



An  
Bord  
Pleanála

## Inspector's Report PL06S.248603

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<b>Development</b>	Extension over existing single storey room to side and rear, first floor extension over existing single storey extension to rear and side, attic conversion.
<b>Location</b>	11 Butterfield Drive, Rathfarnham, Dublin 14
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD17B/0088
<b>Applicant(s)</b>	Patrick and Louise Lennon
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Adam Mesbur and Noelette Hanrahan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	19 <sup>th</sup> July 2017
<b>Inspector</b>	Joanna Kelly

## 1.0 Site Location and Description

- 1.1. The site is located within an established residential area along Butterfield Drive in close proximity to the junction with Butterfield Crescent in Rathfarnham. The appeal site has a stated site area of 0.048ha and is rectangular in shape.
- 1.2. There is an existing two storey dwelling on the appeal site with a single storey rear extension to the dwelling. It is proposed to construct a first floor extension over this ground floor extension.
- 1.3. The appellants' property is located to the north of the appeal site. The site of the appellants' property has been sub-divided (prior to the appellants' purchasing this property as indicated in the grounds of appeal submitted). There is a bungalow constructed immediately north of the appellants' property with an access from Butterfield Crescent, a cul-de-sac. There is mature landscaping along the eastern boundary of the appellant's property. The garden associated with the appellants' property is located at a lower level than the appeal site and is bounded by residential uses.

## 2.0 Proposed Development

- 2.1. The proposed development consists of an extension over existing single storey room to front and side with extended hipped roof.
- 2.2. The proposal also provides for a new first floor extension over existing single storey extension to rear and side with flat roof, attic conversion to study with roof lights to front and rear.
- 2.3. It is also proposed to replace an existing front window with a bay window. The total increase in floor area is stated to be 34sq.m.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority granted permission for the proposal subject to 7 no. conditions as follows:

Condition 1 Compliance with plans and particulars

Condition 2 Omission of 'above eye level window' at first floor level on southern elevation.

Condition 3 Water supply arrangements

Condition 4 Control on occupation and use

Condition 5 Control of emissions

Condition 6 Operational hours for machinery/equipment

Condition 7 Section 48 contribution

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The planner's report dated 4 May 2017 is summarised as follows:

- Proposal is located on residentially zoned lands
- One submission was received and raised issues pertaining to, *inter alia*, scale, mass, proximity to no 9 Butterfield Drive, overlooking, potential unauthorised development.
- No enforcement history noted on site.
- Proposal considered acceptable given zoning of site.
- The proposed extension to the front along with the roof light were considered acceptable.
- The 'above eye level' window on the southern side of the first floor extension could result in overlooking and this should be omitted.

- It was concluded that the proposal was acceptable having regard to the provisions of the County Development Plan and it was recommended that permission be granted subject to conditions.

### 3.2.2. Other Technical Reports

#### Water services report

No objections subject to conditions.

### 3.3. Prescribed Bodies

#### Irish Water

No objections

### 3.4. Third Party Observations

None

## 4.0 Planning History

**File Ref. No. SD14B/0112** Permission granted for part demolition of existing rear single storey extension and replacement with new extended single storey rear, flat roofed extension with 2 no. roof-lights. It is noted that the internal floor area has been re-configured to that which was shown on the plans submitted with this application.

## 5.0 Policy Context

### 5.1. Development Plan

Section 2.4.1 of the South Dublin County Development Plan 2016-2022 deals with residential extension. It is set out that the South Dublin County Council House

Extension Design Guide 2010 supplements the policies and guidance of the development plan.

**Housing Policy 18** It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The appellants reside in no. 11 Butterfield Drive and the grounds of appeal are summarised as follows:

- The primary grounds for appeal is the direct impact of the rear first floor extension on the residential amenity of the appellants' property.
- No thorough consideration of the impact of the proposal on the appellants' amenity is set out within the assessment.
- H18 Objective 1 is clear in favourably considering extensions, with no differentiation being made between single or two storey extensions but is subject to the protection of residential and visual amenities and compliance with the South Dublin County Council Extension Design Guidelines 2010.
- These guidelines are clear in stating that an extension should not significantly reduce the amount of daylight and sunlight enjoyed by neighbouring properties or overshadow them.
- The scale of the first floor extension adjacent to the appellants' boundary will have an oppressive and overbearing impact that would result in the proposal being completely at odds with the Design Guide and principle of the objective.
- It is requested that this element of the proposed development be omitted.
- The scale of the extension means that only the rear of 2m of the appellants' garden is not abutted by the existing extension. Reference is made to a previous planner's report which permitted an extension and indicated the length of the extension as 6.5m when in fact it should have been 7.5m

although an external measurement would indicate it being closer to 8m on the ground.

- The rear garden of the appellants' property has been previously sub-divided. This was undertaken prior to them purchasing the property in 2006 with a single storey dwelling built within the former rear garden.
- The new extension will be sited 0.9m from the party boundary. Reference is made to the guide provision of a separation distance of 1m per 3m in height.
- The proposed large roof-lights on the rear elevation will add to the perception of overlooking.
- The proposal will result in a reduction of the residential amenity currently enjoyed which is already somewhat restricted by its eastern aspect and the existing single storey extension.
- The height of the proposal will result in overshadowing and will be overbearing.
- The design of the proposal is completely contrary to the South Dublin County Extension Guide 2010. The proposal is of a scale and form with no mitigation set-back from the north elevation. This will reduce the levels of natural light within the east facing main living spaces of the appellants' property.
- The scale of the proposal will result in a significant loss of sunlight to the southern half of their garden. This is the main usable green space and its overshadowing will mean that its amenity value is materially diminished.
- The orientation of the houses and proposed scale and positioning of the extension will mean that overshadowing will occur to a level where the southern part of their garden will remain in shade for the majority of the day from mid-day onwards.
- The levels of overshadowing will be contrary to the 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' (BRE 1998).
- It is requested that irrespective of any decision that the window to the northern elevation of the extension be removed by condition. This impact is materially

increased as a result of the closeness to the boundary of the extension and that the rear garden enjoys almost complete privacy.

- If the Board are mindful to a grant of permission, then the rear extension should at the very least be modified so that it is set further back from the boundary and away from the northern elevation of the existing single store extension. This can be addressed very easily by omitting the changing room from the rear first floor extension.
- Strict adherence to the Design Guide for Extensions would also require the set back across the entire length by at least 2.27m from the boundary. This would allow for a 2m set-back from a position close to the line of the rear ground floor extension of no. 9 Butterfield Drive. The appellants would welcome this condition. (A site layout plan is submitted highlighting such change on p. 7 of the grounds of appeal submission).
- It is requested that the Board overturn the decision and refuse permission. However, should the Board decide to grant permission they should attach a condition that requires setting-back the extension by 2m or remove the dressing room from the rear first floor extension in the interests of maintaining the residential amenity of the adjoining property.

## 6.2. Applicant Response

None noted on file.

## 6.3. Planning Authority Response

- The Planning Authority confirms its decision.
- The issues raised in the appeal have been covered in the planner's report.

## 7.0 Assessment

Having regard to relevant planning policies, having inspected the site and immediate environs, and following examination and consideration of all the submissions and documentation on the file, I consider that the substantive planning issues pertaining to this *de novo* assessment can be encapsulated under the following headings:

- Compliance with previous permission
- Consistency with Development Plan policy.
- Impact on residential amenity
- Appropriate Assessment

### 7.1. Compliance with previous permission

7.1.1 The appellants have raised concerns about the length of the extension as permitted and constructed under File Ref. SDB14SDB/0112. The appellants contend that this extension appears longer than what was granted permission.

7.1.2 It is noted that the proposed floor plan submitted (Drawing P102) shows an incorrect dimension for the overall length of the north gable wall. The dimension on plan is indicated to be 13.850m whilst a scaled measurement indicates this to be approximately 16m. An examination of the permitted plans under File Ref. No. 14SDB/0112 indicate that this dimension should be 15.6m. Therefore, the length of the overall single storey element would appear to be approx. 400m longer than what permission was granted for. The internal layout appears to have been re-configured. A previously permitted door on the northern elevation has also been re-located.

7.1.3 An Bord Pleanála does not have enforcement functions and therefore rely on the appropriate Planning Authority to take enforcement action where necessary. That said, permission should not be granted where it would preclude the planning authority from taking enforcement action should it considers appropriate to do so. In this instance, the proposal is to construct a first floor extension to the rear over a permitted extension at ground floor level. The proposal does not encroach onto the single storey element which is considered to be constructed beyond the permitted



footprint under File Ref. No. 14SDB/0112 and as such An Bord Pleanála is not precluded from considering the application.

## **7.2. Consistency with the Development Plan policy.**

7.2.1 Chapter 2 of the South Dublin County Development Plan deals with housing and specifically makes reference to the South Dublin County Council House Extension Design Guide (2010) which provides advice on how to achieve a well-designed extension. It is policy of the Council (Housing H Policy 18) to

‘support the extension of existing dwellings subject to the protection of residential and visual amenities’.

7.2.2 In principle, it is considered that the proposed design is acceptable and generally accords with the principles of the design guidelines by generally respecting the appearance and character of the house. The size of the extension is modest and such that will allow for better living accommodation.

7.2.3 The greatest visual impact will be from the adjoining property to the south (i.e. appellants’ property). It is accepted that the proposed extension is such that could be perceived as overbearing, however having regard to the established location of the dwellings and previously permitted extensions, I am satisfied that the proposal is not such that would detract from the amenities of the area or be contrary to the provision of the design guideline principles. There is at least 2m separation distance between the two dwellings.

## **7.3. Impact on adjoining residential amenities**

7.3.1 The proposed amendments to the front elevation are such that would not impact on the adjoining residential amenity.

7.3.2 With regard to the rear elevation, the appellants’ have voiced their concerns in particular about the proximity and impact that the proposed first floor extension would have on their property. The length of this proposed first floor extension is stated to be 5.9m approx. I do not consider that the length of such is excessive or such that would have a detrimental impact on the amenity of the appellants’ property.

No. 9 Butterfield has been subdivided and the consequence of this is that the rear amenity garden has been shortened in comparison to the other properties. Whilst the appellants' rear amenity space is not as deep as that of the applicant's property, the appellants have a significantly wider plot than the appeal site. The proposed first floor extension whilst approx. 5.9m in length only projects beyond the appellants' property by approx. 4m having regard to the present footprint of no. 9 Butterfield Drive. Having considered the appellants' concerns, information on file and inspected both the appellants' and the applicants' property, I am of the opinion, that the proposal is not such that would unduly detract from the residential amenities of the adjoining property to the north (no. 9 Butterfield Drive).

7.3.3 Whilst I appreciate the concerns and perception of the occupants of no. 9 Butterfield Drive that the proposal would be overbearing on their property, the proposed scale of the extension is modest. The extension is set back approx. 900m from the party boundary. The appellants' dwelling is also set back from the party boundary. Having regard to the guidance in the South Dublin Design Guide the proposed extension is not such that would be considered to result in a significant loss of daylight to the window closest to the habitable room in the appellants' property.

7.3.4 With regard to overlooking, I do not consider that the proposal gives rise to overlooking onto no. 9 Butterfield Drive. I note the concerns raised by the appellant with regard to the proposed window on the northern elevation. This window will serve a bathroom and is to be fitted with opaque glass. It should be a condition that this window should have a top leaf opening only so as to avoid any potential for overlooking.

7.3.5 I do consider that there is perceived overlooking onto no. 13 Butterfield Drive due to the above eye level window on the gable of the first floor. However, this window is above eye level and in my opinion would not result in any more overlooking of this property than exists from looking out of a rear bedroom window. The Planning Authority omitted this window by condition however I have no objection to the retention of this window as per the plans submitted. The omission of this window would give rise to a large blank gable wall.

7.3.6 The applicant is proposing to provide a study and storage space within the attic area. It is proposed to provide two small rooflights and one larger rooflight on the rear

elevation. It is noted that the floor to ceiling height is below the 2.4m threshold within Building Regulations for habitable space. I consider a study habitable space. This area is, therefore, only considered appropriate for storage space. The smaller of the two rooflights on the rear elevation and the rooflight on the front elevation are considered more than appropriate in providing natural light and ventilation to this area.

#### **7.4. Appropriate Assessment**

7.4.1. Having regard to nature and scale of the proposed development on serviced lands, the nature of the receiving environment and proximity to the nearest European site it is reasonable to conclude that no Appropriate Assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site in view of the sites' conservation objectives.

#### **8.0 Recommendation**

8.1. I recommend that permission is granted for the proposed development for the following reasons and considerations and subject to the conditions set out hereunder.

#### **9.0 Reasons and Considerations**

Having regard to the site location and configuration relative to the established pattern and character of development in the surrounding area it is considered that subject to compliance with the conditions set out below, the proposed development would not be seriously injurious to the visual and residential amenities of the area and 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 proposed development shall be amended as follows:
- (a) only one rooflight shall be permitted on the rear roof plane. The larger of the two rooflights shown on Drawing P103 shall be permanently omitted.
  - (b) the attic space shall be used as storage space only and shall not be used as habitable space.
  - (c) the window serving the bathroom to bedroom no. 1 (north elevation) shall be permanently fitted with opaque glass and shall be a top leaf opening window only.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with the Planning Authority prior to commencement of development.

**Reason:** In the interests of residential amenity and to prevent overlooking of adjoining properties.

- 3 The external finishes of the proposed development shall be the same as those of the existing dwelling, in 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.

Site development and building works shall be carried out only between the

- 5 hours of 0700 to 1800 Mondays to Fridays inclusive, 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 the interests of residential amenity and proper development

- 6 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.

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Joanna Kelly  
Senior Planning Inspector

18<sup>th</sup> August 2017