



An
Bord
Pleanála

Inspector's Report ABP-300567-18

Development	Two storey extension with internal modifications and associated works
Location	32 Westbury Drive, Lucan, Co. Dublin
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD17B/0341
Applicant(s)	Oliver Mahon
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	Dermot and Susan Brophy
Observer(s)	None
Date of Site Inspection	27 th March 2018
Inspector	Ciara Kellett

1.0 Site Location and Description

- 1.1. The appeal site is located in No.32 Westbury Drive, Lucan, Co. Dublin. Westbury Drive is located c.1.2km south of Lucan Main Street and c.0.5km south of the N4 Road. It is c.120m west of the R120 Adamstown Road. The Lucan Shopping Centre bounds the road and the dwelling to the north. The Lucan Community College and the Weston Hockey Club are to the east of the R120 Road. Residential dwellings form the southern boundary.
- 1.2. The appeal site is located midway along the road on the northern side. It is one half of a semi-detached pair of dwellings. The appellant lives in the adjoining dwelling no.30. All of the dwellings in the general area are semi-detached and have hipped roofs and similar material finishes.
- 1.3. Appendix A includes maps and photos.

2.0 Proposed Development

- 2.1. It is proposed to demolish the existing 19sq.m conservatory with a height of 3.3m and to construct a part single, part two storey rear extension.
- 2.2. At ground floor, it is proposed to build a new kitchen/dining and utility area which will extend 8.015m from the rear wall of the existing study/playroom and c.2m from the current rear wall of the conservatory.
- 2.3. The new area at ground floor is noted on the drawings as being 8.015m long by 6.408m wide. The western side elevation remains flush with the existing dwelling wall and incorporates a new window. A new boundary wall is proposed along the eastern boundary for the full length of the extension, between the site and the appellant's dwelling. The ground floor will be a maximum height of 3.7m. Roof lights are proposed on the ground floor extension.
- 2.4. At first floor, it is proposed to extend the two bedrooms by c.2m. at a maximum height of 6.82m with a projecting hipped roof that sits below the roof ridgeline. The proposal includes a step back of 1.1m from the boundary with the appellants.

2.5. Materials are proposed to match the existing dwelling and from the front of the dwelling, there will appear no change to the existing façade.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided grant permission subject to eight conditions.

Conditions of note include:

- Condition no.2: Single storey shall project no more than 6m from the existing rear playroom/study wall and the single storey extension shall have a maximum height of 3.5m.

3.2. Planning Authority Reports

3.2.1. The Planner's Report is the basis for the Planning Authority decision. It includes:

- Area is zoned RES '*To protect and/or improve residential amenity*' and an extension is permitted in principle.
- Considers it appropriate that the single storey extension has a maximum height of 3.5m and that this can be subject to a condition.
- Notes there is approximately 10m distance between the single storey rear extension and the rear site boundary. Considers the projection of the single storey by c.8m to be excessive and that it should project no more than 6m which can be addressed by way of condition.
- Considers the proposed kitchen window on the western side elevation acceptable due to the fact that it's maximum height is 2m and would not overlook the neighbouring property at this height.
- Considers that the previous reasons for refusal have been substantially overcome. Notes the first floor extension projects 2.2m from the rear building line and is stepped off the boundary with no.30.
- Considers the proposal would not negatively impact on existing residential amenity and is acceptable to the Planning Authority subject to conditions.

The decision is in accordance with the Planner's recommendations.

3.2.2. Other Technical Reports

- **Foul drainage** – referred to Irish Water.
- **Water services** – referred to Irish Water.
- **Surface Water drainage** – no report.

3.3. Prescribed Bodies

- **Irish Water** – no report.

3.4. Third Party Observations

Two submissions were received from residents of adjoining houses in no.30 (the appellants) and from the neighbours to the west in no.34. The appellant's submission is addressed in Section 6 below. The neighbours in no.34 considered that the length of the extension was not in keeping with the other extensions or conservatories in the area. They have concerns that it will cause significant overshadowing and loss of light. They have no objections to the first floor extension.

4.0 Planning History

4.1. There is one planning application associated with the subject site:

- **Reg. Ref. SD16B/0239:** Permission was refused in September 2016 for a two-storey extension with the addition of a single storey conservatory. Permission was refused for 4 reasons including that the proposal would have an overbearing and overshadowing impact on adjoining houses, it would set an undesirable precedent, no drainage plans were submitted, and there was no reference in the public notice regarding changes to the rear roof slope.

4.1.1. There are a number of planning applications in the vicinity for domestic extensions mainly to the rear, and in some instances for the conversions of garages.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Under the County Development Plan 2016 – 2022, the site is zoned '**RES: To protect and/or improve residential amenity**'.

Chapter 2 refers to housing and Chapter 11 refers to Implementation. The Council has also produced guidance in the form of 'House Extension Design Guide'.

- 5.1.2. Section 2.4.1 of Chapter 2 considers residential extensions.

Policy H18 Objective 1 states: *To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).*

- 5.1.3. Section 11.3.3 considers Additional Accommodation. Section 11.3.3(i) states with respect to Extensions: *The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.*

- 5.1.4. The House Extension Design Guide produced by the Council provides advice on different types of extensions. Chapter 4 is entitled *Elements of Good Extension Design*. Of relevance to the subject application is the advice provided for rear extensions. It states (inter alia):

- *Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise.*
- *Match the shape and slope of the roof of the existing house, although flat roofed single storey extensions may be acceptable if not prominent from a nearby public road or area.*
- *Make sure enough rear garden is retained.*

5.2. Natural Heritage Designations

The Rye Water Valley/Carton SAC (Site Code 001398) is c.3km to the west.

6.0 The Appeal

6.1. Grounds of Appeal

The neighbours in the adjoining dwelling appealed against the planning authority's decision to grant permission. In summary, it includes:

- Concerned about loss of light – all dwellings on that side of the road have located decking/patios to the rear to avail of the evening sun. Consider that this proposal will diminish their light greater than 50% in the summer months.
- Lack of sun will increase growth of moss on roof and have an impact on their garden.
- They have recently upgraded their conservatory to a solid roof with velux windows. Their design proposals would have altered if they had been aware of the subject proposal. The application does not show their windows and thus fails to illustrate the loss of light.
- The shadow analysis drawing submitted with the application fails to illustrate loss of light, which will be 50% in the summer.
- A vertical parapet wall is proposed along their boundary and an elevation from their side of the property has not been submitted, so it is difficult to understand the nature and extent of the wall.
- Request the ground floor extension is reduced to meet with their building line.
- Concerns that the reduction to rear garden space of 35sq.m will impact on the proper planning and lead to an undesirable precedence in the area.
- Consider first floor windows will result in overlooking contrary to the Council's House Extension Design Guidelines.
- Concerns with water and foul and surface water proposals.
- Consider there has been a lack of consistency from the Planning Authority as they approved this second application without addressing their concerns, or the original Planner's concerns, who refused the first application.

6.2. **Planning Authority Response**

The planning authority confirmed its decision, and consider that the issues raised in the appeal have been considered in the planner's report.

6.3. **Further Responses**

6.3.1. There are no other reports on the file.

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Residential Amenities
- Appropriate Assessment

7.1. **Residential Amenities**

7.1.1. The development is located in an area zoned RES: 'To protect and/or improve residential amenity'. In this zone, residential extensions to existing dwellings are considered an acceptable development in principle. Objective H18(1) states that the Council will favourably consider proposals to extend existing dwellings subject to protection of residential and visual amenities, and compliance with the standards set out in the South Dublin County Council House Extension Design Guide.

7.1.2. The area is characterised by well-established, medium density, two storey, semi-detached suburban type housing. The houses present a uniform look, and have not been altered substantially by the occupiers. The current proposal does not affect the front façade of the dwelling, and the proposed extension will not be visible from the public road.

7.1.3. Ground Floor extension:

The appellants express concern with the extent of the ground floor extension and the impact on their light. The rear gardens on this side of the road face north-west so

receive limited sunshine at the very rear of their gardens in the late summer evenings.

The drawings indicate, and my site visit confirms that both dwellings have conservatories currently and that both are approximately in line with each other (Drawing PL003). There is no dimension on the drawings; however, the proposal would appear to extend c.2 - 2.5m beyond the line of the appellant's conservatory (Drawing PL006). The length of the ground floor extension is noted as being 8.062m from the rear wall of the playroom/study. Condition no.2 appended by the Planning Authority required that the length of the extension be reduced to a 6m projection from the rear wall of the playroom/study.

I consider that this condition is appropriate and would result in a very minor increase in overshadowing. Condition no.2 also requires the reduction in height of the ground floor from 3.7m to 3.5m. I agree that this will be in line with the extension on the appellant's property.

7.1.4. First Floor extension:

With respect to the first floor extension, I am satisfied that there will only be a minor increase in overshadowing because of the first floor extension. The appellant's rooflights are likely be in shadow in summer evening months currently, having regard to the north-west orientation of the garden, therefore, I am satisfied that the subject extension will contribute a negligible increase only.

The appellants have expressed concern with overlooking of their garden with the extension of the first floor. I consider that some degree of overlooking is to be expected in urban environments. The proposal includes a step back of 1.1m from the boundary with the appellant's dwelling. I consider that this is reasonable and will not result in any undue overlooking.

7.1.5. Remaining Garden area:

The Development Plan standards state that a minimum of 70sq.m of private open space is required for a 4-bedroom dwelling.

With respect to the remaining area of rear garden, there will be an area of c.58.9sq.m of garden remaining behind the rear building line with the development as proposed. This does not include my recommended condition to reduce the length

of the extension. Including the side passageway, the overall area behind the front building line increases to c.78sq.m. This is in excess of the Development Plan standards. If the condition to reduce the length of the extension is taken into consideration, the garden area behind the rear building line will increase to c.74m without including the side passageway.

I am satisfied that this is in full compliance with Development Plan standards.

7.1.6. Services:

I am satisfied that there will not be a negative impact on the water, foul and surface water services serving the property. A condition to require the applicant to agree services with the Planning Authority should be attached, if the Board are considering granting permission.

7.1.7. Conclusion:

In conclusion, having regard to the orientation of the house, and with conditions to reduce the scale of the ground floor extension, I am satisfied that there will not be a seriously injurious impact on the residential amenities of the appellant's dwelling or any other dwellings in the vicinity.

7.2. **Appropriate Assessment**

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, 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 planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the South Dublin County Development Plan 2016-2022, and the nature, scale and orientation of the extension proposed, 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, therefore, 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 proposed development shall be amended as follows:
 - a) The proposed single storey rear extension shall project no more than 6 metres from the existing rear playroom (proposed study) wall;
 - b) The proposed single storey rear extension shall have a maximum height of 3.5 metres.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

5. Water supply and drainage arrangements, including the 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. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, 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 property in the vicinity.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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.

Ciara Kellett
Inspectorate

28th March 2018