



An  
Bord  
Pleanála

## Inspector's Report PL.06S.248639

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<b>Development</b>	Construction of two storey extension to side of house, and relocation of hall door entrance.
<b>Location</b>	82 Ashton Avenue, Knocklyon, Dublin 16.
<b>Planning Authority</b>	South Dublin County Council.
<b>Planning Authority Reg. Ref.</b>	SD17B/0105.
<b>Applicant(s)</b>	Nicola Rautenbach and Michael Smith
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant with conditions.
<b>Type of Appeal</b>	Third Party V Grant.
<b>Appellant(s)</b>	Paul Magahran.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	24 <sup>th</sup> August 2017
<b>Inspector</b>	Susan McHugh

## 1.0 Site Location and Description

- 1.1. The appeal site is located within the Ashton residential estate, to the east of Knocklyon Road, in a suburban area south of Dublin City. The area is characterised by well established, medium density, suburban type detached housing.
- 1.2. The appeal site has a stated area of 0.0272ha. It comprises a two storey gable fronted house with a pitched roof profile, along a row of similar house types with flat roof car ports to the side.
- 1.3. The original flat roofed car port to the side has been converted to include a hall entrance door, shower room and utility. A side passage remains between the converted car port along its western side.
- 1.4. The side of No.82, the appellants property, bounds this passageway. It includes a first floor landing window on the side elevation facing onto the appeal site.
- 1.5. The existing house includes a single storey extension to the rear along the eastern boundary with house no. 83.

## 2.0 Proposed Development

- 2.1. The proposed development comprises a new two storey extension to the side with a double pitched roof.
- 2.2. At ground floor it is proposed to infill the side passageway and extend the previously converted car port to provide for a new playroom to the front, cloakroom, shower room and widened utility, with a stated floor area of 20.69sqm.
- 2.3. At first floor it is proposed to create a new walk in wardrobe, ensuite and widened rear bedroom with a stated floor area of 20,23sqm. It is proposed to maintain a 1m wide gap with the adjoining property house no. 82. A new frosted high level window to the proposed ensuite along the western side elevation is also proposed.
- 2.4. Permission is also sought for the relocation of the hall door entrance into the centre of the front elevation with canopy over. Finishes generally would match/harmonise with existing.

## 3.0 Planning Authority Decision

### 3.1. Decision

The decision to grant permission is subject to six standard conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Report (dated 11 May 2017)

Basis for planning authority decision.

Includes:

- Considers no issues of overlooking, overshadowing or overbearing impact.
- Notes the proposed amendments to the front elevation including relocation of the front entrance and canopy and amendments to window profiles is visually acceptable.

#### 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 appellants in the current appeal. The issues raised can be summarised as follows;

- Infilling the side passage and extending the car port at ground level would necessitate a material change to the side of their house.
- Proposed first floor extension will block light to the stairwell window, and loss of light to entrance, hallway, stairwell and landing.
- Noise nuisance during construction and on completion.

- Overall size and bulk of the proposed two storey extension would effectively change the house from a detached dwelling to a semi-detached dwelling and devalue their property.
- No precedent for a two storey extension to front and side and constitutes overdevelopment and is at odds with the existing streetscape.

## 4.0 Planning History

4.1. 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 H18 – 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 South Dublin County Council House Extension Design Guide 2010.

### 5.2. Natural Heritage Designations

5.2.1. None of relevance.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The appeal is lodged by G.F. Irvine Architect on behalf of Paul Magahran, no. 81 Ashton Avenue, the adjacent property to the west of the appeal site. It includes an A3 drawing with an alternative design proposal. The main grounds can be summarised as follows:

- Difficulties with the design approach of the applicants' architects, the incompatibility and unsuitable nature of the submitted scheme with the architecture of the street, and its potential negative effect on his property in terms of amenity/light/structure and value.
- The submission includes an alternative design solution which it is contended is a more correct design for the locality from an aesthetic and compatibility point of view, that will give the applicants the same additional space they require at both levels and which will be just as cost effective as the current proposal.
- There has been a lack of analysis of how to solve the applicants brief and the solution does little to take account the established repetitive architecture of the street and has the potential to create an inconsistent form of unattractive architecture.
- Contends that the planners have erred in their analysis of the scheme.
- Intend to present this alternative design proposal to the applicants and hopes that they might re-evaluate their options and look at re-submitting a new application, and withdraw the current proposal.
- The submission includes a brief synopsis of the suggested alternative and benefits.
- The current proposal is almost making a terrace or pair of semidetached houses of No. 81 and 82 which would be completely out of context.

## 6.2. Applicant Response

A response was submitted by the applicant. It can be summarised as follows:

- The alternative proposal is impractical and costly and would not be granted permission based on it extending 4.4m beyond the rear building line and that it would cast a two storey shadow across the rear elevation and garden of the neighbouring house no. 83 Ahston Avenue. There would be less than 22 metres between opposing windows at first floor level with their rear neighbours, and as the applicant's garden is higher, it would give rise to overlooking of their rear gardens.

- They would expect their neighbours in no. 83 and to the rear to object, negating the appellants' claims that the alternative design proposals would remove objections and a speedier planning process.
- There are significant incremental costs associated with the alternative design proposal, contrary to the claim by the appellant that it would be just as cost effective.
- There would be a negative impact on the use of the applicants rear garden and living areas.
- Note that the majority of properties in the Ashton estate of similar design have extended their properties at ground floor to attach to their neighbours, with several bringing the extension flush with the front of the house as currently proposed, and not retaining a side passage, and consider that has not had a negative impact on the value of their properties.
- Submit that by building a double storey extension, and retaining the existing garden area they will be maximising the potential of their home and other properties in the Ashton estate will recognise the potential in other properties.
- Cites precedent in relation to a number of houses in Ashton estate which have extended at ground floor to be flush with the front of the house and changed the front elevation of their house and also precedent in Grange Wood, Rathfarnham, where a double storey side extension was constructed to a house of similar design.
- Consider the proposed front elevation which moves the front door to the centre of the house with a living room window on each side is a much more balanced and attractive design than that of the original house.
- Acknowledge that it will be the first house in the estate to make alterations to the front elevation and to build a first floor extension to the side, but had favourable pre planning advice and discussed plans with both neighbours prior to submitted the application.

### 6.3. Planning Authority Response

None.

## 6.4. Observations

None received.

## 7.0 Assessment

7.1. The main issues raised 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;

- Design
- Direct impact on the adjacent (appellants) property
- Appropriate Assessment

### 7.2. Design

- 7.2.1. The appellants submit that the design of the proposed extension would be incompatible with the design of the existing houses and architectural style of the street. As noted the appellants have submitted an alternative design approach for the proposed extension.
- 7.2.2. I note that while having examined the alternative design proposal submitted, it provides a materially different proposal to that under appeal, and as such the merits or otherwise are in my view academic. The matter before the Board is the design of the current proposal. I also note the applicant's response to the appellants' submission and again consider it unhelpful to comment on any design other than that before the Board.
- 7.2.3. The appellants focus, in particular on the fact that the proposed extension would almost make a terrace or pair of semi-detached houses of house no. 81 and 82.
- 7.2.4. I note the South Dublin County Council House Extension Design Guide 2010 in relation to this issue. While the guidelines (pages 16 and 17 of the document refer) do generally advise against such an approach, they also advise leaving a gap of at least 1m between the extension and the side party boundary with the adjoining property to avoid creating a terraced effect.

- 7.2.5. I am satisfied, given the house type in this instance, that the proposed first floor extension to the side, which is set off the boundary with the appellants' house by 1m, has a double pitched roof profile, with a ridge height which is set below the ridge height of the existing house by approx. 0.4m and is flush with the front and rear elevations of the existing house has been carefully considered and is acceptable in design terms. I consider that, the first floor extension and roof profile, while different to other side extensions to these houses, has been designed to minimise the bulk and massing and is not excessive.
- 7.2.6. I am also satisfied that the proposed relocation of the hall door to the centre of the house with canopy, and amendments to existing windows, is reasonable in design terms.
- 7.2.7. I do not consider that there is any basis to the appellant's submission that the proposal would devalue their property.
- 7.2.8. I consider, therefore, the appeal should not be upheld in relation to the issue of design.

### **7.3. Direct Impacts on the adjacent (appellants) property**

- 7.3.1. This refers to; the impact of the proposed extension on the amenity / light / structure of the appellant's house.
- 7.3.2. I note the appellants house includes a large gable window to the landing on the return at first floor level which gives light to the hall stairs and landing. This window is east facing. I accept that there will be a loss of light to this window, but consider that the 1m separation distance proposed between the first floor extension and the existing gable of the appellant's property will allow sufficient light to enter. I would also note this window serves the hall stairs and landing and not a habitable room.
- 7.3.3. While the extension at first floor would have some shadowing effect on the landing, I do not consider it to be excessive.
- 7.3.4. I also note that the proposed extension which is in line with the existing house to the front and rear will not impact on the amenity of the appellants' house in terms of overbearing. The proposed high level frosted window to the side will not give rise to overlooking.



7.3.5. I consider, therefore, the appeal should not be upheld in relation to the issue of residential amenities.

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

7.4.1. Having regard to the nature and scale of the proposed development, being a minor 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 zoning of the site, the scale, layout and design of the proposed extension, and the pattern of development in the area, it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or 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 in accordance with the agree particular.

**Reason:** In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. 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.

4. 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.

5. 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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Susan McHugh

Planning Inspectorate

8<sup>th</sup> September 2017