



An
Bord
Pleanála

Inspector's Report PL06D.248856

Development

Permission sought for a new 85sqm, two-storey flat roof extension to the rear (north-east) of an existing two-storey dwelling. The proposal includes demolition of an existing two-storey return and single-storey conservatory to the rear, internal modifications to the existing dwelling including roof lights, and a new vehicular access and driveway in the front garden together with associated site works.

Location

3 Hastings Terrace, Sandycove, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D17A/0362

Applicant(s)

Maria McAdam

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third-v-Grant

Appellant(s).

(1) Marie & Owen McKeown

(2) Arthur & Elizabeth Naylor

Date of Site Inspection

11th October 2017

Inspector

Colin McBride

1.0 Site Location and Description

1.1 The appeal site, which has a stated area of 0.0306 hectares, is located to the south east of Sandycove and Dun Laoghaire. The appeal site is occupied by no. 3 Hastings Terrace, a two-storey terraced dwelling located on the north side of Sandycove Road. The site is part of a terrace of three dwellings with no. 2 and no. 1 Hastings Terrace located to the west. To the east along Sandycove Road is a two-storey dwelling that is set back further from the road than the house on the appeal site (it also extends significantly beyond the rear building line of the existing dwelling on site). Immediately to the north of the site is a narrow passageway that runs west to east from Marine Drive to the west of the site. Further north beyond the passageway is a two-storey dwelling, no. 1 Marine Avenue with its rear garden located directly north of the site. The level of no. 1 Marine Avenue and its associated garden area is significantly lower in level than the appeal site due to changes in levels moving south to north at this location. Boundaries on the site include stone walls around the front garden, a high wall located along the rear/northern boundary, a stone wall along the eastern boundary of the rear garden and a wooden panel fence along the western boundary of the rear garden.

2.0 Proposed Development

- 2.1 Permission is sought for a new 85sqm, two-storey flat roof extension to the rear (north-east) of an existing two-storey dwelling. The proposal includes demolition of an existing two-storey return and single-storey conservatory to the rear, internal modifications to the existing dwelling including rooflights, and a new vehicular access and driveway in the front garden together with associated site works.
- 2.2 The proposed extension has a ridge height of 6.99m and projects 5.98m beyond the rear building line of the main two-storey portion of the dwelling (there is an existing return and single-storey extension to the rear of the dwelling. The proposal entails an alteration of the internal layout with all living accommodation (living room, kitchen, office and playroom located on the first floor level and all bedrooms located at ground floor level. The proposed extension has a reflective cladding.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 13 conditions. Of note is the following condition.

Condition 2: Revisions required including omission of proposed full length sliding fenestration elements at first floor level and their replacement with 2 no. fixed (non-sliding) windows to be positioned 500mm above floor level and each to be no larger than a maximum size of 4sqm.

Condition 3: Revisions required including removal of the reflective glass cladding and replacement with an alternative cladding/external treatment.

Condition 4: The high level vertical window on the west side elevation shall be fitted with opaque glazing.

Condition 5: The external first floor area adjacent to the recessed first floor rear elevation shall not be used as a balcony or terrace area.

3.2. Local Authority and External reports

3.2.1. Transportation Planning (30/05/17): No objection subject to condition.

3.2.2. Drainage Planning (06/06/17): No objection.

3.2.3. Planning Report (12/06/17): There were concerns regarding overlooking from the first floor glazing on the rear elevation in relation to an adjoining property. It was considered that subject to conditions requiring modification that the proposal would be satisfactory in the context of the visual amenities of the area and the amenities of adjoining properties. A grant of permission was recommended subject to the conditions outlined below.

4.0 Planning History

4.1 No planning history.

5.0 Policy Context

5.1. Development Plan

5.1.1 The relevant development plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned Objective A with a stated objective 'to protect and/or improve residential amenity'.

6.0 The Appeal

6.1 Grounds of appeal

6.1.1 A third party appeal has been lodged by Hughes Planning Consultants on behalf of Marie & Owen McKeown, No. 1, Marine Avenue, Sandycove, Co. Dublin. The grounds of appeal are as follows...

- The appellants' dwelling is located to the north east of the site at a lower level. It is noted that the proposal is a contravention of the zoning objective and development plan policy regarding residential extension as it would have a detrimental impact on the residential amenities of the appellants' property. This is due to the design, scale, proximity or the extension and level of glazing and orientation relative to the appellants' property. There are inadequate separation distances, the proposal would result in overlooking, loss of light, have an overbearing impact and be detrimental impact on visual amenities from the appellants' property.
- The appellants note that the extension is excessive in scale and out of character with the built context of the area.
- The appellants' note that the proposal to provide guest accommodation is a concern.

- It is noted that the proposal is contrary to National Guidelines including the Sustainable Residential development in Urban Areas (2009) and the Urban Design manual, due to its adverse impact on residential amenity.
- The appellants note a number of precedents for refusal of extensions that they consider relevant in this case.

6.1.2 A third party appeal has been lodged by Hughes Planning Consultants on behalf of Arthur & Elizabeth Naylor, No. 2, Hastings Terrace, Sandycove, Co. Dublin. The grounds of appeal are as follows...

- The appellants' dwelling is immediately adjoining the existing dwelling on the site to the west. It is noted that the proposal is a contravention of the zoning objective and development plan policy regarding residential extension as it would have a detrimental impact on the residential amenities of the appellants' property. This is due to the design, scale, proximity or the extension and orientation relative to the appellants' property. The proposal would result in overlooking, loss of light, have an overbearing impact and detrimental impact on visual amenities (loss of outlook) from the appellants' property.
- The appellants note that the extension is excessive in scale and out of character with the built context of the area.
- The appellants' note that the proposal to provides guest accommodation is a concern.
- It is noted that the proposal is contrary to National Guidelines including the Sustainable Residential development in Urban Areas (2009) and the Urban Design manual, due to its adverse impact on residential amenity.
- The appellants note a number of precedents for refusal of extensions that they consider relevant in this case.

6.2 Responses

6.2.1 Response by Dun Laoghaire Rathdown County Council.

- It is considered that subject to compliance with the conditions attached, the proposal would be satisfactory in the context of adjoining amenity.

6.2.2 Response by Courtney McDonnell Studio on behalf of the applicant, Maria McAdam.

- It is noted that the proposal would not be contrary the zoning objective and would be improvement of the existing dwelling.
- It is noted that the extension still retains 96sqm of private open space and is only reducing the existing rear open space by 10%. It is noted that the standard of 22m separation distances between opposing first floor windows is not relevant due to the differing orientations of the property to be extended and the appellants property at no. 1 Marine Avenue. It is noted that there is an 11.8m separation distance between the rear elevation of the existing and the boundary wall of no. 1 Marine Avenue.
- The proposal has been designed to have regard to the amenities of the adjoining property to the west (2 Hastings Terrace), with glazing recessed, a high level window and a screen element included.
- The proposal would be satisfactory in regards to its impact on adjoining properties and would entail no significant loss of light or overshadowing.
- The proposal has been designed to have regard to the visual amenities of the area and is appropriate in design and scale at this location.
- The applicant has submitted an amended proposal with regard given to the conditions attached by the Local Authority. The changes include use of brick instead of the reflective cladding and revisions to the glazing at first floor level on the northern elevation.
- It noted that the accommodation at ground floor level is integral to the dwelling and is designed to meet the applicant's family needs.

- The applicant refutes a number of points raised by the appellants including issues regarding other precedents/planning applications for extensions, the level of separation from the adjoining dwelling (no. 1 Marine Avenue) as well as noting the proposal would comply with National Guidance.
- The applicant has included a shadow study for the proposed development.

6.2.3 Response by Dun Laoghaire Rathdown County Council.

- It is considered that subject to compliance with the conditions attached, the proposal would be satisfactory in the context of visual and adjoining amenity.

6.2.4 Response by Hughes Planning Consultants on behalf of Marie & Owen McKeown, No. 1, Marine Avenue, Sandycove, Co. Dublin. The grounds of appeal are as follows...

- The applicant's response is noted and it is considered that the proposal still has an adverse impact on the amenities of the appellants' property due to overlooking, and overbearing impact, and loss of light. The appellants reiterate concerns regarding the layout of the guest accommodation and the separation distances between the extension and the adjoining property.

6.2.5 Response by Hughes Planning Consultants on behalf of Arthur & Elizabeth Naylor, No. 2, Hastings Terrace, Sandycove, Co. Dublin.

- The applicant's response is noted and it is considered that the proposal still has an adverse impact on the amenities of the appellants' property due to overlooking, and overbearing impact, and loss of light. The appellants reiterate concerns regarding the layout of the guest accommodation and the separation distances between the extension and the adjoining property.

7.0 Assessment

7.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Design/scale, visual/residential amenity

Traffic impact

Appropriate Assessment

Other Issues

7.2 Design/scale and visual/residential amenity:

7.2.1 The proposal is for a two-storey extension to the rear of a two-storey terraced dwelling. The extension has a flat roof profile with ridge height of 6.99m (lower finished floor level than main dwelling) and projecting just over 5.98m from the rear building line (main body of the two storey dwelling). One of the main issues raised in the appeal submission relates to impact on adjoining residential amenities (no. 2 Hastings Terrace to the west and no. 1 Marine Avenue to the north). The proposal would have no significant or adverse impact on the adjoining dwelling to the east, which due its building line and scale, projects significantly beyond the rear building line of the proposed development and is also two-storeys in scale.

7.2.2 In the case of no. 2 Hastings Terrace to the west, the proposed extension steps back from western boundary at first floor level by 2.591m and the pattern of development reflects that on the adjoining site, which has a two-storey extension with a single-storey extension where it adjoins the boundary with the appeal site. I would note that the two-storey portion of the extension does not project beyond that of the extension at no. 2. There is a window at first floor level on the western elevation of the extension, however such is a high level window that facilitates light and does not allow for overlooking. The proposal also entails the provision of a screen at the north western corner at first floor level. The design and scale of the extension has

adequate regard to the amenities of the adjoining property at no. 2 in that it steps back from the western boundary. The main orientation of windows in the extension is to the north, in keeping with the existing pattern of development. The appellants raise concern regarding the impact on existing roof lights in the single-storey portion of their extension. I would note that the proposal would not impact adversely on light levels to the appellants' property and roof lights would not be significantly deprived of light and also such would not be the main source of light to the appellants' property. I am satisfied that the proposal has adequate regard to the residential amenities of the properties to the east and west of the site.

7.2.3 No. 1 Marine Avenue is orientated east to west and its southern/side boundary is located north of the appeal site. The topography of the area means the appellants' dwelling and associated amenity space is at a much lower level than the appeal site and finished floor level of the extension. As noted earlier, the proposed scale of the extension and level of projection is not out of character or scale with adjoining properties with a two-storey extension at no. 2 to the west projecting further than that proposed and the dwelling to the east also projecting significantly further north than is proposed in this case. The proposed extension is located 11.6m from the southern side boundary of no. 1 Marine Avenue. The extension is also located at lower finished floor level than that existing dwelling on site with both the ground floor and first floor level requiring steps down for the corresponding levels within the existing structure on site. I am satisfied that the overall scale of the extension is not excessive in relation to no. 1 and is in keeping with the scale of development on adjoining sites. I would consider the level of separation from the side boundary of the appellants' property to the north is also sufficient. Having regard to such, I would consider that the proposed extension would have no overbearing impact or result in any loss of light to the rear of the appellant property. The applicant submitted shadow study drawings in the response to the appeal. I would not consider that a shadow study is necessary to determine that the physical impact of the proposed extension is satisfactory, however such does confirm such and illustrates how the extension is in keeping with the scale of adjoining properties along Sandycove Road.

7.2.4 One of the main issues raised concerning no. 1 Marine Avenue is overlooking with the proposed extension orientated north towards the rear garden of the appellants'

property. The pattern of development and topography of the site is such that there is a prevailing pattern of development with two-storey dwellings orientated north south along Sandycove Road. The proposal is in keeping with this pattern of development and is extending the dwelling a similar amount to that permitted on adjoining sites (no. 2 Hasting Terrace). The proposal for windows at first floor level is entirely consistent with the pattern of development and the impact of overlooking to a degree is acceptable based on the context of the location in an established built up area such as this with a prevailing pattern of development. Having inspected the appellants' property, the amenities of such are well protected by existing boundary treatment and vegetation. I would however concur with the Planning Authority, that the level of glazing at first floor level should be reduced to diminish the level of perceived overlooking experienced from the appellants' point of view. There is a high level of glazing proposed at first floor level with a sliding door recessed. I would concur with the Planning Authority's view that the sliding door should not be permitted and the recessed area and adjoining flat roof should not be used as accessible amenity space (not proposed by the applicant).

7.2.5 It is notable that in responding to the appeal submissions, that the applicant has submitted floor plans and a photomontage illustrating changes in line with the amendments conditioned by the Planning Authority. These include the replacement of the sliding glass panels at first floor level with two separate windows, a change to the external finish from the reflective surface to brick and obscure glazing in the high level window on the western elevation. I am satisfied that such alterations would be sufficient to alleviate any concern regarding impact on adjoining residential amenities.

7.2.6 The design and scale of the extension is subordinate to that of the existing dwelling and is located to the rear of the dwelling, with no significant impact from the public realm. As noted earlier the scale of the extension is in keeping with development on adjoining sites to the east and west. I am satisfied that the overall visual impact of the proposal would be satisfactory at this location. I would consider that the amendment of the external finish from the reflective surface to brick as shown in the applicant's response to the appeal would be beneficial to overall visual impact of the proposal.

7.3 Traffic Impact:

7.3.1 The existing dwelling currently has a pedestrian entrance off Sandycove Road. It is proposed to provide a new vehicular entrance that is to be 3m wide. It would appear that the required visibility of 49m under the Design Manual for Urban Roads and Streets is available at this location. I would consider that the provision of a vehicular entrance is acceptable in the context of traffic safety and would be in accordance with the proper planning and sustainable development of the area.

7.4 Appropriate Assessment:

7.4.1 Having regard to the nature and scale of the proposed development and its proximity 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.

7.5 Other issues

7.5.1 The appeal submission raises concern about guest accommodation within the dwelling. This appear to be a complaint about the possibility of independent unit within the overall dwelling. The applicant notes that the layout is designed to accommodate family needs and potential visitors. Having examined the layout, it is clear that the dwelling is set out as a single unit and notwithstanding such the proposal is for one dwelling on site.

8.0 Recommendation

8.1 I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

9.1 Having regard to the provisions of the Dun Laoghaire Rathdown County Development Plan, 2016-2022, the nature and scale of the proposed development

and the pattern of existing development in the vicinity, together with the submissions made in connection with the planning application and the appeal, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of design and scale and would not seriously injure the residential amenities of existing adjacent properties, or the visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The proposed 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) the proposal should be amended as per the floor plans submitted to the Board on the 09th day of August, 2017 and the external appearance, window dimensions and finish shall be amended to reflect the photomontage also submitted on the 09th day of August, 2017.

(b) no access is to be provided to the recessed area and flat roof section from the first floor area.

A full set of 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 visual and residential amenity.

3. 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 noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 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 property in the vicinity

5. 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.

6. The external finishes of the proposed extension, including roof, shall be the same as those of the existing dwelling in respect of colour and texture. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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 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.

Colin McBride
Planning Inspector

17th October 2017