



An
Bord
Pleanála

Inspector's Report PL06D 248598

Development

Demolition of an existing single storey extension and construction of a new single storey extension to the rear, conversion of the existing attic with new dormer, construction of a new vehicle site entrance and provision for car parking to the front of the existing house.

Location

8, Church Road, Dalkey, Co. Dublin

Planning Authority

Dun Laoghaire Rathdown County
Council

Planning Authority Reg. Ref.

D17A/0230

Applicant(s)

Mrs. Mary Buckley

Type of Application

Permission

Planning Authority Decision

To Grant Permission subject to
conditions.

Type of Appeal

Third Party

Appellant(s)

Mr. Thomas Maloney

Observer(s)

Mr. Ciaran Coleman

Date of Site Inspection

2nd August 2017

Inspector

Erika Casey

1.0 Site Location and Description

- 1.1. The subject site is located at no. 8 Church Road, Dalkey, Co. Dublin and has an area of approximately 0.045 hectares. The site currently accommodates a modest semi-detached, 3 bedroom single storey cottage constructed in the 1940's. It has an area of approximately 94 sq. metres. To the west, no. 6 Church Road also comprises a single storey cottage and to the east there is a two storey dwelling. The site is bound by a low stone wall and hedgerow to the front. To the rear there is a large linear garden bound by hedgerow/wall between each adjacent dwelling. The general character of the area is low density suburban housing.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of an existing single storey extension to the rear of the house. It is proposed to construct a new single storey extension to the rear with an area of approximately 43.5 sq. metres. The existing attic is to be converted into a master bedroom and a new dormer roof window is proposed on the southern elevation to facilitate this. The remainder of the dwelling will be refurbished and upgraded and a new vehicle entrance and car parking provided to the front. To the rear, a new shed (7.9 sq. metres) adjacent to the eastern boundary is proposed.
- 2.2. The proposed single storey extension will be largely glazed and have a flat roof. It is proposed to lower the existing floor level by 300mm and construct a new concrete floor slab. This is to ensure the dwelling is fully accessible and will also have the effect of reducing the overall height of the new extension when viewed from adjacent properties. The height of the extension is 3.080 metres and it will extend from the existing rear building line by approximately 7.5 metres. It will be separated from the eastern boundary by approximately 1.235 metres. To the west, the extension layout has been configured in an L shape to allow for a new patio adjacent to the existing boundary. The patio and rear garden will have an area of 190 sq. metres.

3.0 Planning Authority Decision

3.1. Decision

To Grant Permission subject to conditions.

Conditions of note include:

Condition 2: The shed/store along the eastern boundary shall be omitted from the proposed development.

Condition 3: The applicant shall omit the proposed 'New Automated Sliding Gate and replace it with a manual sliding gate.

Condition 10: Archaeological monitoring required.

3.2. Planning Authority Reports

3.2.1. Planning Report (08/05/2017)

The Planner's Report notes the following key points:

- Dormer window considered acceptable.
- Concern raised regarding location of the shed and its potential impact on the residential amenities of no. 10.
- Automated gate should be replaced by manual gate.

3.2.2. Other Technical Reports

Transportation Planning (26/04/2017): No objection subject to conditions.

Drainage Planning (24/04/2017): No objection subject to conditions.

3.3. Prescribed Bodies

Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs: Site is within zone of archaeological potential. Archaeological monitoring recommended.

3.4. Third Party Observation

1) Thomas Maloney, 10 Church Road, Dalkey.

- Height, scale and mass of extension.
- Overshadowing.
- Location of bin store/shed.
- Visual impact.

4.0 Planning History

4.1 No relevant planning history.

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:

- 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 extensions to roofs will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations.
- The level and type of glazing within a dormer structure should have regard to existing window treatments and fenestration of the dwelling. Particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties.

5.2. Natural Heritage Designations

- None applicable.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.2 Mr. Thomas Moloney, 10 Church Road, Dalkey, Co. Dublin.

- Concern regarding height, scale and mass of the proposed extension and potential overshadowing and visual impact to rear garden of no. 10.
- Request that condition to omit bin store/shed be retained.
- Potential impacts of proposed flue from stove.
- Concern regarding dormer window and impact on residential amenity by way of overlooking.
- Requests modifications to the proposed extension including a greater separation distance between the extension and no. 10 and a reduction in the floor to ceiling height.

6.2. Applicant Response

- The single storey extension extends out 7520mm from the rear of no. 8 Church Road and has an average separation distance of 1150mm from the side boundary with no. 10. The height of the extension is 3088mm. It is necessary to drop the existing floor level to provide fully accessible accommodation for the applicant who is elderly. In this regard it is not feasible to reduce the floor level any further. Nor is it feasible to provide a greater separation distance from the eastern boundary.
- The ceiling height varies from 2400mm to 2830mm in height. This is considered appropriate.
- Requests that condition to omit shed be removed. Notes shed is essential for storage of garden equipment and its location is appropriate for accessibility

reasons. An alternative location would impact negatively on the boundary hedge. It is considered that the shed will have no negative impact on the adjacent property due to its limited size and height.

- Shadow study submitted which demonstrates that the proposed development will have no adverse impact on sunlight to the rear of no. 10.
- Dormer window has been designed to comply with requirements of the Building Regulations and is in accordance with the Development Plan standards. Materials and design of dormer will complement the existing house. Given the orientation of the rear garden of no. 10, overlooking will be minimised.

6.3. Planning Authority Response

- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.4. Observation

6.4.1 Dr. Ciaran Coleman, Annacrevvy, 6, Church Road, Dalkey Co. Dublin.

- Objects to roof light window due to potential impact on residential amenity.
- Scale and massing of extension are excessive.
- Overshadowing impact.

6.5 Further Responses

6.5.1 Mr Thomas Maloney (08.08.2017).

- The proposed extension to the rear will be 3,820mm above the garden of no. 10. Proposed extension should be set back a further 900mm from the common boundary.
- Length of extension and proposed shed will have a negative impact on the amenity of the rear garden of no. 10.

- Additional obviation measures proposed to reduce potential overlooking from dormer window.
- Suggests that extension should be 'flipped' to reduce potential impacts on adjacent properties.

7.5.2 Mr. Ciaran Coleman (08.08.2017)

- Proposed dormer is unacceptable and would violate rights of privacy.
- Suggests that plan is 'flipped'.

7.5.3 Dun Laoghaire Rathdown County Council (08.08.2017)

- Note concerns that the shed given its length and taken cumulatively with the length of the proposed single storey extension would have a detrimental impact on the residential amenity of No. 10. It should be omitted by way of condition.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and in the observation submission 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:

- Visual impact.
- Impact on residential amenity.
- Appropriate assessment.

7.2. **Visual Impact**

7.2.1 The proposed development comprises a modest single storey extension with an area of 43.5 sq. metres located to the rear of the existing house. The extension extends to a height of 3080mm and is separated from the eastern boundary by 1235mm. It extends for approximately 7.5 metres along this boundary. To the west, the building line of the extension has been set back to provide a patio area thus reducing any potential impacts on no. 6 Church Road.

7.2.2 The design of the extension is subordinate to the main dwelling house. It is considered that the extension is appropriate and will substantially improve the amenity of the existing dwelling. Having regard to the scale and height of the extension and the fact that the ground floor level has been reduced, it is not considered that the extension would give rise to any significant visual impact. It is not considered appropriate to modify the design or height of the extension or to 'flip it' as suggested by the appellant as this would undermine the architectural integrity of the proposal.

7.3 Impact on Residential Amenity

7.3.1 Concerns have been raised by the appellant and observer regarding potential overshadowing impacts of the proposed extension. It is noted that a shadow study has been submitted. This clearly indicates that the proposed development (including the flue from stove) would not result in any adverse shadowing impact or material adverse loss of sunlight to the adjacent properties. In this regard, it is not considered that the proposed development would result in any loss of residential amenity to either no. 10 or no. 6 Church Road.

7.3.2 With regard to the position of the garden shed/bin store, this comprises a modest structure of c. 7.9 sq. metres in area. The height of the shed is approximately 2.4 metres and it extends along the eastern boundary for approximately 4.5 metres.

7.3.3 The subject shed was omitted by way of condition by the Planning Authority due to concerns regarding its potential impact on the residential amenities of no. 10 Church Road. This condition has been contested by the applicant and the appellant has requested that it be retained.

7.3.4 It is considered reasonable that a shed should be provided for within the development to facilitate storage of garden equipment etc. Whilst it is acknowledged that the garden of no. 10 to the east has an unusual triangular configuration, it is noted that there is a large mature hedge/wall separating both properties located along this boundary. Having regard to the limited size and height of the shed structure, it is not considered that it would have any adverse impact on the amenities of no. 10. Furthermore, it is considered that the location is appropriate and would facilitate ease of access to the bin store from the existing dwelling and side entrance.

7.3.5 With regard to the proposed dormer window, concerns have been raised regarding potential overlooking. It is considered that the dormer window is necessary in order to facilitate the conversion of the attic space into habitable accommodation. It is noted that it will serve bedroom accommodation. The subject dormer window is 4100mm in width and 2175mm in height. It is set below the existing ridge line of the roof. The proposed dormer window is located within the attic space of the original dwelling and is thus well set back from adjacent properties. 3D views of the dormer have been included within the application documentation which demonstrate its potential impact. Having regard to the foregoing, it is not considered that the proposed dormer window would have any significant or material impact on the residential amenities of adjacent properties by virtue of overlooking.

7.4 Appropriate Assessment

7.4.1 Having regard to the nature and scale of the proposed development, a single storey extension to an existing dwelling house within an established urban area, and the 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, to the pattern of development in the area 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 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 be similar to 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. The footpath in front of the proposed new vehicular entrance shall be dished at the road junction in accordance with the requirements of the planning authority and at the Applicant's own expense.

Reason: In the interest of pedestrian safety.

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

8. 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.

Erika Casey
Planning Inspector

10th August 2017