



An
Bord
Pleanála

Inspector's Report ABP-300248-17

Development

A new ground floor extension to the front of the existing detached bungalow, removal of a section of the existing tiled roof and construct a new first floor extension over with a tiled roof and external finishes to match existing, internal alterations and associated site works.

Location

Cul an Ti, Rosemount Park, Dundrum, Dublin 14.

Planning Authority

Dún Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D17B/0397

Applicant(s)

Stephen & Angela Kettle

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal

First Party v. Decision

Observer(s)

None.

Date of Site Inspection

27th March, 2018

Inspector

Robert Speer

1.0 Site Location and Description

1.1. The proposed development site is located at 'Cul an Ti', Rosemount Park, Dundrum, Dublin 14, within an established residential area, approximately 900m north of Dundrum town centre, where it occupies a position to the rear of No. 37 Rosemount (on lands which previously formed part of the rear garden area of that property) with access obtained via Rosemount Park. The prevailing pattern of development within the surrounding area is characterised by conventional housing set around a series of cul-de-sacs predominantly comprising two-storey terraced dwellings with front and rear garden areas, although there are a number of other housing styles within Rosemount Park including single storey bungalows and dormer properties. The site itself has a stated site area of 315.18m² (c. 0.03 hectares), is irregularly shaped, and is presently occupied by a conventionally designed, single storey, detached bungalow. It is bounded by high screen walls and adjoins the rear garden areas of Nos. 36, 37 & 38 Rosemount to the west, north and east respectively, whilst the lands to the immediate south are occupied by another detached single storey bungalow.

2.0 Proposed Development

2.1. The proposed development (floor area: 33.83m²) involves the construction of a ground floor extension to the front of the existing detached bungalow, the provision of a first floor extension over part of the main dwelling house, and the carrying out of associated alterations to the internal layout / configuration of the existing residence.

3.0 Planning Authority Decision

3.1. Decision

On 23rd October, 2017 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following 2 No. reasons:

- The proposed window on the first floor extension would lead to overlooking of the garden of the adjoining property to the west.: No. 36 Rosemount and would therefore be seriously injurious to the residential amenity of No. 36 Rosemount and depreciate the value of this property.
- The proposed extension would result in a four bedroom house with inadequate private open space which would contravene Zoning Objective A: 'To protect and / or improve residential amenity' of the 2016-2022 Dun Laoghaire Rathdown County Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Refers to the restricted nature of the site and states that the proposal to develop a four-bedroomed dwelling house with 2 No. kitchen / dining areas (as shown on the submitted drawings) and served by less than 40m² of usable private open space would amount to an overdevelopment of the application site. It is further stated that the window proposed within the first floor extension would overlook the private rear garden area of No. 36 Rosemount and would serve to undermine the development potential of those lands. The report subsequently concludes by stating that the proposal would have an adverse impact on the residential amenity of the area and would be contrary to the provisions of the Dun Laoghaire Rathdown County Development Plan before ultimately recommending a refusal of permission.

3.2.2. Other Technical Reports:

Drainage Planning (Municipal Services Department): No objection, subject to the imposition of a condition whereby the applicant will be required to confirm that the foul and surface water discharges from the existing property are fully separated. Furthermore, in the event that the existing discharges are not separated then the applicant will be required to make the necessary changes prior to the construction of the extension.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

4.1. On Site:

PA Ref. No. D01A/0059. Was granted on 17th May, 2001 permitting S. & A. Kettle permission for a 3 bedroomed bungalow to the rear of No. 37 Rosemount Estate, Windy Arbour, Dundrum, Dublin 14.

4.2. On Adjacent Sites:

PA Ref. No. D02A/0642. Was granted on 16th August, 2002 permitting Philomena Joy permission to widen the entrance to the front garden for a car park at No. 36 Rosemount, Dublin 14.

4.3. On Sites in the Immediate Vicinity:

PA Ref. No. D06A/0640. Was refused on 13th July, 2006 refusing Garry Roberts permission for a two-storey dwelling to the rear of existing dwelling, combined entrance and all associated site works at No. 41 Rosemount, Dundrum, Dublin 14.

PA Ref. No. D06A/1415. Was refused on 21st November, 2006 refusing Garry Roberts permission for a two storey dwelling to the rear of existing dwelling, combined entrance and all associated site works at No. 41 Rosemount, Dundrum, Dublin 14.

PA Ref. No. D07A/0505 / ABP Ref. No. PL06D.224228. Was granted on appeal on 30th January, 2008 permitting Gary Roberts permission to construct a single storey dwelling to the rear of the existing dwelling including the removal of the existing side extension and the creation of a combined entrance and all associated site works at 41 Rosemount, Dundrum, Dublin.

5.0 Policy Context

5.1. Development Plan

Dun Laoghaire Rathdown County Development Plan, 2016-2022:

Land Use Zoning:

The proposed development site is located in an area zoned as 'A' with the stated land use zoning objective '*To protect and-or improve residential amenity*'.

Other Relevant Sections / Policies:

Chapter 8: *Principles of Development:*

Section 8.2: *Development Management:*

Section 8.2.3.4: *Additional Accommodation in Existing Built-up Areas*

Section 8.2.8: *Open Space and Recreation:*

Section 8.2.8.4: *Private Open Space - Quantity*

5.2. **Natural Heritage Designations**

The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 3.4km northeast of the site.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 3.6km northeast of the site.
- The North Bull Island Special Protection Area (Site Code: 004006), approximately 8.2km northeast of the site.
- The North Dublin Bay Special Area of Conservation (Site Code: 000206), approximately 8.2km northeast of the site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- With regard to the assertion in the decision to refuse permission that the proposed development will result in the overlooking of adjoining property the Board is requested to consider the following:

- The potential for overlooking has been exaggerated by the Planning Authority.
 - The rear garden area of No. 36 Rosemount is already overlooked by the existing two-storey dwelling house at No. 35A Rosemount.
 - No objections were received in respect of the subject application from neighbouring property owners.
 - Any potential view from the first floor window of the proposed extension will be obscured by the gable roof feature over the ground floor lounge area of the existing dwelling house.
 - The proposed development will only give rise to marginal overlooking of the adjoining rear garden area of No. 36 Rosemount and will not adversely impact on the development potential of that property.
 - That part of No. 36 Rosemount which will be marginally overlooked by the proposed development cannot be built on and could only be used as a vehicular entrance to the site.
- In relation to the adequacy of the open space provision, the Board is requested to consider the following:
 - There is sufficient private open space on site to serve the extended 3-bedroom dwelling house.
 - Contrary to the Planning Authority's assessment that there is only 40m² of existing open space on site, it is submitted that there is at least double that amount on site when account is taken of the front and side garden areas.
 - The proposed development does not give rise to any increase in the total number of bedrooms within the dwelling house on site i.e. 3 No. bedrooms.
 - The plot ratio will increase from 0.36 to 0.47 whilst the site coverage will remain relatively unchanged as the majority of the works will occur at first floor level.

- The overall floor area of the proposed development is modest (35m²) and will not have any adverse impact on the residential amenity of adjoining properties.
- The design of the proposed extension will not impact on the character of the area.
- The proposal will improve the internal layout of the existing dwelling house through the provision of a new ground floor kitchen / dining area and a new room at first floor level.
- The Planning Authority has misinterpreted the subject proposal in its assessment of the number of bedrooms and the kitchen area. In this respect the Board is advised that it is proposed to relocate the existing kitchen / dining area and to provide 2 No. bedrooms at ground floor level in addition to a new (third) bedroom on the first floor.
- In the event the Board is of the opinion that an alternative design would be appropriate, the proposed extension could be slightly modified by shifting the first floor window further south or by reducing the size of same.
- Having regard to the site context, it is considered that the design and scale of the extension proposed is visually acceptable and will not detract from the character of the area.
- The proposed development is in keeping with the character of the area whilst there is also a precedent for similar development in the vicinity, with specific reference to No. 36A Rosemount Park.
- The proposed development does not give rise to an overdevelopment of the application site.
- The proposal will not seriously injure the amenity of property in the vicinity and accords with both the County Development Plan and the proper planning and sustainable development of the area.

6.2. Planning Authority's Response

- States 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.

6.3. Observations

None.

6.4. Further Responses

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- Overall design and layout
- Impact on residential amenity
- Appropriate assessment

These are assessed as follows:

7.2. **Overall Design and Layout:**

- 7.2.1. Having regard to the site context, with particular reference to the recessed position of the existing dwelling house relative to the public road and the screening offered by the existing boundary walls and intervening lands, in addition to the variety of housing styles prevalent within the surrounding pattern of development, in my opinion, the overall design and layout of the proposed development is acceptable and will not detract from the wider character or visual amenity of the area.
- 7.2.2. In reference to the adequacy of the private open space provision, from a review of the available information it is apparent that a degree of confusion has arisen as regards the total number of bedrooms that will be provided on site consequent on the

proposed development. In this respect I would advise the Board at the outset that whilst the existing single storey dwelling house on site comprises a 3 No. bedroom residence (excluding the ground floor play room), the actual number of bedrooms within the extended dwelling house as proposed is somewhat unclear given that there appears to be a discrepancy within the proposed ground floor plan (Drg. No. 05.22.17) which details two entirely separate kitchen / dining areas (i.e. an 'existing' and a 'proposed' kitchen / dining area). Indeed, whilst the submitted drawings detail that the dwelling house as proposed to be extended will continue to incorporate a total of 3 No. bedrooms (excluding the ground floor play room), the Planning Authority has questioned the need for 2 No. kitchen / dining areas and has asserted that the property will amount to a four-bedroom residence. Accordingly, it would appear that in the absence of a satisfactory explanation for the inclusion of the 2 No. kitchen / dining areas, the Planning Authority may have opted to substitute one of these spaces for a new bedroom thereby giving rise to a four-bedroom property. However, the applicant has responded to the foregoing by asserting that the proposed extension will not give rise to any additional bedroom accommodation and that the redeveloped dwelling house will continue to comprise a three-bedroom property, although I would advise the Board that the issue of the second kitchen area remains unresolved.

- 7.2.3. At this point I would refer the Board to Section 8.2.8.4: '*Private Open Space – Quantity*' of the Dun Laoghaire Rathdown County Development Plan, 2016-2022 which states that three-bedroom dwelling houses should be provided with a minimum of 60m² of private open space behind the front building whereas four-bedroom properties will require a minimum of 75m².
- 7.2.4. Whilst I would acknowledge the desire of the Planning Authority to ensure that the extended dwelling house will continue to benefit from an adequate provision of private open space, in my opinion, the quantitative standards set out in Section 8.2.8.4 of the Development Plan are perhaps more relevant to 'new-build' residential development as opposed to the extension of existing domestic properties. In this regard I am inclined to suggest that cognisance should be taken of an individual property owners' preferences as regards the particular use towards which the private open space associated with their home may be put or whether they would place a greater emphasis on the redevelopment of any such space as additional

accommodation or possibly for the provision of other structures ancillary to the enjoyment of their dwelling house as such. Indeed, whilst I would accept that there is only c. 40m² of private open space to the immediate north of the existing dwelling house on site, it should be noted that further space would be available had the applicants not chosen to erect a storage shed within that area to the south of the property. In effect, the applicants have chosen to reduce / limit the open space provision on site.

7.2.5. Furthermore, I am inclined to suggest that although the overall configuration of the application site is restrictive and serves to constrain open space provision '*behind the front building*', the particular circumstances of the site given its relationship to the public road and adjoining properties results in that area to the front of the dwelling house as benefitting from a heightened degree of privacy in that it is not overtly visible from any public area (provided the gateway is closed) unlike the front garden areas of more typically conventional housing layouts.

7.2.6. Accordingly, on balance, it is my opinion that whilst there may be some degree of confusion as to whether the extended dwelling house will amount to a three- or four-bedroom residence, I am not satisfied that it is appropriate in this instance to refuse permission for the subject proposal on the basis of the amount of private open space available on site.

7.3. **Impact on Residential Amenity:**

7.3.1. With regard to the potential impact of the proposed development on the residential amenity of neighbouring dwelling houses, having reviewed the available information, in my opinion, given the location of the subject site to the rear of No. 37 Rosemount (on lands which previously formed part of the rear garden area of that property) and its relationship with adjacent properties, it is necessary to consider whether or not the proposed first floor extension would be likely to result in the overlooking of adjoining lands with a consequential loss of privacy. In this respect it is of particular relevance to note the separation distance between the subject dwelling house and the rear garden area of No. 36 Rosemount in addition to the overall design and orientation of the proposed construction.

7.3.2. From a review of the submitted drawings, it is clear that the window proposed within the western elevation of the first floor extension will be orientated towards the rear

garden area of the adjoining property at No. 36 Rosemount and that as a result of the configuration of the application site there will be inadequate separation distance (c. 5.0-5.5m) between the proposed construction and the western site boundary so as to avoid the overlooking of private open space associated with that dwelling house. Whilst I would acknowledge that the extent of this overlooking will be limited to the southernmost part of the adjacent rear garden area and thus is unlikely to significantly impact on the development potential of that property, I would nevertheless suggest that the neighbouring private garden area is entitled to protection from any undue overlooking / loss of privacy in the interest of preserving the residential amenity of that property (*N.B.* By way of further clarity, I would also submit that there is sufficient separation distance between the rear elevation of the existing two-storey dwelling house at No. 35A Rosemount and the rear garden area of No. 36 Rosemount so as to avoid any adverse overlooking impact attributable to same).

- 7.3.3. Accordingly, it is my opinion that the proposed development will have a detrimental impact on the residential amenity of No. 36 Rosemount by reason of an unacceptable degree of overlooking with an associated loss of privacy.

7.4. **Appropriate Assessment:**

- 7.4.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 **Recommendation**

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the proposed development for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. Having regard to the restricted size and configuration of the site, it is considered that the proposed development, by reason of its overall design and proximity to the western site boundary, would result in an unacceptable reduction in the established levels of residential amenity of the neighbouring property to the immediate west by reason of overlooking. The proposed development would, therefore, seriously injure the amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

Robert Speer
Planning Inspector

5th April, 2018