



An
Bord
Pleanála

Inspector's Report ABP-300055-17

Development	Removal of roof from single-storey structure, extend existing structure to meet rear elevation of main house and add one storey to the extended structure
Location	13 Ballintyre Walk, Ballinteer, Dublin 16.
Planning Authority	Dún Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D17B/0381
Applicant(s)	Anna-Marie & Colm Costello
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Fergal & Dervilla Lynch & Sinead & Seamus Gorman
Observer(s)	None
Date of Site Inspection	18 th January, 2018
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1. No. 13 Ballintyre Walk, Ballinteer, Dublin 16 is a detached two-storey house on the east side of the estate of Ballintyre Walk in Ballinteer, Dublin 16. The house has a single-storey annex along its northern side. It is located between a detached and semi-detached houses to the north and semi-detached houses to the south.

2.0 Proposed Development

- 2.1. The proposed development would consist of the removal of the roof of an existing single storey structure abutting the northern gable of the main house, the extension of this structure to meet the rear elevation of the main house and the addition of a storey to the extended structure, providing expanded bedroom space and a bathroom. The proposal would provide an additional floor area to the house of 32.75 square metres.

3.0 Planning Authority Decision

3.1. Decision

On 3rd October 2017, Dún Laoghaire-Rathdown County Council decided to grant permission for the development subject to 5 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the observation made, development plan provisions and the site's planning history. It was submitted that the applicant had overcome previous concerns under a previous application by scaling the development back to a height of 7.7m, with the works now viewed as subordinate to the main dwelling. The scale and appearance of the development was seen to be acceptable. It was considered that the proposed gable windows would not result in any further harm to the residential amenity of neighbouring properties when compared to those that are in place at present. There were no concerns the development would have an

overbearing impact on neighbouring properties. A grant of permission subject to conditions was recommended.

3.3. **Third Party Observations**

An objection was received from Dervilla and Fergal Lynch and Sinead and Seamus Gorman who reside in adjoining dwellings to the north. The grounds of the appeal reflect the concerns raised.

4.0 **Planning History**

P.A. Ref. D17B/0054

Permission was refused for the removal of the roof of an existing single storey structure on the north gable of a house, the extension of this structure to meet the rear elevation of the main house and the addition of a storey to the extended structure for one reason relating to adverse impact on adjoining properties.

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

Side extensions are required to be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and impacts on residential amenity. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable, though in certain cases a set-back of an extension's front facade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing.

6.0 The Appeal

6.1. Grounds of Appeal

The appellants reside at Nos. 11 and 12 Ballintyre Walk. The grounds of the appeal may be summarised as follows:

- The new structure would encroach on the appellants' property and deprive them of sunlight.
- The proposed windows would overlook their property and their privacy would be lost.
- The proposal would severely affect the value of their property.
- The development would be completely overbearing on their property.

A copy of the appellants' submission to the planning authority is attached, setting out the basis for the objection.

6.2. Applicant Response

The applicants' response to the appeal may be summarised as follows:

- All concerns of the appellants in relation to overlooking, overshadowing, and visual as well as residential amenity have been fully addressed and there will be no significant issues in relation to these issues.
- The nature of that application is materially different to the refused application under Ref. D17B/0054. The scale, height, and form of the side extension has been materially reduced.

6.3. Planning Authority Response

The planning authority submitted that the grounds of appeal do not raise any new matter which would justify a change of attitude to the proposed development.

7.0 Assessment

- 7.1 The sole planning issue of relevance to the appeal relates to impact on residential amenity. Prior to considering this issue, I submit that, in the context of the visual impact of the proposed development on the streetscape, the form, scale, character and design of the proposed extension is in keeping with the existing dwelling and is in keeping with the overall presentation of the built form of the estate generally. I do not foresee that the proposed development would be visually incongruous in any manner with the development of the estate.
- 7.2 I note the appellants have expressed concerns about the impact of the proposed development on their properties by way of overshadowing. It is my submission that the proposed development would not cause any further significant overshadowing over that which prevails at present. The Board will note firstly the orientation of the dwelling on the appeal site relative to adjoining properties. It is further noted that the proposed extension will be below the overall height of the main house and will be sited to the north of the main house. The effect of any impact by way of increased overshadowing of properties to the north will not be significant and could not be seen to undermine the established amenity value of the adjoining properties.
- 7.3 With regard to overlooking, I note that the existing dwelling has a bathroom window at first floor level and a window at attic level on the northern gable. A single bathroom window would remain on the northern gable at first floor level, albeit the bathroom would be constructed over the ground floor annex, bringing it closer to the side boundary of the property. This window would be glazed in frosted glazing, omitting the potential for increased overlooking. The window to the attic would be removed and would be replaced by two smaller window openings. These also can be suitably glazed in frosted glazing and will result in no increase in overlooking. The result of these changes will mean that the current overlooking of neighbouring properties will effectively remain unchanged.
- 7.4 The proposed development would add a small extension at first floor level that would be subservient to the main house in terms of scale, massing and bulk. The extension to the side would remain set back one metre from the side boundary of the site. This small extension will not result in any significant overbearing impact when viewed

from the neighbouring properties, which already face the gable wall of the existing No. 13.

7.5 Overall, I consider that it may reasonably be concluded that the proposed extension will not cause any significant adverse impacts on the amenities of adjoining dwellings and that it will not result in any devaluation of these properties. Furthermore, the proposed development would be in accordance with the Dún Laoghaire-Rathdown Development Plan provisions relating to side extensions to dwellings, being satisfactory in terms of impacts on residential amenity, compatible in relation to design and finishes, and appropriate in terms of building height.

8.0 Recommendation

8.1 I recommend that permission is granted subject to the following reasons, considerations and conditions.

9.0 Reasons and Considerations

Having regard to the compatible design and limited scale of the proposed development, it is considered that the proposed development would not adversely impact on the visual amenity of the streetscape or the residential amenities of adjoining properties by way of overlooking, overshadowing and overbearing impact, and would otherwise be in accordance with the provisions of the current Dún Laoghaire-Rathdown County 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 external finishes of the proposed extension shall harmonise in colour and texture with the existing finishes on the house.

Reason: In the interest of visual amenity.

3. 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 and to ensure a proper standard of development.

4. The windows on the northern gable elevation at first and second floor level shall be glazed in frosted glass and shall be permanently maintained in such glazing.

Reason: In the interest of residential amenity.

Kevin Moore
Senior Planning Inspector

XX January 2018