



An
Bord
Pleanála

Inspector's Report PL06S.248559

Development	Single storey extension to rear and part side of house.
Location	93 Castle Riada Avenue, Lucan, Co. Dublin.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD17B/0070.
Applicant(s)	Ian Stritch.
Type of Application	Permission.
Planning Authority Decision	To grant permission subject to conditions.
Type of Appeal	First Party v. Condition only.
Appellant(s)	Ian Stritch
Observer(s)	Colin Moran and Sinead Markey
Date of Site Inspection	6 th September 2017
Inspector	Susan McHugh

1.0 Site Location and Description

- 1.1. Castle Riada is a suburban area to the west of Dublin City. No. 93 Castle Riada Avenue is located second from the end of a row of four two storey semi-detached houses, on the northern side of a short cul de sac facing onto a linear green.
- 1.2. The houses have gardens to the front and rear and side passages to the side. The adjoining semi-detached house no. 94 is located to the east. The existing house has been extended to the rear to include a conservatory which abuts the rear side boundary wall with house no. 94 which is located to the east. The conservatory opens out into a paved area and garden. A garden shed and decking area are located along the rear boundary of the site.

2.0 Proposed Development

- 2.1. The proposed development comprises a single storey 'L' shaped extension which extends from the remodelled conservatory along the entire length of the rear side boundary wall with house no. 94, and along the width of the rear garden. It comprises a rear dining and living room, home office/store, utility and toilet and has a stated floor area of 39.73 sqm.
- 2.2. The proposed extension is to include a monopitch roof with rooflights, and an external height of 3.77m along the side and rear boundary.
- 2.3. It is proposed to demolish 11.4sqm of the existing rear conservatory and retain parts of the walls and floor. Minor internal alterations and changes to elevations are also proposed.
- 2.4. Finishes generally would match/harmonise with existing.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to seven conditions.

Of relevance to this appeal is condition no. 2:

(a) *'The proposed rear extension shall project a maximum of 7.5 metres from the existing rear kitchen building line (this permits the element containing the proposed rear dining and living room only, and excludes the element containing the home office/store, utility and toilet).*

(b) *The mono pitch roof of the proposed rear extension shall be constructed such that the lowest point of the slope adjoins the eastern side boundary of the adjoining dwelling at No. 94 Castle Riada Avenue.*

Reason: To reduce the overbearing impact on the adjoining property in the interests of residential amenity.'

3.2. Planning Authority Reports

3.2.1. Planning Report

The Planner's Report dated 27th April 2017 is the basis for the planning authority decision. It includes;

- Proposed extension is excessive having regard to neighbouring residential amenity, would be overbearing on the adjoining dwelling No. 94 and would result in significant overshadowing of the rear garden of this property, particularly in the evening.
- Proposed extension should be reduced in size to permit the proposed dining and living room only. The resultant extension would project a maximum of 7.5metres from the existing kitchen rear building line. This remains at the very upper end of what would be acceptable in such a tight suburban location.
- A 3.4 metre separation distance between the proposed rear extension and rear site boundary would remain.
- The lowest point of the proposed monopitch roof slope should be located at the eastern boundary adjoining No. 94 Castle Riada Avenue to allow more western sun light into the rear garden of this property and to reduce the overbearing impact.

3.2.2. **Other Technical Reports**

Water Services: no objection subject to standard conditions.

3.3. **Prescribed Bodies**

Irish Water: no objection subject to standard conditions.

3.4. **Third Party Observations**

A submission was lodged by the adjoining neighbour to the west No. 92 Castle Riada Avenue in support of the proposed development.

4.0 **Planning History**

No relevant history identified.

5.0 **Policy Context**

5.1. **South Dublin Development Plan 2016**

5.1.1. Zoning – RES 'To protect and/or improve residential amenity'.

5.1.2. Policy H12 – to support the extension of existing dwellings subject to the protection of residential and visual amenities.

5.1.3. H18 Objective 1 – to favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide 2010.

5.2. **Natural Heritage Designations**

None of relevance.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The appeal is lodged by Paul O'Connell and Associates on behalf of the applicant against Condition No 2 (a) and (b) of the Notification to grant planning permission. It includes a copy of a letter from the applicant's Medical General Practitioner referring to relevant health issues and an extract from Schedule 2, Part 1 of SI No. 600 of 2001. The main grounds can be summarised as follows:

- The planning authority by including condition no. 2 has essentially refused permission for the proposed development as it is not viable due to its reduced size and does not meet the needs of the applicant. The condition is unreasonable. The inclusion of a toilet, utility room and a flexible office/ storage space are reasonable and necessary.
- The reference and justification by the planner to reduce the length of the rear extension to 7.5metre is refuted.
- There is provision within the Planning Acts to allow for different types of development without the need to seek planning permission. Schedule 2, Part 1 of SI No. 600 of 2001 - Exempted Development General Class 1 pertains. Class 3 sets out structures such as garages, stores, sheds etc. which are exempted development subject to certain conditions.
- If the proposed development was not partially located to the side of the rear garden it would not have required an application for planning permission. The submission includes a checklist of how the proposed development complies with the requirements relating to Class 1.
- The applicant consulted with the neighbours and is unaware of any objections or comment from them.
- The applicant is flexible in relation to the requirements of condition 2 (B) relating to the roof, and would accept an amended condition that it be dual pitched with the ridge at mid span over the floor areas below.
- The alternative is that the applicant must consider the sale of the property and the relocation of his family elsewhere.

6.2. Planning Authority Response

Confirms decision - reference to planners' report.

6.3. Observations

Two separate observations were lodged by the adjoining neighbours to the east, Colin Moran and Sinead Markey, No. 94 Castle Riada Avenue. The submissions were accompanied by photographs of the recently landscaped rear garden and sketch of the revised roof design proposed by the applicant. The issues raised can be summarised as follows:

- Strongly oppose the proposed development and would have made a submission on the original application if they had been aware of what it entailed.
- The public notices were not clear in outlining the extent and scope of the proposed development, i.e. extending the full length of the adjoining boundary.
- The proposed extension parapet wall height of 3770mm would more than double the existing boundary height between both properties, which are currently divided by a wooden fence frame of approx. 1830mm.
- The revised sketch plans prepared by the applicants' architect as a compromise is unacceptable as it has an even greater height of 3.924m.
- The enjoyment of their garden would be severely compromised by the proposed extension due to loss of afternoon and evening sunlight.
- The proposed extension would be overbearing, would impact on the value of the recently landscaped rear garden and would devalue their property.
- Request that the Board uphold the decision of the planning authority and condition no. 2. Alternatively reject the planning decision and conditions entirely and request a new proposal and planning application be submitted.

- Suggest that the rear extension be reduced to 7.4m in length from the rear building line which would maintain the 'sun trap' benefit of their deck.
- Suggest that the extension is reduced in height to 3.5m (reduced from 3.77), with the roof extension to have its lowest point alongside the boundary fence adjoining their property. The roof may be mono-pitch or normal gable, but no parapet wall with capping is acceptable.
- All of the room facilities currently omitted by the decision of the planning authority could be accommodated within the space permitted. A downstairs bathroom could be accommodated in the current application.

7.0 **Assessment**

7.1. I note that the first party has appealed Condition no. 2 only. I submit that having regard to the nature and scale of the development, the specific issues arising, and the third party observations, that the consideration of the proposed development 'de novo' by An Bord Pleanála is warranted in this case.

7.2. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered. The issues are addressed under the following headings;

- Residential Amenities
- Appropriate Assessment

7.3. **Residential Amenities**

The development is located in an area zoned RES:'To protect and/or improve residential amenity'. In this zone residential extensions to an existing dwelling are considered acceptable in principle and objective H18(1) states that the Council will favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities. However, there is an obligation to reconcile the need to meet the requirements of the applicant seeking to maximise accommodation with the need to protect the residential amenities of adjoining property.

7.3.1. *Scale of proposed extension to the rear*

The proposed extension extends along the entire length and rear boundary of the site with a stated floor area of 39.73 sqm. The proposed extension is to include a monopitch roof with rooflights, with an external height of 3.77m along the side and rear boundary. The remaining patio area has a stated area of 25 sqm. It is also proposed to demolish the existing conservatory to the rear which includes a pitched roof with a ridge height of approx. 3.2m.

As presented the proposed extension appears quite substantial particularly relative to the existing house and garden to the rear, and the planning authority is clearly of the view that it is excessive. However, it is worth considering if this is really the case and on what basis a judgement on the scale of the extension can be made.

As alluded to by the applicants the exempted development regulations provide a very useful guide. Class 1 of the Regulations (Class 1, Schedule 2 Part 1, of the Planning and Development Regulations 2001, as amended) allows for up to 40 sqm floor area to be added, by way of new construction, to the rear of a house. The most important condition/limitation is that the remaining private open space to the rear is not less than 25 sqm.

Notwithstanding the applicants reasoning in support of the need for planning permission for the proposed development, by reference to that element of the extension across the full width of the rear garden that is considered to be partly to the side of the house, and with which I would not agree, it is clear that the proposed development is of a similar order of magnitude to that which could be constructed as exempted development.

In this context, therefore, I find it difficult to conclude that the proposed development is excessive or in any sense amounts to overdevelopment, at least in terms of floor area.

7.4. *Impacts on the adjoining neighbour*

In my view the principal issue in this case relates to the proposed monopitch roof design, that generates a perimeter wall of some 3.77m in height, extending along the full length of the rear garden on No. 94 to the east. It would also generate a similar wall to the property to the rear (north), but this is of less significance.

The wall in question would be approximately double the height of the existing fence that currently defines the boundary. I agree with the planning authority, and with the observers' submission lodged by the neighbours at No. 94, that the impact of this wall on that property would be excessive. I consider that it would be a substantially overbearing structure and, given the relative position of the neighbours garden to the east of the proposed development, and in the context of an otherwise northerly orientation, it would also give rise to significant overshadowing.

I note the applicants' submission that he is flexible in relation to the requirements relating to the roof. It is suggested that he would accept an amended condition that the roof be dual pitched with the ridge at mid span over the floor areas below.

Noting that the existing conservatory to the rear includes a pitched roof with a ridge height of approximately 3.2m, I consider that the proposed extension should have a similar pitched roof and eaves height. The design should avoid the creation of a significantly raised parapet wall along the outer perimeter. This would significantly reduce the impact of the proposed development on the adjoining neighbouring dwellings.

In summary, I am satisfied, that subject to a condition modifying the roof profile, the proposed development would not seriously injure the amenities of the adjacent property by way of overshadowing or overbearance and would be in keeping with the proper planning and sustainable development of the area.

7.5. Appropriate Assessment

Having regard to the nature and scale of the proposed development, being a residential extension in an established urban 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

8.1. I recommend that permission be granted for the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the location of the site on residentially zoned lands and to the compliance with the development standards for residential extensions in the South Dublin County Development Plan 2016-2022, it is considered that subject to compliance with conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity. The proposed development would, therefore, 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, 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 shall harmonise with those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

3. The proposed development shall be amended as follows:
 - (a) The roof over the rear extension shall be a dual pitch 'A' frame design with the overall height of the ridge not exceeding 3.2m.
 - (b) The outer perimeter of the extension shall be defined by an eaves or parapet wall not exceeding 2.5m in height.

Revised plans, which incorporate these amendments, shall be submitted to the planning authority for written agreement before the development commences.

Reason: In the interest of protecting the residential amenity of adjacent properties.

4. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

5. Water supply and drainage arrangements, including the 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.

Susan McHugh
Planning Inspectorate

19th September 2017