- Notes first party grounds of appeal and acknowledge accommodation requirements.
- Proposal would substantially affect the amenities of immediate neighbour and contravene the development plan.
- Note that No 49 Cypress Drive is already a substantial detached property. The provision of an accessible bedroom and ensuite could be more appropriately achieved in many different ways other than proposed.
- Provision of a flat roof alternative would have a negligible effect in relation to the reduction in the bulk of the extension.
- Observer would be faced with an overbearing structure 5.6m in height and 6.4m in length running the full width of the rear garden.
- Drawing scales the extension 2.9m from the western boundary not 3.4m as stated in the appeal submission. Notably the boundary of 2.9m high is unauthorised and should not be used to justify the proposed development.
- As noted in planners report due to the length of the extension at above ground level the relative proximity to No 3 the Heath and relative orientation of the two properties, the development would clearly have an overbearing impact.
- No great concern regarding windows rather the overbearing and oppressive nature of the extension.
- Solar path diagrams are unclear and ambiguous showing no cast shadows whatsoever.
- Alleged precedents are not comparable.

- Whilst the reduction in length of the extension as required by the decision of the Council is some help it does not go far enough with regard to reducing the impact of the proposal on the amenity of the appellant's property and will still result in an overbearing structure with overshadowing depriving observer's property of early morning light. An extension of 2m in length would be more appropriate.

### 6.3 Planning Authority Response

6.3.1 The Planning Authority confirms its decision. Issues raised in the appeal have been addressed in the Planner's report.

### 7.0 Assessment

- 7.1. I note that the observer has raised allegations of unauthorised development in reference to the boundary walling on the appeal site however I note that such matters are not relevant to consideration of the appeal case on its merit.
- 7.2. As regards the principle of the proposed extension which is intended to provide improved residential accommodation, it is supported in terms of national, regional and local planning policies. The main issues to be considered in this case relate to the scale and design of the proposed extension and the impact on the established residential amenity of adjacent properties.
- 7.3. The first party appeal relates to the imposition of condition 2 by the local authority which is as follows:
- "No development shall take place under this permission until the applicant, owner or developer has lodged with the planning authority*
- (i) *Revised plans that incorporate all of the following amendments –*
- The length of the proposed first floor extension, currently 6.34metres, shall be reduced by 2metres.*
- The applicant, owner or developer may consult with the planning authority in advance of lodging the required revised plans.*

- (ii) *A commitment to complete the development in accordance with the required revised plans, and*
- (iii) *The above requirements have been lodged with and this has been acknowledged in writing by the planning authority.*

*Reason: To protect the amenities of the area, compliance with development plan policy and in the interest of the proper planning and sustainable development of the area.”*

Essentially the condition requires a reduction in the depth of the extension by 2m. The observer's submission asserts that the reduction does not go far enough and the depth of the extension should be further reduced to mitigate negative impact on the observer's outlook.

- 7.4. As regards the scale of the extension, I note that the proposal involves an extension of 21 sq.m to the existing dwelling of 166 sq.m. I consider that the site with an area of 0.04 hectares has the capacity for an enlarged dwelling and the dwelling site retains sufficient garden area as private amenity space. The design and scale the proposed extension takes its reference from the established dwelling on the site and by way of design and materials is successful in visual terms in terms of integration with the existing dwelling. In my view the extension as proposed represents the logical approach in providing the additional level of accommodation required by the first party and is appropriate in design terms.
- 7.5. As regards impact on the residential amenity of the adjacent dwellings in terms of overshadowing and outlook, it is reasonable in my view that the amenities and privacy of adjoining dwellings and the established character of the area be protected. The proposal provides for the two storey extension extending to 6.75m behind the rear wall of the existing dwelling at a setback of 3m from the western boundary wall. The proposal results in a separation distance of 13m from the rear walls of adjacent dwellings to the west The Heath. As regards sunlight given the orientation of the dwellings I would agree that significant overshadowing will not arise. As regards outlook I note the submission of the first party suggesting a flat roofed structure to



reduce the bulk of the extension and I would consider this to be an appropriate response. In my view the condition to reduce the depth of the extension by 2m is not necessary in the context of the site. I consider that the impact in respect of overshadowing and outlook is acceptable in the site context and subject to omission of the pitched roof the proposed development will not give rise to undue negative impact on residential amenity. As regards overlooking obscured glazing is provided to eastern and western elevations and given the distance to the northern boundary and oblique angle with No 1 The Court I consider that overlooking is not significant.

7.6 As regards the issue of Appropriate Assessment, having regard to nature of the proposed development and the established connection to existing public services together with the separation from any designated European Site and having regard to the source pathway receptor model, it is not considered that the proposed development is likely to have significant effect either individually or in combination with other plans or projects on a European Site. It is therefore considered that appropriate assessment under the Habitats Directive (92\43\EEC) is not relevant in this case.

## **8 RECOMMENDATION**

8.1 I have read the submissions on the file, visited the site, had due regard to the development plan and all other matters arising. I recommend that the Board uphold the appeal and grant permission subject to the following conditions.

## **9.0 REASONS AND CONSIDERATIONS**

Having regard to the South Dublin County Development Plan 2016 – 2022 and the Best Practice Guidelines, entitled Quality Housing for Sustainable Communities, the proposal would comply with the Zoning Objective A for the site and the provisions of Section 11 of the County Development Plan. This proposal would be compatible with the visual and residential amenities of the area would not impact unduly on the residential amenities of adjacent. No Appropriate Assessment issues would arise.

The proposal would thus accord with the proper planning and sustainable development of the area.

## **10 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. 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 proposed development shall be amended as follows:
  - (a) Pitched roof shall be omitted and replaced with a flat roof. Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual and residential amenity.

3. 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.

4. 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.

Reason: In the interest of public health.

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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

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Brid Maxwell  
Planning Inspector

11<sup>th</sup> August 2017