



An
Bord
Pleanála

Inspector's Report PL06D 248692

Development	Demolition of existing garage/outhouses and extension to the rear of existing house and the construction of an extension to the side and rear with associated alterations and site works.
Location	17 North Avenue, Mount Merrion, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/0278
Applicant(s)	Ursula and Kevin Lynch
Type of Application	Permission
Planning Authority Decision	Grant permission with conditions
Type of Appeal	Third Party v. Decision
Appellant(s)	John and Marie Rafferty
Observer(s)	No observers

Date of Site Inspection

09/08/2017

Inspector

Erika Casey

1.0 Site Location and Description

- 1.1. The subject site is located at no. 17 North Avenue, Mount Merrion, Co. Dublin. It currently accommodates a two storey semi detached dwelling (156 sq. metres in area) with a single storey garage to the side. The site has an area of 0.56 hectares. To the rear of the existing dwelling is a single storey extension. The existing attic is served by a roof light window to the front and a dormer to the rear.
- 1.2. To the south of the dwelling is no. 19, a similar two storey dwelling. To the north is no. 15 North Avenue. This comprises a detached two storey dwelling house with frontage to Maher Road South. No. 15 is located approximately 1 metre from the boundary of no. 17. There is a single storey extension to the east of no. 15 which directly abuts the northern boundary of the subject site. It is noted that the main axis of no. 15 sits at a right angle to the subject site and the rear elevation directly faces the side boundary to the rear garden of no. 17.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing garage and outhouse and the construction of a two storey extension to the side, extending to the front of the existing house with a single storey bay element. The proposed two storey extension extends 1 metre forward of the existing front elevation and the single storey bay extends 0.7 metres beyond this. To the side, the extension is approximately 1.28 metres from the existing side elevation of no. 17. It will be separated from the existing single storey extension attached to no. 15 by 1.25 metres, creating a new side entrance and passageway between the two dwellings. The two storey extension will have a pitched roof, hipped to the side following the line of the existing roof profile.
- 2.2. To the rear, a single storey, flat roofed extension is proposed. The single storey extension extends 7.9 metres from the existing rear boundary. It will accommodate angled roof lights and a small canopy roof. It extends to a height of 3.125 metres. The rear extension is separated from the northern boundary with no. 15 by 3.05 metres.

- 2.3. The proposed development also provides for the removal of the existing dormer window and its replacement with a new enlarged dormer. The overall width of the dormer is 3.75 metres and it has a height of 2.1 metres. It projects 2.8 metres from the existing roof. The top of the parapet of the dormer is 0.25 metres below the ridge line of the existing roof.
- 2.4. A number of minor elevational amendments are also proposed including the alteration and widening of a number of existing window opens, additional roof light to the front and relocation and widening of the vehicular entrance. The existing chimney will be relocated. The proposed works will increase the overall floor area of the dwelling to 240 sq. metres.
- 2.5. External wall finishes will be self coloured render. Roof finishes are to match the existing. The single storey bay extension to the front will comprise seamed copper. The parapet walls and canopy of the single storey extension are also proposed to be finished with seamed copper.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 To Grant Permission subject to 11 no. conditions. Conditions of note include:

Condition 4: footpath in front of new vehicular entrance shall be dished and strengthened at Applicant's own expense.

Condition 5: Proposed new driveway/parking area shall be constructed with sustainable drainage systems.

3.2. Planning Authority Reports

3.2.1. Planning Report (19/05/2017)

The planner's report noted the following key points:

- The layout and arrangement of site and the orientation of neighbouring properties allows for a development of this scale.

- In terms of potential impact to the adjoining single storey extension to no. 15, it notes that, whilst there may be some overshadowing, the existing extension is served by at least two additional windows that provide light.
- Overall size and scale of dormer is acceptable and in accordance with the County Development Plan.

3.2.2. **Other Technical Reports**

Drainage Planning (15/05/2017): No objection subject to conditions.

Transportation Planning (10/05/2017): No objection subject to conditions.

3.3. **Prescribed Bodies**

3.3.1 No reports received.

3.4. **Third Party Observations**

3.4.1 John and Marie Rafferty, 15 North Avenue.

- The proposed two storey extension located to the south of no. 15 will seriously diminish sunlight and daylight to their property and thus have a negative impact on their residential amenities. The submitted solar analysis/shadow study is misleading.
- The proposed separation distance of 1.25 metres between the dwellings is inadequate.
- The front building line of the extension will be out of line with existing buildings on North Avenue and thus have a negative impact on the streetscape.
- Proposed single storey extension would have a dominant and overbearing impact on no. 15.
- Proposed flat roofed dormer will be visually dominant and out of character with the prevailing pattern of development in the area.

4.0 Planning History

Subject site:

P.A. Ref.: D16A/0680

Permission was refused in November 2016 for a development comprising the construction of a 2 storey extension to the front and rear of the existing house and a single storey extension to the rear with new enlarged dormer to the rear. Permission was refused for one reason:

“Given the existing pattern of development and the relationship with the property in the north, the proposed two storey side and rear extension is considered to be excessive in height and proximity to the northern boundary, would result in overshadowing and would appear overbearing when viewed from the adjoining property to the north. The proposed dormer is considered to be excessive in length and would therefore be visually dominant in the roofscape. This is contrary to RES 4 and Section 8.2.3.4 of the Dun Laoghaire Rathdown County Development Plan 2016 – 2022. Therefore the proposed development would be seriously injurious to the amenities of property in the vicinity. This is contrary to the proper planning and sustainable development of the area.”

P.A. D05B/0438

Permission granted in July 2005 for a development comprising a new dormer to rear and roof light at front of existing attic room. This relates to the existing dormer window insitu on the subject dwelling.

Environs of Site:

P.A Ref. D99B/0399

Permission granted in June 1999 for conversion of existing garage, for new utility room and toilet to the rear and a conservatory to side of existing dwelling at no. 15 North Avenue.

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:

- In determining first floor extensions the Planning Authority will have regard to factors such as:
 - Overshadowing, overbearing and overlooking -along with proximity, height and length along mutual boundaries.
 - Remaining rear private open space, its orientation and usability.
 - Degree of set-back from mutual side boundaries.
- Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and impacts on residential amenity.
- 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

5.2.1 None applicable.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.2 John and Marie Rafferty, No. 15 North Avenue, Mount Merrion, Blackrock, Co. Dublin.

- The proposed two storey extension by reason of its bulk and scale would have a negative visual and overshadowing impact on no. 15. The proposed set back of the extension from the common boundary is insufficient.
- The proposed extension to the front is out of line with the established building line and would have a negative impact on the streetscape and create an undesirable precedent.
- The single storey rear extension constitutes overdevelopment of the site.
- The proposed dormer window will be visually dominant and out of character with the prevailing pattern of development in the area and will result in overlooking of adjacent properties.
- The development as now proposed does not sufficiently address or overcome the reason for refusal under the previous application (D16A0680) pertaining to the site.

6.2. Applicant Response

- With regard to potential overshadowing, this is refuted as it is detailed that the roof light in the existing single storey extension to the side of no. 15 is not the sole light source to this room. There are 2 additional windows and in this regard it would be unreasonable to refuse permission for reasons relating to loss of light. Shadow studies have been prepared in support of the application which demonstrate that the proposed development would not result in any significant overshadowing to adjacent properties.

- Considering the varying character of properties along North Avenue, it is not considered that the forward projection of the proposed extension would have a detrimental visual impact on the character of the streetscape.
- There is a 3 metre separation distance between the rear single storey extension and the boundary with no. 15. Having regard to the overall size of the site and the nature and scale of the proposed extension, it could not be described as constituting a gross overdevelopment of the site.
- The proposed dormer replaces an existing dormer window. The width of the dormer has been reduced significantly from that proposed under application D16A/0680 from 5.5m to 3.75m and the parapet lowered below the main ridge line of the existing roof. There will not be significantly more overlooking than currently exists.

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. Observations

- No observations received.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal 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.

- Impact on residential amenities
- Visual impact
- Appropriate assessment

7.2 Impact on residential amenities

7.2.1 Concerns have been raised regarding the scale and bulk of the proposed extension and its potential to have an adverse impact on the residential amenities of no. 15.

7.2.2 It is noted that the applicants have substantially modified the extent of development from that previously proposed under P.A. Ref. D16A/0680. The key amendments can be summarised as follows:

- The two storey extension to the side is now separated 1.25 metres from the boundary wall with no. 15 as opposed to 0.955 metres as originally proposed.
- The extension of the two storey element to the rear has been omitted.
- The single storey extension to the rear is set back over 3 metres from the southern boundary of no. 15 (originally proposed as a separation of 0.9595 metres).
- Due to the lowering of the floor level and amendments to the side parapet wall, the overall roof level of the single storey extension has been reduced.
- Dormer window reduced in width and lowered below main ridge level.

7.2.3 It is considered that these modifications adequately address the previous reason for refusal and significantly reduce the potential impact of the development on adjacent properties.

7.2.4 With regard to the rear extension, this is set back over 3 metres from the southern boundary with no. 15. There is an existing boundary wall and established vegetation along this boundary. Having regard to the scale and height of the extension (3.125 metres), it is not considered that it would give rise to any adverse overlooking or overshadowing impacts to adjacent properties. It is considered that the single storey element is subservient to the main dwelling house and of an appropriate design and scale having regard to the site context and extent of the existing rear garden.

7.2.5 It is noted that the proposed dormer window replaces an existing dormer and therefore the principle of a dormer window has already been accepted at this location. The width, height and position of the dormer are considered acceptable. The design of the dormer would not be visually obtrusive and it is considered that it would be in accordance with the design guidance set out in the current County

Development Plan. It is also noted that the dormer will serve an attic room. It is not considered that the proposed dormer would give rise to any significant adverse overlooking impacts over that which currently exist on the site.

7.2.6 The appellant makes reference to another dormer window at no. 8 North Avenue. It is not considered that this is a relevant precedent as it is a dormer of much larger proportions and with different external treatment (zinc cladding) than that currently proposed.

7.2.7 It is contended by the appellants that the two storey extension will have an adverse impact on their property, particularly due to loss of light to their single storey extension to the side which accommodates a breakfast room/kitchen. It is noted that the applicant has submitted a detailed shadow analysis which demonstrates that the proposed development will have no adverse overshadowing impact. As outlined by the applicant in their response and in the Planning Authority planner's report, it was observed on site that the existing extension to the east of no. 15 has two roof lights to the rear and a large roof light to the front, as well as fenestration to the front and side. In this regard, it is not considered that the development would have a significant adverse impact on the amenities of no. 15 in terms of loss of light or overshadowing as the roof lights to the rear are not the sole source of light.

7.2.8 A separation distance of 1.25 metres will be retained between the boundaries of no. 15 and no. 17 and a new side passage way created. It is considered that having regard to the overall scale and limited depth of the two storey extension and its separation from no. 15, that it would not have a material adverse impact on the residential amenities of no. 15.

7.3 Visual Impact

7.3.1 The proposed two storey extension projects beyond the existing front façade by approximately 1 metre. In addition, there is a single storey bay window single storey element that protects a further 700mm beyond this.

7.3.2 The design approach is well considered and will assimilate with the existing design and treatment of the front façade. Having regard to the limited extent of the projection and the configuration of the site, it is considered a satisfactory design response to the site and will not have any significant impact on the character of the existing streetscape. It is noted that the Planning Authority concur with this view and

it is stated in the Planning Authority planner's report that the proposed works "*can be accommodated without harming the visual amenity of the area*".

7.4 Appropriate Assessment

7.4.1 Having regard to the nature and scale of the proposed development, an 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 extension, 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 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

14th August 2017