



An
Bord
Pleanála

Inspector's Report ABP-300151-17

Development	Permission for a single storey extension to the rear.
Location	16 Orby Park, The Gallops, Leopardstown, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D17B/0384.
Applicants	Tanya & Chris Browne.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party v. Decision.
Appellants	Tanya & Chris Browne.
Observer	None.
Date of Site Inspection	15 th February 2018.
Inspector	Dáire McDevitt.

1.0 Site Location and Description

- 1.1 Orby Park is a residential road within a larger residential scheme, The Gallops, which consists mainly of pairs of semi-detached houses in the Dublin suburb of Leopardstown. Access to Orby is via Glencairn housing estate which is accessed off the Ballyogan Road close to the Gallops Luas Stop. Ballyogan Road is located to west of the M50 via junction 15.
- 1.2 The appeal site, No. 16 Orby Park, is a semi-detached house with brick and dash finish, paired with No. 18 which bounds the site to the north. The house has been extended previously (two storey side extension) and the gable of the house forms the southern boundary along Orby Close. To the rear, the site is bounded by No. 1 Orby Close with its gable facing the site. No. 16 fronts onto an extensive area of open space which is bounded to the east by Weavers Hall Apartments and Levmoos residential estate.
- 1.3 Maps, photos and aerial images of site are in the file pouch

2.0 Proposed Development

- 2.1 The existing house is a 5 bedroomed two storey house with a gfa of c.183.5 sq.m.

The proposed development consist of:

A single storey rear extension (c.24.5 sq.m) which would project c.6.2m beyond the principle rear building line of the adjoining house to the north. A monopitch roof is proposed with a height of 2.6m at the party wall rising to 3.5m. The proposal would result in a c.64.5sq.m rear garden area on a site with an overall area of c.279sq.m.

3.0 Planning Authority Decision

3.1 Decision

Refuse permission for the following two reasons:

- 1. The proposed development, by reason of its siting along a party wall and its excessive depth would be overbearing and appear intrusive and would, therefore, unduly impact on the residential amenities of the adjoining dwelling. The proposals would, therefore, seriously injure the amenities and/or depreciate the value of property in the vicinity, is contrary to the provisions of the Dun Laoghaire Rathdown Development Plan 2016-2022 and contrary to the proper planning and sustainable development of the area.*
- 2. Having regard to the fact that the subject site has already been significantly extended, as well as the scale of the rear extensions and scale of the rear garden that would remain, it is considered that the proposals makes insufficient provision of amenity space to cater for the residential amenities of current or future occupants of the subject dwelling house, contrary to the provisions of the Dun Laoghaire Rathdown Development Plan 2016-2022 and contrary to the proper planning and sustainable development of the area.*

3.2 Planning Authority Reports

3.2.1 Planning Report

This formed the basis of the Planning Authority's decision. The main issue considered related to design, residential amenity and provision of private amenity space and are reflected in the reasons for refusal.

3.2.2 Other Technical Reports

None.

3.3 Third Party Observations

None.

4.0 Planning History

Planning Authority Reference No. D00/0677 refers to a 2000 grant of permission for a c. 64.2sq.m two storey side extension. The gable of the house forms the southern boundary of the site.

5.0 Policy Context

5.1 Dun Laoghaire-Rathdown County Development Plan 2016-2022.

Land Use Zoning Objective 'A' *To protect or improve residential amenity.*

Section 8.2.3.4 (i) refers to Extensions to Dwellings. Such proposals shall be considered in relation to a range of criteria including having regard to length, height, proximity to boundaries and quantum of usable rear private open space remaining. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations.

Section 8.2.8.4 (i) sets out the private open space requirements for private houses. A figure of 75sq.m is required for 4+ bed houses.

5.2 Natural Heritage Designations

None of relevance.

6.0 The Appeal

6.1 Grounds of Appeal

The first party appeal seeks to address the reasons for refusal of permission and is summarised as follows:

- The site is located on lands zoned under land use objective A.
- Numerous precedents for similar developments within Orby Park. The appeal includes Planning Application reference numbers and an aerial image with the relevant properties highlighted.

- The proposal is for a modest extension to the rear of the existing house and has been designed to avoid any loss of residential amenity to the occupants or those of neighbouring properties.
- A letter of support from the residents of No. 18 Orby Park is included with the appeal.
- The application of the current standards for private open space of 75 sq.m refers to new developments. The proposal would result in a rear garden with an area of c.64sq.m, exceeding the 25sq.m requirement to be retained for extensions under exempted development.

6.2 Planning Authority Response

None.

6.3 Observations

None.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment screening also needs to be addressed. The issues can be dealt with under the following headings:

- Design and Residential Amenity.
- Appropriate Assessment.

7.1 Design and Residential Amenity

7.1.1 The applicants propose to construct a single storey extension to the rear, which is c. 6.3 m deep. The existing, c. 2m deep, single storey rear projections to no. 16 and 18 do not extend the full width of the rear elevation. The proposed extension would project c. 6.3m beyond the main building line of No. 18 and be built up the boundary between the properties, which is c. 1.5m in height. The proposed monopitch roof would have a height of c. 2.6m at the boundary with No.18, with the slope of the roof rising away from the boundary to a height of

3.5m. The proposal would result in the boundary between the two properties increasing in height by c. 1.1m for the depth of the extension.

- 7.1.2 The Planning Authority's first reason for refusal was on the premise that the proposed extension would be unneighbourly due to its depth (6.3m beyond the rear building line) and its siting along a party wall. The Area Planner noted no objection to the proposed height. While the extension is higher than the boundary, I note that the design of the roof, which rises away from the neighbouring property, mitigates the impact. In addition the extension is modest in size and having regard to the levels on site, I am satisfied that the height and scale of the extension would not have an overbearing impact or result in an intrusive form of development. A letter is included with the appeal from the residents of No. 18, the adjoining house to the north, outlining that they have no objection to the proposal.
- 7.1.3 There is an expectation within urban areas that there will be a degree of overshadowing between neighbouring properties. I consider that the proposal would not have a material impact on the degree of overshadowing currently experienced by adjoining properties and therefore will not have any additional negative impact on the residential amenities of same.
- 7.1.4 The Planning Authority's second reason for refusal relates to the quantity of private amenity space provided on site and compliance with Section 8.2.8.4 (i). The Area Planner concluded that the extent of rear garden that would be retained would result in insufficient amenity space being provided for existing and future occupants of No. 16 Orby Park. Section 8.2.8.4 (i) of the County Development Plan sets out the required areas of private open space for new residential developments and sets out that houses with 4 or more bedrooms should have a minimum of 75sq.m. The current proposal would reduce this area to c. 64.5 sq.m, which is a shortfall on the Development Plan standards of 75 sq.m.
- 7.1.5 Having regard to the proximity of the No. 16 to the adjoining extensive area of public open space serving the residential scheme. I am satisfied that the quality and quantity of the private open space to be retained would not detract

from the residential amenities of the occupiers of No. 16 or set an undesirable precedent.

7.1.6 Having regard to the character and pattern of development in the area, I consider that the development is acceptable in the context of the amenities of adjoining properties. The overall design and scale of the proposed extension has adequate regard to the existing pattern of development in the area and the residential amenities of existing dwellings, and, as such, would not appear intrusive and would not result in an overbearing impact, overshadowing or an unacceptable loss of private amenity space. The proposed development would not detract from the residential amenities of nearby properties.

7.2 Appropriate Assessment

7.2.1 Having regard to the nature of the proposed development and the location of the site in a fully serviced built up suburban area, 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

I recommend that permission should be granted, subject to conditions as set out below.

9.0 Reasons and Considerations

Having regard to the nature, extent and design of the development proposed, to the general character and pattern of development in the area and to the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022 it is considered, subject to compliance with the conditions set out below the proposed development would not seriously injure the amenities of the existing house or of properties in the vicinity and the development would 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..

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.

3.

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 amenities of adjoining residential occupiers.

4. 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.

Dáire McDevitt
Planning Inspector

21st February 2018