



An
Bord
Pleanála

Inspector's Report PL06D.248947

Development	Extension and renovation of dwelling.
Location	Cavrean, Avoca Avenue, Blackrock, Co. Dublin.
Planning Authority	Dun Laoghaire-Rathdown Co. Council.
Planning Authority Reg. Ref.	D17A/0421.
Applicant	Ann Higgins.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant	Elaine Cruise.
Observers	None
Date of Site Inspection	12/10/17
Inspector	Siobhan Carroll.

1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.23 hectares is located at Cavrean, Avoca Avenue, Blackrock in south County Dublin. The subject site contains a three-storey detached dwelling with an area of 178square metres which is situated on the northern side of Avoca Avenue.
- 1.2. Avoca Avenue is a mature residential area which features Victorian properties, properties constructed in the 1930's and from the mid to late twentieth century. There is a mix of house types including large detached dwellings on large plots, semi-detached and terraced dwellings and apartment development.
- 1.3. The site is bounded by dwellings to the east and west. The adjacent property to the east 'Villa Rosa' is situated 9m from the main dwelling at the closest point and 5.5m from the single storey outbuilding which adjoins the dwelling on the eastern side. 'Avalon' a dormer dwelling is situated 24m to the north-west of the existing dwelling. 'Donmar Lodge a detached dormer dwelling is situated to the rear of 'Villa Rosa' and approximately 45m from the subject dwelling. The eastern and western site boundaries are formed by a metal fence with mature trees and hedges.
- 1.4. The subject property was constructed in the 1930's and of Art Deco design. Design features include a flat roof, red brick plinth, bay window to the living room and windows with their original metal frames. The dwelling is set back 36m from the public road it is served by a large front and rear garden. The rear garden previously contained a lawn tennis court only the net posts remain.

2.0 Proposed Development

- 2.1. Extension and renovation dwelling. Features of the scheme include;
 - Existing dwelling of 178sq m
 - Total proposed new floor area 410sq m
 - 123sq m proposed to be retained
 - 55.7sq m proposed for demolition

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Permission was granted subject to 14 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The proposed extensions and renovation works were considered consistent with the character and design of the existing dwelling.

3.2.2. Other Technical Reports

Drainage Planning – No objections subject to condition.

Transportation – No objections subject to conditions.

3.3. Third Party Observations

3.3.1. The Planning Authority received one submission/observation in relation to the proposed development. The main issues raised are similar to those set out in the third party appeal.

4.0 Planning History

- None on site

5.0 Policy Context

5.1. Development Plan

The site is governed by the provisions of the Dún Laoghaire – Rathdown County Development Plan 2016-2022.

- The site is zoned Objective A 'to protect and/or improve residential amenity'.
- Chapter 8 – Principles of Development
- Section 8.2.3.4(i) refers Extensions to Dwellings

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was submitted by John Taylor, Architect Limited on behalf of Ms. Elaine Cruise of 'Villa Rosa' Avoca Avenue, Blackrock, Co. Dublin. The main issues raised concern the following;

- The third party appeal specifically relates to the proposal to replace the single storey outbuilding on the eastern side of the dwelling with a two-storey extension.
- It is considered that the proposed two-storey extension would be overbearing and would give rise to a dark tunnel effect between the subject property 'Cavrean' and the neighbouring dwelling to the east 'Villa Rosa'. This would negatively impact upon the residential amenities of the property 'Villa Rosa'.
- The appellant considers that the Planning Authority did not satisfactorily take into account the impact the proposed two-storey extension would have on their property.
- The appellant has no object to a single storey extension to the eastern side of the property on the footprint outlined in the application or an extension to the rear.
- It is requested that should the Board decide to grant permission that a condition be attached requiring that the proposed first floor extension be modified to relocate the first floor bathroom and set back the first floor extension 3m so that the side wall of the extension is in line with the side wall of bedroom no. 4 and the recreation room/den.

6.2. Applicant Response

A first party response was submitted by Hughes Planning and Development Consultants on behalf of the applicant Ann Higgins. The main issues raised concern the following;

- The proposed two-storey extension would not result in the creation of a dark tunnel effect. A separation distance of 5m would be provided between the proposed extension and neighbouring dwelling 'Villa Rosa'. The height of the dwelling will remain below the ridge height of both adjoining dwellings 'Villa Rosa' and 'Avalon'.
- The appellant has requested in the appeal that the first floor extension be set back. In response to this it is considered that the appellant has no basis to request this.
- The Planning Officer in their consideration of the application determined that the proposed development would not negatively impact upon the character of the existing dwelling or the amenities of the surrounding area. A section of the Planner's report is noted which states, *"It is considered overall, that the proposed extensions are acceptable, subject to conditions. This is with regard to the site orientation, the separation distance to the east side boundary from the proposed rear extensions,"*
- Condition no. 2 attached to the permission relates to the two-storey extension on the east of the dwelling, it refers to the roof terrace. Accordingly, condition no. 2 clearly indicates that the proposed two-storey extension was fully considered in the Planner's report and decision issued.
- In relation to the matter of overshadowing, the proposed extensions will not cause any undue impact on the sunlight of daylight received by 'Villa Rosa'.
- In relation to the matter of overlooking, the proposed extensions will not cause any undue overlooking of neighbouring properties.
- The appellant has requested that the bathroom be relocated and that the first floor extension be set back circa 3m. The proposed first floor bathroom to the eastern side of the dwelling is considered to be acceptable as it would have

no undue impacts on 'Villa Rosa'. The extension would run for 5m along the boundary with 'Villa Rosa' with a small window proposed to the north-east elevation. This would not result in any undue overlooking of the adjacent dwelling to the east. Therefore, it is not considered necessary to set back this element of the extension.

- A number of examples of similar permissions for extensions to dwellings on Avoca Avenue were cited in the appeal.
- The applicant requests that the Board have regard to their submission and uphold the decision of the Planning Authority to grant permission.

6.3. Planning Authority Response

- The Planning Authority refer the Board to the Planner's Report and state that they consider that the grounds of the appeal do not raise any new matters which would justify a change of attitude to the proposed development.

7.0 Assessment

7.1. The proposed development involves the renovation and extension of a detached dwelling. Avoca Avenue is a mature residential street with a mix of house types. Very many of the houses along this street have undergone development changes this includes the neighbouring property to the east. This is a similar 1930's property which has been extended and renovated.

7.2. The proposals involve the extensions and alterations to the front, rear and side elevations of the property. It is proposed to change the opes to the front and rear with larger windows proposed at ground and first floor. The aluminium steel frame windows proposed to the front elevation are in keeping with the Art Deco character of the property.

7.3. The appellants have raised concern specifically regarding the proposed extension to the eastern side of the property. It is proposed to demolish the single storey outbuilding which adjoins the dwelling and construct a two-storey extension.

7.4. Section 8.2.3.4(i) of the Dún Laoghaire – Rathdown County Development Plan 2016-2022 provides guidance for extensions to dwellings. Specifically, in relation to first

floor extensions it states that proposals will be assessed having regard to the factors including overshadowing, overbearing and overlooking along with proximity, height and length along mutual boundaries and the degree of set-back from mutual side boundaries.

- 7.5. At ground floor the extension would accommodate a gym and storage room of circa 18sq m and at first floor, it is proposed to provide a bathroom with an area of 13.5sq m. The proposed first floor extension would adjoin the eastern site boundary for approximately 5m. The appellant's dwelling 'Villa Rosa' to the east of the site is set back 5m from the party boundary. A window is proposed to the front (south) elevation to serve the proposed bathroom with a small narrow window proposed to the rear (north) elevation. There are no windows proposed any ground or first floor level to serve the eastern side extension. Therefore, I am satisfied that the proposed development would not cause any undue overlooking to the appellant's property. Furthermore, in relation to the matter of overshadowing raised in the appeal, having regard to the siting and design of extensions to the dwelling, I do not consider that the proposed development would result in any undue overshadowing of neighbouring properties.
- 7.6. In relation to the issue of overbearing and 'tunnel effect', I note that the proposed extension has a depth of 5m along the boundary and that there is a separation distance of circa 5.5m from the proposed extension to the side of the appellant's property. Therefore, having regard to the site context and to the depth of the proposed extension and relative to the separation distance of proposed extension to the side of 'Villa Rosa' as indicated on the proposed contiguous elevation, I consider that it would not result in an undue 'tunnel effect' or overbearing impact.
- 7.7. The Planning Authority attached a condition referring to the extended area of existing roof terrace on the east boundary and proposed east side extension to the existing house and specified that the roof area of the proposed rear extensions shall not be used as balconies or roof terraces and shall be accessed for maintenance purposes only. Accordingly, in order to protect the residential amenities of neighbouring properties, I consider that it would be appropriate to attach a similarly worded condition.

7.8. In relation to the matter of appropriate assessment, I consider that having regard to the nature and scale of the proposed development within a serviced urban area and separation 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 the conservation objectives of any European site.

8.0 Recommendation

8.1. I recommend that permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the current development plan for the area, to the pattern of existing development in the area and the design and scale 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 or of property in the vicinity, and would comply with the provisions of the development plan. 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 and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed extended area of roof terrace to the existing roof terrace on the east boundary and proposed east side extension to the existing house shall not be used as a roof terrace or for any other amenities purposes and shall be accessed for maintenance purposes only.

Reason: To prevent overlooking of adjoining residential property.

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.

Reason: In the interest of public health.

4. The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

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.

Siobhan Carroll
Planning Inspector

19th October 2017