



An
Bord
Pleanála

Inspector's Report

PL06S.248971

Development	Two storey rear domestic extension.
Location	33 Priory Way, off Whitehall Road, Terenure, Dublin 12
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD17B/0183
Applicant(s)	Joan Sherry
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Joan Sherry
Observer(s)	David and Delores Fagan Michael and Elizabeth Kenny
Date of Site Inspection	8 th November 2017
Inspector	Erika Casey

1.0 Site Location and Description

- 1.1. The subject site is located in an existing mature suburban residential estate known as Priory Way. The site accommodates a semi-detached dwelling located at the end of a cul de sac. The entrance to the house is from the side (northern elevation). The dwelling presents a two storey elevation to the front. The dwelling has a 'cat slide' roof profile and presents as single storey to the rear. The development also accommodates a large single storey flat roofed extension to the rear. This abuts the northern boundary of the site and extends for the length of the existing garden.
- 1.2. The general pattern of development in the vicinity of the site is similar in character comprising semi-detached dwellings. The rear garden of the property abuts nos 6 and 7 Priory Way located to the north of the site. To the south of the house, is a further two storey residential dwelling – no. 1 Kimmage Manor Way.

2.0 Proposed Development

- 2.1. The proposed development comprises alterations to the existing roof profile to provide an extension at first floor level. This will extend the full width of the house and will accommodate an ensuite bedroom. The proposed ridge height of the extension is 6.475 metres compared to 7.09 metres on the main roof.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 Refuse Permission for the following reason:

“Notwithstanding the minor changes to the roof profile, the proposal has a near identical height, bulk and mass to those proposals previously refused by the Board (SD04B/0518 ABP Reference PL06S.210395 and SD07B/0745 ABP Reference 06S.226705). The proposed development would have an unacceptably overbearing impact on neighbouring properties and would seriously injure the amenities of property in the vicinity and be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Report (06.07.2017)

- The form and scale of the proposed design would be visually unobtrusive to the front of the building.
- The design only differs slightly from that previously refused by the Board. That development proposed a slightly steeper pitch to the rear hip, with a flat roofed dormer window, while this proposal has a slightly higher eaves level and shallower ridge. As such, the visual impact on no. 6 and 7 would be similar to that previously refused by the Board.
- Regarding neighbouring residential amenity, the development would not create unacceptable overlooking or impacts on privacy. The size, scale and proximity of the development is similar to that proposed in 2007, which was deemed overbearing on neighbouring properties to the north.
- While the submitted shadow diagrams indicate that there would be minimal additional overshadowing to the garden of no. 7 of indeed no. 6, any diminution of the available sunlight might be perceptible to the residents to an unacceptable degree.

3.2.2. Other Technical Reports

Water Services (29.06.2017): No objection subject to conditions.

3.3. Prescribed Bodies

Irish Water (01.07.2017): No objection.

3.4. Third Party Observations

2 observations submitted by Dolores and David Fagan and Michael and Elizabeth Kenny.

- Note previous refusals by An Bord Pleanála in relation to similar proposals. The current application is not materially different to those previously refused. The previous reason for refusal has not therefore been overcome.
- The scale of extension is excessive and would have an overbearing impact.
- No assessment of potential overshadowing to no. 6.

- The extension granted at no. 34 is not a relevant planning precedent.

4.0 Planning History

4.1 There have been two previous applications of note pertaining to the site.

Planning Authority Reference SD04B/0518/PL06.210395

Permission sought for the retention of a single storey extension to the rear and the construction of a new first floor extension with 2 roof lights to the rear of the house. A split decision was issued by the Board in May 2005 granting permission for retention of the single storey extension but refusing permission for the first floor extension for the following reason:

“Having regard to the pattern of development in the vicinity of the site, the height and bulk of the proposed first floor extension and its proximity to the rear facing elevation and rear garden of the adjoining residential property at number 7 Priory Way across the northern boundary of the site, it is considered that the proposed first floor extension would give rise to an unacceptably overbearing impact and level of overshadowing of that property. This element of the proposed development would, therefore, seriously injure the amenities of property in the vicinity and be contrary to the proper planning and sustainable development of the area”.

4.2 The Inspector noted the following key points in the assessment:

- The development would result in a radical alteration to the existing roof profile which would be particularly prominent when viewed from the appellant’s properties (no. 6 and 7 Priory Way). Notwithstanding this, it was not considered that the extension would be unduly discordant in appearance.
- It was considered, however, that the development would have an overbearing impact on no. 7 Priory Way. It was noted that this property immediately abuts the northern boundary of the site and is separated from it by a distance of c. 12.5 metres. The report noted that the development would extend the eaves line rearwards and stated:

“the expanse of roof facing No. 7 would be more than doubled and, although sloping up and away, its considerable massing to a height of more than 7.3 metres would add to the overbearing impact on the outlook from No. 7.”

- It was also noted that it was considered that the development would result in an increase of overshadowing to the short rear garden of no. 7.

Planning Authority Reference SD07B/0745/PL06S.226705

Permission was sought for the construction of a new first floor extension to the rear of the existing house with Velux windows and a new single storey extension to the side of the existing house. The application was refused permission by the Board on April 2008 for the following reason:

“Having regard to the pattern of development in the vicinity of the site, the nature of the side extension, the height and bulk of the proposed first floor extension and its proximity to the rear facing elevation and rear garden of the adjoining residential property at number 7 Priory Way across the northern boundary of the site, it is considered that the proposed development would give rise to an unacceptably overbearing impact and level of overshadowing of No. 7 Priory Way and the proposed single storey extension would interfere with residential amenity. The proposed development would, therefore, seriously injure the amenities of property in the vicinity and be contrary to the proper planning and sustainable development of the area.”

It is noted that the Board did not consider it necessary to send this case for inspection and report and considered that the proposals did not overcome the previous reason for refusal.

Planning Authority Reference: SD05B/0365

Permission was granted in July 2005 at no. 34 Priory Way for a development comprising a first floor extension with 1 roof light to the rear of the house.

5.0 Policy Context

5.1. Development Plan

- 5.1.1 The operative development plan is the South Dublin County Development Plan 2016-2022. The subject site is zoned RES ‘*To protect and/or improve residential amenity*’.

Chapter 2 refers to Housing and Chapter 11 refers to Implementation. The Council has also produced guidance in the form of a 'House Extension Design Guide'.

Sections 2.4.1 of Chapter 2 consider residential extensions.

Policy H18 Objective 1 states: *To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).*

Section 11.3.3(i) states with respect to Extensions: *The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.*

The House Extension Design Guide produced by the Council provides advice on different types of extensions. Chapter 4 is entitled *Elements of Good Extension Design*. Of relevance to the subject application is the advice provided for rear extensions. It states that rear extensions should match or complement the style, material and details of the main house unless there are good architectural reasons for doing otherwise. They should match the shape and slope of the roof of the existing house.

There is also general advice provided with respect to overlooking, overshadowing and overbearing impact. With regards to overbearing impact, it notes:

“As well as blocking out light to a neighbouring property, a poorly located and bulky extension can also feel oppressive or overbearing when experienced from adjoining residential properties.”

5.2. Natural Heritage Designations

- None applicable.

6.0 The Appeal

6.1. Grounds of Appeal

- The current application has the same footprint but a lower ridge level than that previously proposed. South Dublin County Council previously granted planning permission for a similar development on the subject site.
- The shadow diagrams submitted with the application clearly demonstrate that the proposed development will have no adverse overshadowing impact on no. 7 Priory Way.
- Permission has been granted at no. 6 Priory Way for an extension which has resulted on overshadowing of the subject appeal site.
- Permission has been granted at no. 34 Priory Way for a similar form of development which provides a relevant precedent. The scale and bulk of this permitted first floor extension is greater than that currently proposed.
- The Inspector's assessment in relation to the first application confirmed that the development would have no effect on No. 6 Priory Way.
- A garden shed has been constructed in the rear garden of no. 7 abutting the boundary wall with the appeal site. This shed causes overshadowing to the subject site and to the rear garden of no. 7.

6.2. Planning Authority Response

- The Planning Authority confirms its decision. The issues raised in the appeal have been covered in the planner's report.

6.3. Observations

2 observations submitted by Dolores and David Fagan and Michael and Elizabeth Kenny.

- Two previous applications for similar development have been refused by An Bord Pleanála. Having regard to these precedents, the development should be refused. There is no significant change to the current proposal to overcome the previous refusals in relation to this site.

- There is no overlooking from the extension at no. 6 Priory Way to the subject site.
- The existing shed at no. 7 has no impact to no. 33.
- The extension at no. 34 is not a relevant precedent as it is located far away from the boundaries with no.s 6 and 7 and thus has no detrimental impact on the amenities of these dwellings.

7.0 **Assessment**

7.1 The main issues in this appeal are those raised in the grounds of appeal and observations 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 Amenity
- Appropriate Assessment.

7.2 **Impact on Residential Amenity**

7.2.1 The proposed development comprises a significant alteration to the existing roof profile to provide a first floor extension to the existing dwelling. The principle of such an extension is considered acceptable in principle. However, having regard to the planning history of the site, consideration must be given to the impact of this extension on the residential amenities of adjacent properties, particularly those to the north located at no. s6 and 7 Priory Way.

7.2.2 Concerns were raised in the previous applications pertaining to the site regarding the scale of the first floor extension and its overbearing impact on adjacent dwellings, particularly no. 7 Priory Way. Having reviewed the drawings submitted with the most recent application refused in 2008, it is apparent that the current proposal is very similar in terms of its scale, height and bulk. In the current proposal, the pitch of the roof is shallower and the overall ridge height of the extension has been reduced to 6.475 metres. The previous ridge height refused by the Board was 7.335 metres. It is not considered that these amendments are material and the overall bulk of the extension is likely to appear visually obtrusive when viewed from the rear of no. 7. It was noted during the site visit that the rear garden of no. 7 is quiet limited and in this context, it is considered that the proposed extension would appear visually dominant.

7.2.3 It is contended by the appellant that favourable consideration should be given to the proposal in light of the Planning Authority's decision to grant a similar extension at no. 34 Priory Way. It is noted however, that the siting and context of this dwelling is different to the subject site as there are no rear gardens abutting the boundary of this dwelling and, therefore, the same impacts do not occur. It is not considered a relevant precedent in this regard. In relation to the garden shed that has been constructed at no. 7, it is considered that this does not mitigate the potential impacts of the proposed first floor extension.

7.2.4 In terms of overshadowing, shadow diagrams have been submitted with the application. These demonstrate that the proposed extension would not have a material impact in terms of overshadowing and I am satisfied that no detrimental impacts on the residential amenities of adjacent properties would arise in this regard. No fenestration is proposed on the side elevation of the extension and therefore it is considered no adverse overlooking would occur.

7.2.5 In conclusion, it is considered that the design of the extension is not materially different to that previously proposed which was refused permission by the Board. There has been no significant change in context or planning policy in the intervening time which would negate the matters considered in these previous decisions. In this regard, the principle reason for refusal relating to the overbearing impact of the development has not been overcome. It is considered that the development would have an adverse impact on the residential amenities of no. 7.

7.3 **Appropriate Assessment**

7.3.1 Having regard to the nature and scale of the proposed development comprising an extension to an existing residential dwelling on serviced land 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 refused permission for the reason set out below.

9.0 Reasons and Considerations

1. Having regard to the pattern of development in the vicinity of the site, the height and bulk of the proposed first floor extension and its proximity to the rear facing elevation and rear garden of the adjoining residential property at number 7 Priory Way across the northern boundary of the site, it is considered that the proposed development would give rise to an unacceptably overbearing impact to No 7 Priory Way. The proposed development would, therefore, seriously injure the amenities of property in the vicinity and be contrary to the proper planning and sustainable development of the area.

Erika Casey

Senior Planning Inspector

9th November 2017