



An
Bord
Pleanála

Inspector's Report ABP-3000637-18

Development	Front, side and rear extensions to house.
Location	60 Brookvale Downs, Rathfarnham, Dublin 14.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD17B/0350.
Applicant(s)	Daniela van Putten and Aidan Quinlan
Type of Application	Permission.
Planning Authority Decision	To grant permission subject to conditions.
Type of Appeal	Third Party v. Decision.
Appellant(s)	Pauline Cunningham.
Observer(s)	None.
Date of Site Inspection	21 st March 2018
Inspector	Susan McHugh

1.0 Site Location and Description

- 1.1. Brookvale Downs is a suburban area to the south of Dublin City. No. 60 Brookvale Downs is a semi-detached house in a short cul-de-sac of similar houses probably constructed in the 1970s/1980s.
- 1.2. The house is located on the western side of the road, and includes a long rear garden similar to the other houses along the road. The house is positioned with a side passageway along its northern side which adjoins the side of No. 59, the appellants property.
- 1.3. The existing house includes a front porch, and a single storey rear kitchen extension which runs along the southern boundary with the adjoining house to the south No. 61. This rear extension is in line with the rear conservatory at No. 61. House No. 59 also includes a single storey rear extension along the width of the property.
- 1.4. The appeal site has an area of 0.026ha.

2.0 Proposed Development

- 2.1. The proposed development comprises a domestic extension and alterations to existing two storey semi-detached dwelling with a stated floor area of 54sqm.
- 2.2. The extension and alterations comprise;
 - 2.2.1. To the front at ground floor it is proposed to extend the existing porch and living room to provide a bay window in line with the existing porch, and set off the front boundary with No. 61 by approx. 0.8m.
 - 2.2.2. To the side at first floor level it is proposed to create a 'box style' extension to existing bathrooms, which cantilevers over the side passage. It is finished with a pitched roof and render. It is set back approx. 4.6m from the front elevation of the house.
 - 2.2.3. To the rear at ground floor, it is proposed to construct a single storey kitchen, family and dining area extension. This will extend by 8.5m stepping back to 7.9m along the southern side from the rear elevation of the house. There are no windows on the

proposed side elevations. It includes a mono pitch roof with an eaves height along the northern side of 2.4m rising to 3.7m. The remaining extension along the southern boundary with No. 61 includes a flat roof and parapet. Rooflights are provided to both.

- 2.2.4. To the rear at first floor it is proposed to provide a bedroom extension, this extends by 3.7m and includes a pitched roof with a ridge height of 6.335m which is set down from the main ridge height of the house.
- 2.2.5. Permission is also sought for elevational changes, to include new external cladding, new windows and cills and a new door on the side elevation serving a hall. Finishes generally would match/harmonise with existing.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The decision to grant permission is subject to seven standard conditions.
- 3.1.2. Condition No. 2 requires revised plans to be submitted indicating the single storey rear extension be no greater than 5m in depth from the main rear building line of the house. Notes attached to the decision include a reference to section 34(13) of the Act.

3.2. Planning Authority Reports

3.2.1. Planning Reports (dated 06/12/2017)

Basis for planning authority decision.

Include:

- Development is consistent with the zoning objective, and would be in compliance with Council policy in relation to extensions to dwelling houses.
- There are no issues of overlooking, overshadowing or overbearing impact from the front extension, the first floor extension to side and the two storey extension to rear.

- The depth of the single storey extension to the rear along the boundary with the southern neighbouring property is excessive, and would be overbearing. A reduction in depth no greater than 5m from the rear building line of the house is recommended.

3.2.2. **Other Technical Reports:**

Water Services: no report received.

3.2.3. **Prescribed Bodies**

Irish Water: no report received.

3.2.4. **Third Party Observations**

Two letters of objection were submitted. The first was lodged by Patricia Moore the owner of No. 61 Brookvale Downs, the adjoining property to the south. The issues raised include;

- Encroachment along rear side boundary.
- Loss of light to existing rear conservatory.
- Loss of light and privacy to front living room from proposed bay window extension.

The second submission was lodged by the appellants in the current appeal raising similar issues to those raised in the grounds of appeal – see Section 6.1 below.

4.0 **Planning History**

No relevant history identified.

5.0 Policy Context

5.1. South Dublin County Development Plan 2016

- 5.1.1. Zoning – RES ‘To protect and/or improve residential amenity’.
- 5.1.2. Policy H18 – to support the extension of existing dwellings subject to the protection of residential and visual amenities,
- 5.1.3. H18 Objective 1 – to favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with standards set out in Chapter 11 Implementation and the guidance set out in South Dublin County Council House Extension Design Guide 2010.

5.2. Natural Heritage Designations

None of relevance.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The appeal is lodged by, John Langton & Associates on behalf of Pauline Cunningham, No. 59 Brookvale Downs, the adjacent property to the north of the appeal site. The main grounds of the appeal can be summarised as follows:
 - *Front Bay Window* – Not in keeping with the streetscape, negative impact on the adjoining houses No.s 59 and 61, overlooking from the side glazing of No. 61.
 - *First Floor Extension over Side Passage* – Cantilevered extension is out of character with existing houses, will have a negative impact on the adjoining house No. 59, is an obstruction to the access route to the rear gardens of both No. 59 and 60, and roof eaves encroaches on the curtilage of No. 59 which is illegal.

- *Single Storey Extension to Rear* – Extends in depth for a distance greater than the depth of the existing house, and given the height and depth would give rise to overshadowing of No. 59. The inclusion of an external door at ground floor on the side gable will reduce privacy.
- *First Floor Extension to Rear* – Greater setback of first floor extension required to reduce overbearing and overshadowing impact. The proposed extension is to the south of No. 59. No shadow diagrams were submitted to illustrate the impact on adjoining properties.
- *Summary* – The scale, mass and bulk of the extensions to side and rear will be unsightly, devalue their property, would be overbearing and seriously injure the amenities of the neighbouring properties, contrary to the proper planning and sustainable development of the area.

6.2. Applicant Response

A response to the third party appeal was lodged by Brendan Balfe Architect on behalf of the applicant, which included photographs of similar extensions in the area. It can be summarised as follows;

- The decision of the planning authority took on board issues raised in the third party submission lodged by the appellant, by reducing the depth of the single storey extension to the rear to 5m from the main rear building line of the dwelling. They are disappointed with this requirement but accept the planning authority's decision.
- *Front Bay Window* – The claim that the proposed extension would be out of keeping with the streetscape is disputed. The proposal would not be detrimental to the neighbouring properties. This was the view of the planning authority in its assessment.
- *First Floor Extension over Side Passage* – No intention to over sail the party line between Nos. 60 and 59. Similar extensions have been constructed in the vicinity. They agree with the assessment of the planning authority with regard to impacts on adjoining properties.

- *Single Storey Extension to Rear* – They do not agree with the appellants opinion. It will not result in a negative impact or give rise to a reduction in privacy. It has been carefully designed to reduce the impact in terms of height and is set back from the boundary wall in line with the existing passageway on this property. The existing single storey extension to the rear of the appellants' property has been constructed adjacent to the shared boundary. No.s 59 and 60 are not constructed along the same building line, with No. 59 setback approx.1m to the west which combined with the existing rear extension to No. 59 reduces any impact of the proposed extension.
- *First Floor Extension to Rear* – There is no common convention regarding the size of the set back of first floor extensions from neighbouring properties. Each first floor extension needs to be assessed on its own merits. The setback proposed which is in line with the existing setback between the properties is appropriate. There are no windows proposed to the side walls and it will not give rise to overlooking. Existing extensions to neighbouring properties reduces the impact. They agree with the assessment of the planning authority with regard to impacts on adjoining properties.

6.3. **Planning Authority Response**

Decision confirmed – issues raised covered in Planner's Report.

6.4. **Observations**

None received.

7.0 **Assessment**

- 7.1. 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 are addressed under the following headings:

- Design
- Residential Amenity
- Legal Issues
- Appropriate Assessment

7.2. Design

- 7.2.1. The appellant submits that the design of the proposed extensions would be incompatible with the design of the existing houses and architectural style of the street. The appellants focus, in particular, on the proposed front bay window and first floor extension over the side passage.
- 7.2.2. I note the South Dublin County Council House Extension Design Guide 2010 in relation to this issue. While the guidelines (pages 16 and 17 of the document refer) generally advise towards the use of simple and contemporary design that complements the style, features and materials used in the original house, they also advise against building an extension more than 1.5m in front of the existing front wall of the house if there is a regular building line along the street.
- 7.2.3. The Design Guide, in relation to side extensions, also advises that a gap of at least 1m between the extension and the side party boundary with the adjoining property should be maintained to avoid creating a terraced effect. If no gap can be retained then a recess of at least 50cm should be achieved and have a lower roof eaves and ridge line to minimise the terracing effect.
- 7.2.4. The proposed bay window is contemporary in design. I am satisfied, given the house type in this instance, that the window, which is in line with the existing porch and extends by 1.14m from the front of the existing house, and which would be set off the boundary with No. 61 by 0.6m, has been carefully considered and is acceptable.
- 7.2.5. I acknowledge that the first-floor side extension is a departure in design terms from other houses in the vicinity but I am satisfied that it has been designed to minimise the bulk and massing and is not excessive. It is set back approx. 4.6m from the front elevation and the ridge line is significantly lower than the existing house.

- 7.2.6. I do not consider that there is any basis to the appellants submission that the proposal would be out of keeping with the streetscape. I noted on my inspection of houses in the vicinity there are a variety of front porch extensions. I am also of the view, that examples of similar first floor side extensions cited by the applicant, albeit in the wider area, do represent an innovative and successful design approach.
- 7.2.7. I consider, therefore, that the appeal should not be upheld in relation to the issue of design.

7.3. Residential Amenity

- 7.3.1. I consider that, in relation to the appellant's house (No. 59 to the north) the most significant issue arising relates to the potential for the development as viewed from same to be overbearing in appearance and to give rise to overshadowing.
- 7.3.2. In this regard the appellant refers to the height and depth of the single storey extension to the rear and to the need for a greater setback of the first-floor extension to reduce overbearing and overshadowing impact.
- 7.3.3. The planning authority in their assessment had similar concerns, but in relation to No. 61 to the south, and required by condition that the single storey rear extension be no greater than 5m in depth from the main rear building line of the house.
- 7.3.4. I would accept that the proposed extension which extends by 9m from the rear building line stepping back to 8m along the southern boundary is generous in length. I also note that the rear building line of No. 59 and 60 are staggered, which combined with the existing rear extension to No. 59 results in the proposed extension extending approx. 5.3m beyond the line of their rear extension. The proposed monopitch roof will have an eaves height along the northern side of 2.4m rising to 3.7m.
- 7.3.5. I would also note that the proposed rear extension extends by approx. 2.7m beyond the line of the conservatory to the south of No. 61, and that this element will include a flat roof.
- 7.3.6. On balance, I do not consider the depth of the single storey extension is excessive. I am of the opinion that the relatively modest size of the house and narrow nature of the gardens are factors, combined with the relationship with existing rear extensions to the north and south, which should be given considerable weight. I do not share the

concerns of the planning authority in that the proposed single storey extension would have an overbearing impact on the adjoining dwelling to the south in particular. I consider that the condition attached by the planning authority to significantly reduce the length of the single storey extension to the rear to be unwarranted.

- 7.3.7. The first-floor extension, which extends by 3.7m to the rear, is in line with the rear extension to No. 59. I consider that the proposed first floor extension is not of excessive scale and that it will not be overbearing or give rise to overshadowing.
- 7.3.8. Regarding the potential for overlooking from the ground floor and first floor extensions, I note the absence of any windows along the side elevation of the proposed rear extensions. I note the inclusion of a side door along the existing gable of the house but do not consider this to give rise to a loss of privacy as claimed by the appellant. I would further note that the existing windows on the side gable of No. 59 are all finished in obscure glazing.
- 7.3.9. I have also had regard to the potential for overlooking of house No. 61 from the front bay window. Overlooking of a front garden is not considered material and the setback from the common boundary is noted.
- 7.3.10. In conclusion, I am satisfied that the proposed development would not be overbearing, give rise to overshadowing or overlooking, such that it would seriously injure the residential amenities or devalue property in the vicinity.
- 7.3.11. The fact however, that the applicant has tacitly accepted the condition imposed by the planning authority to reduce the length of the single storey extension to the rear, and that the owner of No. 61 to the south has not appealed the decision, creates a difficulty. I am of the opinion therefore, that it would be reasonable at this juncture to uphold the decision of the planning authority with regard to setting back the length of the extension to the rear to no greater than 5m from the rear building line of the house.
- 7.3.12. I do not, therefore, consider that the appeal should be upheld in relation to residential amenity.

7.4. **Legal Issues**

- 7.4.1. The appellant has raised the issue of over sailing on the curtilage of No. 59. The issue of encroachment was also raised in the third-party submission from the owner of No. 61. I note the ambiguity in elevation drawing no. P-07 submitted with the application, which indicates that the proposed eaves of the first-floor extension to the northern side elevation and the parapet wall of the proposed single storey extension to the rear along the southern boundary, extends outside the red line boundary of the site. I also note the applicants' stated intention to avoid over sailing. I am satisfied that this matter can be addressed by way of condition.
- 7.4.2. From a planning perspective the matter of consent is effectively dealt with by reference to Section 34(13) of the Planning and Development Act 2000 (as amended) which reads 'A person shall not be entitled solely by reason of a permission under this section to carry out development'.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the proposed development, being a minor residential extension in an established urban 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

- 8.1. I recommend that permission be granted subject to conditions

9.0 Reasons and Considerations

Having regard to the residential zoning of the site, the scale, layout and design of the proposed extension, and the established pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the residential amenity of property in the vicinity. 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be modified as follow:
 - (a) the single storey extension shall be no greater than 5m from the main rear building line of the dwelling
 - (b) no part of the proposed works shall overhang or over sail the site boundaries.

Revised drawings incorporating these requirements (and including materials, colours and textures of all the external finishes) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity and residential amenity.

3. 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.

4. 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.

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 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.

Susan McHugh
Planning Inspectorate

28th March 2018