



An
Bord
Pleanála

Inspector's Report PL 06D.248817

Development	Extension to front, side and rear of house
Location	No. 6 Avoca Place, Blackrock, County Dublin
Planning Authority	Dún Laoghaire-Rathdown Council
Planning Authority Reg. Ref.	D17A/0343
Applicant(s)	Michael Upton & Síobhna Ní Bhroin
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Michael Upton & Síobhna Ní Bhroin
Observer(s)	None
Date of Site Inspection	14 th September, 2017
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1. No. 6 Avoca Place, Blackrock, County Dublin is a three-bedroom, semi-detached two-storey house with a single-storey extension to the rear, located in a mature residential area. The house is located on a plot with a stated area of 0.376 hectares.

2.0 Proposed Development

- 2.1. The proposed development would comprise the construction of a part single-storey / part two-storey extension to the front, side and rear of an existing semi-detached house. The development would include a pitched roof porch to the front, a dormer window to the rear of the existing roof, rooflights, and the removal of an existing chimney. It would also include the widening of the existing vehicular entrance from 2.75m to 3.5m and landscaping. The total gross floor area of the extension is stated to be 85 square metres and it would provide additional dining and playroom space at ground floor level, additional bedroom space at first floor level, including a new ensuite bedroom to the rear, and the provision of a store at attic level.

3.0 Planning Authority Decision

3.1. Decision

On 6th June, 2017, Dún Laoghaire-Rathdown County Council decided to grant permission for the development subject to 13 conditions. Condition no. 2 with the decision states:

2. *Prior to the commencement of development on site, the Applicant shall submit for the written agreement of the Planning Authority, revised drawings showing the proposed new one to two storey rear extension modified as follows:*
- a) *The main ground floor rear element reduced in its length from the proposed circa 9.3 metres length, to the same (circa 6.2 metres) length as the existing rear extension, when measured externally;*
 - b) *The first floor rear extension reduced in its length from the proposed circa seven metres length, to five metres length overall, when*

measured externally. The proposed first floor, side facing windows on either side of the proposed rear extension shall also be omitted.

REASON: To protect the residential amenities of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the observation made, departmental reports received and applicable development plan provisions. It was considered that the proposed rear extension was overly long and should be reduced in length on both floors to ameliorate any significant negative impacts on residential and visual amenity of adjoining properties – from 7m to 5m at first floor level and from 9.3m to 6.2m at ground level (i.e. the same as the existing rear extension). It was further considered that the proposed first floor side facing windows on either side should be omitted in the interests of privacy and amenity. The rear dormer extension was considered acceptable, as was the side extension, front canopy roof and additional façade windows. A grant of permission was recommended subject to conditions.

3.2.2. Other Technical Reports

The Transportation Planning Engineer had no objection to the proposal subject to conditions.

The Drainage Engineer had no objection to the proposal subject to one condition.

3.3. Third Party Observations

A submission was received by the planning authority from Jonathan Green and others whose family home is No. 4 Avoca Place. Concerns were raised about adverse impacts on sunlight entering their home arising from the proposed development

4.0 Planning History

I have no record of any previous planning application or appeal relating to the site.

5.0 Policy Context

5.1. Dún Laoghaire-Rathdown County Development Plan 2016-2022

Zoning

The site is zoned 'A' with the objective "To protect and/or improve residential amenity".

Extensions to Dwellings

Plan provisions include:

First floor rear extensions are to be considered on their merits, noting that they can often have potential for negative impacts on the amenities of adjacent properties, and are only permitted where the planning authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors are to be considered:

- 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.
- External finishes and design, which shall generally be in harmony with existing.

Ground floor rear extensions are to be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.

6.0 The Appeal

6.1. Grounds of Appeal

The first party appeal relates to the attachment of Condition 2 with the planning authority's decision. The appellants submit revised drawings for consideration by the Board. Modifications proposed include:

- No changes to the ground floor rear extension,
- The proposed first floor rear extension reduced in depth by 1.825 metres,
- A new rooflight on the flat roof element of the ground floor extension,
- The side facing windows at first floor level on the northern elevation omitted and the bathroom window at first floor level on the southern elevation obscured, and
- The side extension moved 650mm westwards.

Day and sunlight analyses are included as part of the appeal submission.

Further to the proposed revisions, it is submitted:

- The site is zoned Objective A for residential development.
- The proposal is in accordance with the standards and principles for residential extensions set out in the Dún Laoghaire-Rathdown County Development Plan.
- The proposed rear extension is modest in form and scale, with design and finishing materials which seek to protect the character of the neighbourhood and residential amenity.
- The amended plans now submitted achieve the outcomes sought by Condition No. 2.

The Board is asked to omit Condition 2 of the planning authority's decision and approved the submitted drawings.

6.2. **Planning Authority Response**

The planning authority considers the revised proposal is relatively large and that the proposed conditions attached to ameliorate any potential significant impacts of the proposed larger extensions are reasonable.

7.0 **Assessment**

- 7.1. I am satisfied, having examined the details of the application and having visited the site, that the determination of the application by the Board, as if it had been made to

it in the first instance, would not be warranted. Accordingly, I consider that it is appropriate to use the provisions of section 139 of the Local Government (Planning and Development) Act, 2000, as amended, and to consider the issues arising out of the disputed condition only.

7.2. I note the proposed amendments to the proposed development to address the planning authority's concerns. I consider these are relatively minor modifications and do not require to be the subject of any separate planning application.

7.3. My considerations on this appeal are as follows:

- The proposed ground floor extension in itself would have no adverse impacts on the residential amenities of adjoining properties. I do not consider that the additional 3.1 metres depth of ground floor space proposed to be removed by Condition 2a) is warranted. The flat roofed section at the rear would have no tangible effects on neighbouring property by way of overbearing impact, overshadowing or overlooking. Indeed, I note that most of the ground floor extension would be further away from the boundary with the adjoining No. 4 Avoca Place than the existing extension. I can see no necessity to reduce the depth of this proposed ground floor section. Indeed, tinkering with the ground floor plan only seeks to create difficulties with the revisions made to the overall ground floor and the functioning of existing and new habitable rooms at this level.
- I note the appellants propose to reduce the first floor rear extension by 1.825 metres and to remove side facing windows on the northern elevation. This effectively addresses the concerns of the planning authority, which requested by way of Condition 2b) the extension at this level to be reduced in depth by 2.0 metres and to remove side facing windows. The proposal to provide obscure glazing to the bathroom at this level will address any overlooking concerns.
- Overall, I am of the opinion that there is little, if any, merit in the attachment of Condition 2b). The minor modifications required by this condition, in terms of reducing the depth of the extension, would have negligible effect on increasing sunlight availability to the adjoining No. 4 and would have no impact on increasing daylight. However, I note the appellants' response to this

condition in the appeal submission and I acknowledge the observation made to the planning authority by the family at No. 4, albeit no observation or other submission was made to the Board in support of the planning authority's decision or raising any further concerns. To this end, I note the sunlight and daylight analyses undertaken by the appellants as part of the appeal submission. I accept the revised proposed development would have no adverse impact on daylight entering the existing windows to the rear of the adjoining No. 4 and I accept that the impact on sunlight entering the adjoining property arising from the revised proposal would be very slight. With the minor revisions proposed in the submission to the Board, I am satisfied to conclude that the concerns of the planning authority have been adequately addressed.

- I consider that the revised proposal comprehensively addresses any overlooking concerns, will not cause significant overshadowing of the neighbouring property to the north, and will otherwise not cause any significant adverse impacts on adjoining residential amenities.

7.4 In conclusion, I recommend that Condition 2 is removed and a condition is attached that allows for the development in accordance with the revised proposal submitted to the Board with the appeal. The Board will note that the attachment of this revised condition will not conflict with any of the other conditions attached with the decision of the planning authority, inclusive of Condition 1.

8.0 Recommendation

Having regard to the nature of condition number 2 the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to:

REMOVE Condition number 2 and the reason therefor and ATTACH the following condition:

2. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further drawings and details submitted to An Bord Pleanála on the 3rd July, 2017.

Reason: In the interest of clarity

9.0 Reasons and Considerations

It is considered that the revised submission made to the Board adequately addresses concerns raised by the planning authority in relation to adverse impacts arising from the proposed extension on existing residential amenity. The proposed development would, therefore be in accordance with the proper planning and sustainable development of the area.

Kevin Moore
Senior Planning Inspector

14th September 2017