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Bord  
Pleanála

## Inspector's Report ABP – 300235-17

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<b>Development</b>	Single storey extension with pitched roof to the side of permitted dwelling. Alterations to the permitted elevations.
<b>Location</b>	Avalon (Site 1 – rear of Cordarragh), Brighton Road, Foxrock, Co. Dublin
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D17A/0796
<b>Applicant(s)</b>	Kenza Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	To Grant Permission subject to conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Kate and Dan Mc Carthy
<b>Observer(s)</b>	No observers
<b>Date of Site Inspection</b>	30 <sup>th</sup> January 2018
<b>Inspector</b>	Erika Casey

## **1.0 Site Location and Description**

- 1.1. The subject dwelling is located to the west of Brighton Road, to the south of Foxrock Village. The site has an area of 0.0774 sq. metres and currently accommodates a partially completed two storey dwelling under construction with a stated area of 318 sq. metres.
- 1.2. There is a dwelling located to the east of the site which fronts onto Brighton Road. To the north, is the existing development of Avalon which consists of two-storey dwellings. The gable of no. 9 Avalon is located adjacent the northern boundary of the appeal site. To the south of the appeal site is an existing two-storey detached dwelling and to the west is Leopardstown Race Course.
- 1.3. The site boundaries are defined by trees and hedgerow along the western and southern boundary. There is an existing fence along the northern boundary of the site.

## **2.0 Proposed Development**

- 2.1. Permission for the existing dwelling on the site was granted by the Board under Planning Authority Reference D10A/0389/Appeal Reference PL06D.238009. The proposed development comprises:
  - A single storey extension with a pitched roof located to the side (north) of the existing dwelling to accommodate a play room with an area of 17 sq. metres.
  - Alterations to the permitted elevations including new entrance canopy, new opaque window to front elevation at first floor, new window to side elevation at ground level entrance, enlarged first floor window to the front elevation and new opaque window to the side elevation at first floor.
  - All associated internal alterations, site works, drainage and landscaping works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1 To Grant Permission subject to conditions. Conditions of note include:

**Condition 2:** The windows located at first floor level on the northern and southern elevation of the dwelling shall be fitted permanently with obscured glazing.

### 3.2. **Planning Authority Reports**

#### 3.2.1. **Planning Report (24.10.2017)**

- It is considered that the design of the proposed extension is in keeping with the main house. It is relatively modest and the roof form matches that of the main house. The design of the overall proposal is considered acceptable.
- Given the extension and canopy's distance from the boundaries and neighbouring properties, it is not considered that these elements would result in a harmful loss of light to neighbouring properties.

#### 3.2.2. **Other Technical Reports**

- No reports received.

### 3.3. **Prescribed Bodies**

- No reports received.

### 3.4. **Third Party Observations**

3.4.1 1 third party observation from Ken and Dan Mc Carthy, 9 Avalon, Brighton Road, Foxrock, Co. Dublin.

- No objection to minor elevational amendments.
- Object to the construction of the single storey extension which it is considered would result in the erosion of a reasonable separation distance between the two houses.
- Concerns regarding overshadowing.
- Suggest possible location for the relocation of the play room.
- Query the accuracy of the architectural drawings.

## 4.0 Planning History

### **Planning Authority Reference D10A/0389/Appeal Reference PL06D.238009**

4.1 Permission was granted in April 2011 for a development comprising the construction of 2 no. houses with new vehicular access from Avalon. The proposed amendments relate to site no. 1 of the 2 permitted dwellings. An extension of duration of this permission was granted in June 2015.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned Objective A: *To protect and/or improve residential amenity*. The property to the east of the site is located within the Foxrock Architectural Conservation Area and part of the site boundary falls within the ACA.

5.1.2 **Section 8.2.3.4** of the Plan addresses additional accommodation in existing built up areas. This notes:

- Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and impacts on residential amenity.

### 5.2. Natural Heritage Designations

- Not applicable.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

Kate and Dan Mc Carthy, 9 Avalon, Brighton Road, Foxrock, Co. Dublin

- Consider that observations made at application stage were not fully assessed by the Planning Authority. Submit that alternative options for the location of the

play room extension would accommodate the requirements of the applicants whilst not causing an injury to the amenities of their property.

- The extension will be constructed in immediate proximity to the boundary of no. 9 when it could be constructed elsewhere.
- The extension will cause overshadowing due to its proximity to the shared boundary (0.7 metres).
- The house design is arranged in three clear, distinct volumes along the east west access and the proposed extension is not sympathetic to the original tripartite arrangement of the house.
- The southern gable of no. 9 has been incorrectly represented on the applicant drawings which gives a misleading impression of the relationship between the two sites. The proposed extension will, therefore, have a more significant overshadowing and overbearing impact.

## 6.2. Applicant Response

- No response received.

## 6.3. Planning Authority Response

- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

## 6.4. Observations

- No observations.

## 7.0 Assessment

- 7.1. The main issues are those raised in the grounds of appeal 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 minor elevational amendments to the permitted dwelling and a single storey extension to the side to accommodate a play room. I have reviewed the proposed modifications to the elevations including the new entrance canopy and consider these to be appropriate. The appellant has no objection to these elements of the proposal and their objections relate solely to the proposed extension.
- 7.2.2 The single storey extension is located to the north of the dwelling abutting the boundary with no. 9 Avalon. The extension is modest in scale being single storey with an area of c. 17 sq. metres. The proposed play room is linked internally to the kitchen/dining area. The extension has a pitched roof with a maximum height of 4.4 metres. The eastern side of the extension accommodates a small storage area with glazing on the eastern front elevation.
- 7.2.3 The playroom is tucked to the side of the dwelling and set back from the front building line. It is subservient to the main dwelling house. The roof form, materials and finishes assimilate with the existing dwelling. Whilst the appellants concerns regarding the impact of the extension on the tripartite arrangement of the house are noted, I am satisfied that having regard to the limited size and scale of the extension, that it will have no adverse impact on the character or form of the house.
- 7.2.4 Concerns are raised that the proposed extension will have an overbearing and overshadowing impact on the no. 9 Avalon located to the north. The proposed extension is set back from the southern side elevation of no. 9 by a distance varying from 2 to 4 metres. No. 9 has a significant amount of glazing on its southern gable. I would note however, that the main orientation of no. 9 is east west and that the glazing on the gable serves the circulation area of the existing dwelling. I am satisfied that having regard to the separation distance between the extension and the southern elevation and the limited scale and height of the extension, that it would not lead to an unacceptable loss of light to the southern elevation of no. 9. Furthermore, the proposed extension will have no material impacts on the principal amenity space of no. 9 which is located to the rear (west) of the property. There are

no windows on the northern elevation of the extension and thus no overlooking will occur.

7.2.5 The appellant has presented 2 alternative design options for the location of the proposed extension and it is contended that the relocation should be addressed by way of condition to ensure that the residential amenities of no. 9 are protected. Option 1 proposes the relocation of the playroom to the immediate west of the family room and option 2 is to the west of the dining room. Both options would reduce the extent of rear amenity space serving the dwelling and option 1 would potentially negatively impact on the mature trees located along the western boundary. In any event, I consider the proposed location of the playroom is acceptable. Its location where it is connected to the principal kitchen and dining area is logical. Having regard to its limited scale and height and set back from the northern boundary, I am satisfied that it will not have any significant adverse impact on the amenities of the adjacent dwelling.

7.2.6 It is noted that concerns have been raised by the appellant regarding the accuracy of the architectural drawings. No validation issues have been raised by the Planning Authority. It is noted that the Planning Authority have imposed a condition stating that the boundary of the playroom should be set back 0.7 metres from the north west boundary. This is considered reasonable to allow screen planting.

### 7.3 **Appropriate Assessment**

7.3.1 Having regard to the nature and scale of the proposed development, an extension to an existing dwelling and minor elevational amendments, 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.

## 8.0 **Recommendation**

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

## 9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the current Dun Laoghaire Rathdown County Development Plan 2016-2022, the location of the site in an established residential area and its zoning for residential purposes and to the nature, form, scale and design of the proposed development, 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. The proposed 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. 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. The proposed single storey extension shall be set back from the northern boundary by not less than 0.7 metres.

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

4. The windows located at first floor level on the northern and southern gable of the dwelling shall be fitted permanently with obscured glazing.

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



5. 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.

6. 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.

7. 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.

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**Erika Casey**  
**Senior Planning Inspector**

**31st January 2018**