



An  
Bord  
Pleanála

## Inspector's Report ABP 300508-17

<b>Development</b>	Single storey extension to the rear, alterations to the existing house and widening of the vehicular entrance.
<b>Location</b>	44 Woodlands Drive, Stillorgan, Co. Dublin.
<b>Planning Authority</b>	Dun Laoghaire-Rathdown County Council.
<b>Planning Authority Reg. Ref.</b>	D17A/0869.
<b>Applicant</b>	John Ryan & Linda Guy.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party.
<b>Appellant</b>	John Ryan & Linda Guy.
<b>Observer</b>	B&M Turner.
<b>Date of Site Inspection</b>	9 <sup>th</sup> March 2018.
<b>Inspector</b>	Dáire McDevitt.

## **1.0 Site Location and Description**

1.1 Woodlands Drive is a mature residential cul-de-sac, which consists mainly of pairs of semi-detached houses, in the Dublin suburb of Stillorgan. Access to Woodlands Drive is via Woodlands Avenue, which is accessed off the Old Dublin Road to the north of Stillorgan Shopping Centre.

1.2 The appeal site, No. 44 Woodlands Drive, is a semi-detached house with brick and dash finish, paired with No. 42, which bounds the site to the north. The house has been extended previously with a two storey side and rear extension and a conservatory to the rear. To the rear, the site is bounded by a grassed area, which runs along the rear of the houses which front onto the Old Dublin Road.

1.3 Maps, photos and aerial images of site are in the file pouch

## **2.0 Proposed Development**

2.1 The existing two-storey house has a gfa of c.157.4 sq.m

The proposed development consist of:

A single storey rear extension, with a stated area of c 32 sq.m, which would project c. 5.2 m beyond the principle rear building line of the adjoining house to the north. An existing conservatory projects c. 2.5m beyond this building line. A pitched roof is proposed with a height of c. 3.4m at the party wall rising to a ridge height of c.4.3m. The proposal would result in a c .153 sq.m rear garden area on a site with an overall area of c.400 sq.m.

## **3.0 Planning Authority Decision**

### **3.1 Decision**

Refuse permission for the following reason:

*The proposed development, by reason of height, scale and bulk, located in close proximity to the boundary of the property to the North; would appear overbearing, would also result in overshadowing of habitable rooms and would therefore seriously injure the residential amenities and depreciate the value of adjoining property. The proposed development would set an undesirable precedent for similar type of development in the area and would, therefore, be 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 overshadowing of the adjoining property to the north and are reflected in the reasons for refusal.

### **3.2.2 Other Technical Reports**

**Transportation Planning.** No objection subject to conditions.

**Drainage Section.** No objection subject to conditions.

## **3.3 Third Party Observations**

A submission was received by the current Observers. The issues raised in the submission are largely in line with the observation on this appeal and shall be dealt with in more detail in the relevant section of this Report.

## **4.0 Planning History**

**Planning Authority Reference No. D17A/1078** refers to a concurrent planning application for a single storey extension to the rear of the house. The proposal differs from the current application in set back from the boundaries (c.700mm) and the number of roof lights (4) proposed. The Planning Authority issued a request for further information for a detailed shadow analysis in February 2018.

The Planning Authority noted that the application differed from the development which is the subject of this appeal and deemed the application valid.

## **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.

### **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 proposal complies with the land use zoning for the site.
- There are precedents across the country for similar extensions. The current proposal is a modest extension (c.32sq.m) and is lowered in relation to the existing GFL by 540mm to reduce its impacts on the neighbours.
- The 'significant' loss of light does not occur as a result of the proposed extension. The orientation of the existing two storey houses, which have north-east facing gardens, cast the shadow across the properties.
- Shadow diagrams submitted with the appeal.

## 6.2 Planning Authority Response

This is summarised as follows:

- The applicant has not provided planning application references or details for similar types of development in the area. A general reference is made to permitted developments in the country.
- The 40 sq.m 'exempted development' only applies where a house has not been previously extended.
- Permitted rear extensions to date in Woodlands Drive have been smaller in scale and proportions. The neighbouring property (No. 42) has not been extended to the rear.
- Query the accuracy of the shadow analysis submitted with the appeal.
- The Council continue to have significant concerns about the proposed extension by reason of its scale, height and bulk. It would seriously detract from the residential amenities of the adjoining property (No. 42 Woodlands Drive) and would set an undesirable precedent.
- The proposal would be contrary to the land use zoning objective 'A' which seeks to protect and/or improve residential amenity.

## 6.3 Observations

An Observation has been received from Brian & Marie Turner, No. 42 Woodlands Drive, Stillorgan. The adjoining property to the north and is summarised as follows:

- The lodgement of a concurrent application with the Planning Authority in December 2017 (Planning Authority Reference No. D17A/1078) seeks to confuse and mislead the observers.
- The precedent has been for two storey extensions to be built on the garage side of the properties in Woodlands Drive.
- Concerned that the significant internal alterations carried out to date to No. 44 will have a significant detrimental impact on the structural stability of No. 42.

- Proposal to locate a fireplace and flue close to the observers upstairs bedroom windows and ground floor patio doors would have a detrimental impact on the residential amenities of No. 42.
- There are plenty of examples of extensions built under exempted development that have resulted in loss of sunlight and overshadowing of adjoining properties.
- Serious concerns relating to the works being carried out under 'exempted development' that have already had a detrimental impact on the residential amenities of No. 42. These range from works to the garden, internal works to the house, boundary fencing and the potential location of flues/chimney.
- The levels shown in the plans submitted with the application are inaccurate and this has been rectified on the plans submitted with the subsequent application (Planning Authority Reference No. D17A/1078).
- The boundary walls are being raised and the proposal also includes a raised patio that would face onto No. 46 Woodlands Drive.
- Query the methodology and accuracy of the shadow analysis submitted with the appeal.
- Any extensions to houses along Woodlands Drive should respect the split level nature of the sites.
- The impact on No. 42 could be reduced if the extension was reduced to c. 20 sq.m, using the depth of the existing patio area, with a single pitch roof with a hipped roof abutting No. 42.
- Photographs and plans submitted with the observation.

## **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 Section 8.2.3.4 (i) of the County Development Plan refers to extensions to dwellings. Such proposals should 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 would be an overriding consideration.

7.1.2 The applicants propose to construct a single storey extension to the rear of No. 44 Woodlands Drive along the northern boundary with No. 42 and set back 3.5m from the boundary with No. 46 to the south. The extension would project c.5.2m beyond the main building line of No. 42 and be built up the boundary between the properties. The proposed pitched roof would have a height of c. 3.4m at the boundary with No.42, with the slope of the roof rising from the boundary to a ridge height of c. 4.3m. The existing boundary between the properties is a c.1m high wall with the bulk of the rear gardens at a lower level than the house and adjoining patios. The proposal would result in the boundary between the two properties increasing in height for the depth of the extension.

7.1.3 The Planning Authority's reason for refusal was on the premise that the proposed extension would be visually obtrusive and overbearing due to its height, scale and bulk and its siting along a party wall. While the extension is higher than the boundary, I note that the extension is modest in size and the design of the roof, which rises away from the neighbouring property, mitigates the impact. I am satisfied that the height and scale of the extension, which replaces an existing conservatory, would not have an overbearing impact or result in an obtrusive form of development.

7.1.4 I noted at the time of inspection that works had commenced to the site boundaries. The southern and eastern boundary have been increased in height with a timber clad finish and works have commenced to the northern boundary. This would increase the height of the boundary between No. 42 and No. 44 for

the length of the rear garden. The alterations to the boundaries are not included in the planning application and therefore are not within the scope of this report. The observer referred to the fence coming within the scope of exempted development. I refer the Board to Class 5, Schedule 2, Part 1 of the Planning and Development Regulations 2001 as amended, this refers to the provision of, amongst other things, wooden fences bounding the curtilage of a house and sets out the relevant conditions and limitations, compliance with the exempted development provisions would be a matter for the Planning Authority to pursue.

- 7.1.5 The Planning Authority's reason for refusal included reference to overshadowing of habitable rooms in the property to the north (No. 42). There is an expectation within urban areas that there will be a degree of overshadowing between neighbouring properties. The rear gardens have a shadow cast over them by the existing houses on site due to their orientation on site. The existing conservatory, which is to be demolished, is set back c. 300mm from the boundary with a height ranging from c. 2 to 2.5m and projects c. 2.5m beyond the rear building line of No. 42, the Observers property. The proposal, as outlined in section 7.1.4 of this report would project c. 5.2 m with a height of 3.4m at the party wall. A concurrent application (Planning Authority Reference No. D17A/1078), setting back the extension c. 700mm from the boundary with No. 42, is the subject of a further information request relating to a shadow analysis and the impact on No. 42.
- 7.1.6 I note the concerns raised by the Planning Authority and the Observers in relation to the quality of the shadow diagrams submitted with the appeal. However, based on the siting of the extension relative to No. 42 and its proposed scale, bulk and height, I am of the view 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.
- 7.1.7 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, height and bulk 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 or unacceptable overshadowing. The proposed development would not detract from the residential amenities of nearby properties.

7.1.8 In relation to the matter of precedent it should be noted each planning application is assessed on its own merits, having regard to the relevant planning considerations and site context.

7.1.9 The alterations to the vehicular 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.

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

## **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.

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Dáire McDevitt  
Planning Inspector

15<sup>th</sup> March 2018.