



An  
Bord  
Pleanála

## Inspector's Report ABP-300123-17

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<b>Development</b>	Permission for a 2 storey extension to the rear of the existing house.
<b>Location</b>	294 Hawthorns Road, Wedgewood Estate, Sandyford, Dublin 16
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D17B/0382
<b>Applicant(s)</b>	Jeffrey & Sinead Holland
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Jeffrey & Sinead Holland
<b>Observer(s)</b>	Orla Gregory & Jerome White
<b>Date of Site Inspection</b>	7 <sup>th</sup> June 2018.
<b>Inspector</b>	Mary Crowley

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## **1.0 Site Location and Description**

1.1. The appeal site with a stated area of 0.018ha is located at No 294 Hawthorns Road within in a mature established residential area that is accessed off the Blackthorn Drive. There is a two-storey semi-detached dwelling on the site. The dwelling is served by a front garden and off-street parking to its front and by a rear garden. There are multiple dwellings in the immediate area of similar design. It was noted on day of site inspection that some of these have been amended/extended over time. A set of photographs of the site and its environs taken during the course of the site inspection is attached.

## **2.0 Proposed Development**

2.1. The application was submitted to Dun Laoghaire Rathdown County Council (DLRCC) on 18<sup>th</sup> August 2017. Permission is sought for a 2 storey extension to the rear of the existing house, with a ground floor sitting room and single storey utility and first floor bedroom ensuite, together with a first floor extension to the west side of house over the side passage, enlarging front bedroom and providing access to new bedroom at the rear, with canopy over front door and to open of side passage, to front of house. The stated gross floor area of the proposed works is 53.5sqm. The application was accompanied by an outline specification of materials to be used and works to be carried out.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. DLRCC issued a notification of decision to refuse permission for the following reason:

*Having regard to the pattern of development in the vicinity of the subject property including the rear garden sizes and the narrow plot sizes, it is considered that the proposed extensions behind the rear building line of the*

*existing dwelling house are over-scaled, overbearing and obtrusive, by reason of the height, depth and position of these proposed additions. It is considered that these proposals would be seriously injurious to the residential and visual amenities of adjoining property and would depreciate the value of the property in the area, contrary to the provisions of the Dun Laoghaire Rathdown CDP 2016-2022 and contrary to the proper planning and sustainable development of the area.*

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

3.2.2. The **Case Planner** having considered the proposed development recommended that permission be refused for a single reason. The notification of decision to refuse permission issued by DLRCC reflects this recommendation.

### 3.2.3. Other Technical Reports

3.2.4. **Drainage** – No objection to the scheme subject to conditions relating to surface water, SuDS and hardstanding areas.

## 3.3. Prescribed Bodies

3.3.1. No reports received.

## 3.4. Third Party Observations

3.4.1. There is one third party observation recorded on the planning file from Orla Gregory & Jerome White, No 295 Hawthorns Road (adjoining property to the east). The issues raised relate to scale, detrimental impact to the light to the rear of No 295, loss of property value and the submission of incomplete and inaccurate plans.

## 4.0 Planning History

4.1. There is no evidence of any previous planning appeal on this site.

## 5.0 Policy Context

### 5.1. Development Plan

The operative Development Plan is the **Dun Laoghaire Rathdown County Development Plan 2016-2022**. The site is zoned Objective A where the objective is *to protect and/or improve residential amenity*. Guidance and standards for additional accommodation in existing built up areas are set out in Section 8.2 of the Plan.

### 5.2. Natural Heritage Designations

5.2.1. The site is not located within a designated Natura 2000 site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The first party appeal, submitted on 2<sup>nd</sup> November 2017 has been prepared and submitted by Eugene MacDonagh Engineer on behalf of the applicants Jeffrey & Sinead Holland. The submission was accompanied by amended plans reducing the area of the proposed rear extension in order to address the reasons for refusal together with the following comments as summarised:

- The proposed ground floor wall is set back 0.5m from the boundary between No 294 and 295 thus reducing the height of the wall from 3.1m down to 2.85m
- The first floor wall is set back from the boundary increasing the separation distance from 1.8m to 1.4m
- The length of the proposed wall, from the rear of the existing house towards the rear boundary is reduced from 6.6m down to 5.4m
- The new window to the existing bedroom on the first floor is moved to 0.6m from the boundary
- The area of the ground floor extension is 21.3sqm with 50% of the utility incorporated in to the building and only 50% projecting to the rear
- The area of the first floor extension is 29.6sqm

- The total area of the extension has been reduced from 53.5sqm to 50.9sqm.
- Taking the area over the side passage of 9.3sqm from the first floor 29.6sqm making the total area to the extension at the rear of the house 41.6sqm (29.6sqm- 9.3sqm = 20.3sqm + 21.3sqm = 41.6sqm).
- The amenity and over shadowing is largely minimised due to the hipped and low pitch of the setback roof and with all the rear windows plus the glazed door of 295 facing south.
- Similar schemes have been permitted in the area.
- The soakaway for the surface water shall comply with BRE DIGEST 365 and the requirements of DLRCC.
- In addition the rear ground floor window has been increased in size

## 6.2. Planning Authority Response

- 6.2.1. DLRCC consider that the grounds of appeal do not raise any new matter which would justify a change of attitude to the proposed development.

## 6.3. Observations

- 6.3.1. There is one observation recorded on the appeal file from Hughes Planning & Development Consultants on behalf of Orla Gregory & Jerome White, No 295 Hawthorns Road (adjoining property to the east). It is stated that the observer has considered the appeal documentation. The issues raised in the detailed submission may be summarised as follows:

- **Loss of Light** - Reference is made to BRE Guidance and it is considered that the proposed two storey rear extension will cause significant overshadowing thereby resulting in a substantial loss of natural light towards the rear of No 295. Submitted that revised drawings completely fail to provide an adequate visual representation of the potential impact of the proposed development and do little to appease the observers concerns.
- **Overbearing** – There is a vast degree of overbearing that would result from the proposed development due to the sheer extent of the proposal

which sees significant over development in terms of height, scale and mass on a limited 0.018ha site.

- **Precedent** – Reference is made to a previous decision of DLRCC to grant permission for a two storey rear extension (21.3sqm ground floor and 20.3sqm at first floor) at No 223 Cherries Wood (Reg Ref D07B/0397). Submitted that this similar design is overbearing and has resulted in overshadowing and reduced natural light to No 222 Cherries Road.
- **Devaluation of Property** – The construction of such an overbearing and obtrusive extension will detrimentally alter the quality of the private amenity space to the rear of the observer’s property thus affecting the attractiveness of the property to potential buyers.
- **Conclusion** – The board is requested to uphold the decision of DLRCC and refuser permission.

#### 6.4. Further Responses

6.4.1. No further reports received.

### 7.0 Assessment

7.1. The application submitted to DLRCC on 18<sup>th</sup> August 2017 sought permission for a 2 storey rear extension with a stated gross floor area of is 53.5sqm. DLRCC in their notification of decision to refuse permission stated that the proposed development was over-scaled, overbearing and obtrusive, by reason of the height, depth and position of these proposed additions and that it would be seriously injurious to the residential and visual amenities of adjoining property and would depreciate the value of the property in the area. The first party in their appeal dated 2<sup>nd</sup> November 2017 submitted amended plans reducing the area of the proposed rear extension in order to address the reasons for refusal together with the following comments as summarised. The total area of the extension has been reduced from 53.5sqm to 50.9sqm. These revised plans and particulars were cross circulated to the relevant parties for comments. Accordingly this scheme is based on the plans and details submitted to DLRCC on the 18<sup>th</sup> August 2017 as amended by further plans and particulars submitted to An Bord Pleanála on 2<sup>nd</sup> November 2017.

- 7.2. Concern is raised by the observer to the appeal regarding the adequacy of the drawings submitted. Together with my site visit I am satisfied that there is adequate information available on the appeal file to consider the issues raised in the appeal and to determine this application.
- 7.3. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:
- Principle
  - Residential Amenity
  - Other Issues

## 8.0 Principle

- 8.1. Under the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022 the site is wholly contained within an area zoned Objective A where the objective is *to protect and / or improve residential amenity* and where residential development is permitted in principle subject to compliance, with the relevant policies, standards and requirements set out in plan. Residential extensions and alterations to an existing dwelling for residential purposes is therefore considered a permissible use. Accordingly I am satisfied that the principle of an extension to an existing dwelling at this location is acceptable at this location.

## 9.0 Residential Amenity

- 9.1. DLRCC issued a notification of decision to refuse permission for the proposed two storey rear extension as it considered the extension to be over-scaled, overbearing and obtrusive, by reason of the height, depth and position and that the proposal would be seriously injurious to the residential and visual amenities of adjoining property and would depreciate the value of the property in the area.
- 9.2. In addition to reconciling the need to meet the requirements of the applicant to maximise accommodation any extension or alterations at this location should maintain the visual amenities, scale and architectural character of the parent building



and wider area without compromising the residential amenities of adjoining properties in terms of privacy and access to daylight and sunlight. Section 8.2.3.4 Extensions to Dwellings of the Dun Laoghaire Rathdown County Development Plan 2016-2022 refers.

- 9.3. I refer to the amended plans and particulars submitted to the Board on 2nd November 2017 as outlined in details in Section 6.1 of this report above. Of particular note is the reduction in the total area of the extension from 53.5sqm to 50.9sqm, the ground floor and first floor wall set back from the boundary between No 294 and 295, the reduction in the length from the rear of the existing house towards the rear boundary, the removal of the increase in size of the rear ground floor window.
- 9.4. With regard to the design and visual impact of the proposed development I am satisfied that the scale and design of the scheme, as amended, by plans and drawings received by the Board on 2<sup>nd</sup> November 2017 does not overwhelm or dominate the original form or appearance of the parent house. I am satisfied that the extension and proposed alterations are subordinate to the main dwelling and that the scheme will not have a significant negative impact on the established character or visual amenities of this established residential area or the overall streetscape.
- 9.5. With regard to the scale and location of the proposed extension, as amended, I do not consider that the scheme would if permitted, form an unduly overbearing or dominant element when viewed from the adjoining property at No 295 Hawthorns Road (adjoining property to the east) or surrounding urban areas. Furthermore I am satisfied that the design, scale, form and positioning of the proposed extension, as amended, strikes a reasonable balance between the protection of the amenities and privacy of the adjoining dwelling, that it will not result in any significant over shadowing of adjoining properties and that it will not result in any unreasonable loss of natural light or overlooking to neighbouring residential properties. On balance I do not consider that the proposed scheme (as amended) at this residential location would have such an adverse impact on amenity that would merit a further amendment to the scheme.

## 10.0 Other Issues

- 10.1. **Development Contributions** – Dun-laoghaire Rathdown County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended) and is in place since 14<sup>th</sup> December 2015. Section 10 Exemptions and Reduction of the scheme states that the first 40 square metres of any residential extension, shall be exempt from the contribution scheme. The stated floor area of the proposed extension as amended is 50.9sqm. Accordingly, the proposed development does not fall under the exemptions listed in either scheme and it is recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.
- 10.2. **Devaluation of Property Values** – I note that concern is raised by the observer to the appeal regarding the depreciation in adjoining residential property values. The proposal before the Board is for a residential development on lands zoned for residential use where such developments is considered a permissible use and where it is reasonable to expect developments of this kind would normally be located. I am generally satisfied, having regard to the amendments to the proposed scheme as submitted to An Bord Pleanála that it will not result any significant loss of amenity to adjoining properties and is not therefore considered to be a bad neighbour in this context. Accordingly I am satisfied that this matter is not material to the consideration of this appeal in this instance.
- 10.3. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development, a rear extension to an existing dwelling, within an established urban area, and its 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.

## 11.0 Recommendation

- 11.1. It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

## 12.0 Reasons and Considerations

12.1. Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and its zoning for residential purposes, to the location of the site in an established residential area and to the nature, form, scale and design of the proposed development as amended, it is considered that, subject to compliance with the conditions set out below, the proposed development as amended would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 18<sup>th</sup> August 2017, as amended by the further plans and particulars submitted to An Bord Pleanála on the 2<sup>nd</sup> November 2017, 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, including roof tiles/slates, shall be the same as those of the existing dwelling in respect of colour and texture.

**Reason:** In the interest of visual amenity.

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 site and building works required to implement the development shall

be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 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 adjoining property in the vicinity.

5. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

**Reason:** In the interest of visual amenity

6. 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 the 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.

**Mary Crowley**  
**Senior Planning Inspector**  
**13<sup>th</sup> June 2018**