



An
Bord
Pleanála

Inspector's Report ABP 300319-17

Development	Demolition of existing side garage and rear extension and construction of a two storey extension to the side and rear of house and alterations to the existing vehicular entrance.
Location	Mayfield, Clonskeagh Road, Clonskeagh, Dublin 14.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D17A/0785.
Applicants	Pat & Lorna McDermott.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party v. decision.
Appellants	Pat & Lorna McDermott.
Observers	Brendan & Niamh McAdam.
Date of Site Inspection	7 th March 2018.
Inspector	Dáire McDevitt.

1.0 Site Location and Description

- 1.1. 'Mayfield' is located along the western side of Clonskeagh Road in a mature suburban area to the south of Clonskeagh village. The area is characterised with a mixture of residential, commercial and educational uses. It has a mixture of house types, designs and scale.
- 1.2 The site, with a stated area of 0.0442 hectares, is occupied by 'Mayfield' one of a pair of two storey semi-detached houses, 'Mayfield' and 'The Graan' built in the 1950s with a brick and plaster finish. The Observers house, 'Cahircon', adjoins the site to the north and No. 7 Embassy Lawn bounds the site to rear (west). On the eastern side of the Clonskeagh Road is the entrance to Richview, part of the UCD Campus.
- 1.3 Maps, photographs and aerial images in file pouch.

2.0 Proposed Development

The development consists of the demolition of an existing side garage and rear extension (total area to be demolished is c. 24.1sq.m). The proposal consists of a two storey extension to the side and rear (c.119.4 sq.m) of the existing house. A flat roof and a brick finish is proposed to the new extension.

The proposal also includes the widening and setting back of the existing vehicular access off Clonskeagh Road.

3.0 Planning Authority Decision

3.1. Decision

Permission refused for the following reason:

Having regard to the provisions of the Dun Laoghaire Rathdown County Development Plan, 2016-2022, the proposed extension by reason of its height, scale and mass, in close proximity to 'Cahircon', and incongruous design, would be contrary to the zoning objective for the site. Objective A 'to protect and/or improve residential amenity'. It would seriously detract from the visual

amenity of the main house and street scene in general, and would set an unwelcome precedent for the area for similar schemes that would be injurious to residential amenity. For these reasons the development would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports.

This forms the basis of the Planning Authority's decision and the main points are reflected in the reasons for refusal and relate to design/visual amenity, light and privacy.

3.2.2. Other Technical Reports

Transportation Section. No objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None to the Planning Authority.

4.0 Planning History

None for Mayfield as per Planning Authority's planning register.

Planning Authority Reference No. D08B/0446. An Bord Pleanala Reference No. PL.06D.230662 refers to 'Cahircon' and a 2009 grant of permission for a two storey extension to the side of Cahircon. At the time the appellant was the owner/occupier of Mayfield.

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.

Section 8.2.8.4 (ii) refers to standards for minimum separation distances between first floor opposing windows and garden depths.

Section 8.2.4.9 (i) refers to the minimum width of 3m and maximum of 3.5m required for vehicular entrances.

5.2. Natural Heritage Designations

None applicable.

6.0 The Appeal

6.1. Grounds of Appeal

An appeal has been received on behalf of the applicants and seeks to address the reasons for refusal. The grounds of appeal are summarised as follows:

- The proposal does not have a negative impact on either the existing of adjoining properties due to the height, scale or design of the proposal. The design, scale and massing of the proposal submitted to the Planning Authority is designed to ensure that the proposal would not detract from the residential amenities of adjoining properties.
- Overlooking, overshadowing are not an issue.

- The bulk of the two storey extension is along the northern boundary of the site and is almost identical to the two storey extension to the side of Cahircon (P. A Ref. No. D08B/0446). The rear extension is single storey along the southern boundary with The Graan.
- Reference to other houses along Clonskeagh Road that have similar extensions: 'Muff' to the north (P.A. Ref. No. D07A/0824), 'Heskin' to the south (P.A. Ref. No. D10B/0051).
- The principle of two storey extensions, similar to the current proposal, to the side and rear of properties along the Clonskeagh Road is already established.
- The proposal complies with the County Development Plan requirements for extensions. The finishes and materials proposed harmonize with, rather than match those of the existing house. The finishes have been selected to ensure that the extension is subservient to rather than competing with the existing house.
- The Planning Authority refused permission on the grounds of design, which is subjective. The reason for refusal is not founded on serious issues relating to the proper planning and development of the area.

Revised drawings submitted with the appeal include amended roof profile for consideration by the Board if considered necessary.

6.2. Planning Authority Response

This can be summarised as follows:

- The response reiterates the assessment of the original design submitted to the Planning Authority and reviewed the applications referenced in the appeal.
- In relation to the modifications submitted with the appeal, the following is noted:
 - The revised proposal is considered an improvement on the original scheme. However, significant concern remains with the separation

distance between the proposed two storey extension and the adjoining house, Cahircon. In particular with regard to the roof overhang and its proximity to Cahircon, as shown on the rear elevation drawings.

6.3. Observations

An observation has been received from Brendan and Niamh McAdam, Cahircon, Clonskeagh Road. The adjoining house to the north. The main points are summarised as follows:

- No objection in principle to the redevelopment of Mayfield, which has been unoccupied for a number of years.
- The main concern is with the front face of the proposed two storey side extension which is c. 1.5m in front of the adjacent front wall of Cahircon and would block light from and overshadow two rooms in the house (play room at ground floor and bedroom at first floor level). Cahircon is located to the north of Mayfield.
- The proposal would have a significant impact on the amenities of Cahircon due to overlooking, loss of privacy and security.
- If permission is granted, a condition requiring that the front of the extension is set back in line with the building line of Cahircon should be attached to address concerns relating to loss of light and over shadowing.

6.4. Applicant's Response to the Observation

None.

6.5 Planning Authority Response to the Observation

No further comment, The Board is referred to the previous planners report. 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 towards the proposed development.

7.0 Assessment

In response to the Planning Authority's decision to refuse permission the applicants have included revisions, which include changes the roof design and profile, in the documentation that accompanied the appeal. I note that the scope of these changes would not require re-advertisement. This report, therefore, includes consideration of these proposed revisions.

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.
- Residential Amenity.
- Appropriate Assessment.

7.1 Design.

7.1.1 Section 8.2.3.4 (i) of the County Development Plan refers to the criteria set out for domestic extensions. The Planning Authority refused permission on the grounds that the height, scale and mass of the extension in close proximity to the boundary with the adjoining property would seriously detract from the main house (Mayfield), the adjoining property (Cahircon) and the streetscape of Clonskeagh Road.

7.1.2 The existing pair of semi-detached houses (Mayfield and The Graan) are set forward from the pair to the north, which includes the observer's house, Cahircon. The proposal is for a modest two storey extension to the side and part two storey part single storey extension to the rear. The overall scale and mass of the alterations and extensions are not considered overbearing. The original design submitted to the planning authority consisted of a contemporary style flat roof extension with a selected brick finish, a modified design submitted with the appeal includes a hipped roof with a selected render finish with zinc

/standing steam metal canopy over the front door. The revised proposal draws parallels with the extension to the side of 'Heskin', located two houses to the south of Mayfield. Notwithstanding that the revisions submitted with the appeal are more traditional in design, I consider the revised roof profile unacceptable, it jars with the existing house and would be visually discordant. I am of the view that the original design submitted to the Planning Authority is more appropriate, it provides a design that is contemporary and of its time and clearly distinguishes itself from, while also complimenting the main house. It is subservient in terms of height, scale and mass and the use of materials is considered acceptable. Clonskeagh Road is not located within an Architectural Conservation Area and Mayfield is not a Protected Structure. Section 8.2.3.4 (i) notes that extensions should harmonise with the main house, this does not however preclude contemporary extensions and require uniformity of design. In reaching this conclusion I have had particular regard to Section 8.2.3.4 (i) of the County Development Plan.

7.1.3 In this instance, I am satisfied that the proposal is an appropriate design intervention at this location as it adequately address the prominent location of the site along the Clonskeagh Road in an area which has a variety of house types and designs. I consider that the proposed development in terms of design, scale, massing and overall form would not detract from the architectural composition of the existing streetscape and would not form a discordant or incongruous feature on the streetscape. The scale, height and mass is not considered overbearing, the house is bounded by properties of similar scale, form and mass.

7.1.4 It is my considered opinion that the proposed extension would be of an appropriate design idiom and scale and would enhance rather than detract from the amenities of the existing house and streetscape. I am satisfied that the overall design, scale, massing, form and height of the extension, subject to minor modifications referred to in section 7.2.3 of this report, is satisfactory in

terms of protecting the character, setting and amenities of the existing house and streetscape.

7.2 Residential Amenity.

7.2.1 Section 8.2.3.4 (i) refers to extensions to dwellings and that such proposals shall be considered in relation to a range of criteria including having regard to length, height, proximity to boundaries. The observer has raised concerns relating to overshadowing and loss of light. The Observers house, Cahircon, is located to the north of Mayfield. It has been extended in recent years with a two storey side extension located along its southern boundary with Mayfield.

7.2.2 The proposed extension would be set back c.0.35m from the boundary between the two properties and projects c. 1m beyond Cahircon's front building line, but is set back from that of Mayfield. I note the Observers and Planning Authority's concerns regarding the proximity of the proposed extension to the boundary, in particular in regards to the roof overhang and the Planning Authority has requested that a setback of 1m from the shared boundary be conditioned. The observers noted that a condition setting back the extension in line with the front building line of Cahircon would address their concerns.

7.2.3 Having inspected the site I consider a setback of 1m from the shared boundary with Cahircon excessive as the proposal bounds a blank gable wall of Cahircon and roof overhang in not an issue. However. I am of the view that setting back the front building line of the extension in line with the front building line of the Cahircon would address the concerns raised by the observers and the Planning Authority and have a minimal impact on the internal layout of the extension and the residential amenities of the occupiers of Mayfield. A setback of 1m would result in the blank gables of both houses addressing each other with a single storey lean to roof over a porch area projecting beyond the front building line, this minor design element would not have a negative impact on the residential amenities of the occupiers of Cahircon. I am satisfied that the setting back of

the front elevation of the extension by 1m could be dealt with by condition if the Board is of a mind to grant permission.

- 7.2.4 The single storey element to the rear bounds The Graan, to the south, while the first floor element of the rear extension is located along the northern flank of the site bounding Cahircon. This first floor element does not project beyond the rear building line of Cahircon. Having regard to the set back of the two storey extension from the shared boundary with the observer's house and the scale and height of the extension, the location of the observers house to the north of the appeal site. I am satisfied that the proposal will not have a material impact on the degree of overshadowing currently experienced by the observer's property and, therefore, will not have any additional negative impact on the residential amenities of same.
- 7.2.5 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, scale and height 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 result in overshadowing, overlooking or an unacceptable loss of privacy. The proposed developed would not detract from the residential amenities of nearby properties nor set an undesirable precedent for development in the area.
- 7.2.6 Section 8.2.8.4 (ii) of the County Development Plan refers to the usual requirements for a minimum separation distances of 22 metres between opposing first floor windows. It also refers to the acceptance of rear garden depth of 7 metres where sufficient open space is provided and the protection of existing residential amenities is ensured. Overlooking of the rear gardens of adjoining properties is not considered material having regard to the orientation and relationship of the properties. I am also satisfied that direct overlooking of the private amenity space of No. 7 Embassy Lawns to the rear is not a significant issue due to the layout and orientation of the two properties and their relationship to each other.

7.2.7 The alterations to the entrance have been noted, the Area Planner and Transportation Section have raised no concerns on traffic grounds. The widening of the existing vehicular entrance is considered acceptable.

7.2.8 I, therefore, consider that the appeal should be upheld and permission should be granted subject to modified conditions.

7.3 Appropriate Assessment

7.3.1 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 that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity and 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. Prior to the commencement of development the developer shall submit for the written agreement of the planning authority amended drawings indicating the following:
 - a) The eastern (front) elevation of the extension shall be set back 1 metre, in line with the adjoining front building line of Cahircon

Reason: In the interest of residential and 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 amenities of adjoining residential occupiers.

5. 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. The contribution shall be paid within one month of the date of this Order, 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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
9th March 2018