



An
Bord
Pleanála

Inspector's Report ABP 300695-18

Development	First floor extension to the rear of house, alterations to existing house and widening of the existing vehicular entrance.
Location	40 Saint Helens Road, Booterstown, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D17A/0931.
Applicant	John Lyons.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party v. Grant.
Appellant	Majella Uí Dhubhghaill.
Observers	None.
Date of Site Inspection	16 th April 2018.
Inspector	Dáire McDevitt.

1.0 Site Location and Description

- 1.1 The application site, No. 40 Saint Helens Road, is located along the western side of Saint Helens Road in a mature suburban area opposite Booterstown Nature Reserve, southwest of the DART station and to the west of Booterstown Avenue in Booterstown, Co. Dublin.
- 1.2 St Helens Road is a u-shaped street of Crampton built semi-detached houses, located to the south of, and with two access points off, Rock Road (R118). Saint Helens Road consists of two storey semi-detached houses with uniform front facades.
- 1.3 The site, with a stated area of 0.046 hectares, is occupied by No. 40 Saint Helens Road, one of a pair of two storey semi-detached houses, No. 40 and No. 42, built in the 1930/40s with a dash finish and ornate brick work. The appellant's house, No. 38, adjoins the site to the north and No. 62 and 64 bound the site to rear (west).
- 1.4 The houses have front gardens with onsite parking. There are designated pay and display parking bays along Saint Helens Road and directly in front of No. 40. The application includes proposals to widen the existing vehicular entrance.
- 1.5 Numerous houses along Saint Helens Road have been extended over the years. No. 40 has a flat roof single storey extension to the rear. The bulk of the rear garden is located at a lower level than the house. No. 42 and No. 38 also have single storey rear extensions.

2.0 Proposed Development

The development consists of a c.25sq.m first floor extension over an existing single storey extension to the rear of the house.

- The first floor extension (c.7.2m wide) does not extend over the full width of the ground floor extension (c.10.5m wide).

- The proposed hipped roof would be c. 0.5m lower than the main hipped roof of the house.

The proposal also includes:

- Alterations to the existing house, including changes to window configuration.
- Widening of the existing vehicular access to c.3.5m.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 11 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports.

This forms the basis of the Planning Authority's decision and the main points referred to relate to design and residential amenity.

3.2.2. Other Technical Reports

Drainage Section. No objection subject to conditions.

Transportation Section. No objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

One submission received at application stage by the current appellant. The issues are broadly in line with the grounds of appeal and are dealt with in more detail in the relevant section of this report.

4.0 Planning History

None pertaining to the application site as per the Council's Planning Register.

Applications in the immediate vicinity:

No. 38 Saint Helens Road (appellant's house to the north of No. 40). **Planning Authority Reference D15A/0721** refers to a 2016 grant of permission for a single storey rear, alterations to existing house and widening of vehicular entrance off the public road.

No. 35 Saint Helens Road (opposite No. 40). **Planning Authority Reference D15B/0158**, refers to a 2015 grant of permission for extensions, including an extension at first floor level to the side and rear of the house.

No. 49 Saint Helens Road. **Planning Authority Reference D14A/0729**, refers to a 2015 grant of permission for extensions, including a part two storey extension to the side and rear of the house.

No. 60 Saint Helens Road. **Planning Authority Reference D15A/0069**, refers to a 2015 grant of permission for extensions, including a two storey extension to the side and rear of the house.

No. 65 Saint Helens Road. **Planning Authority Reference D16A/0931**, refers to a 2017 grant of permission for extensions, including a two storey extension to the side and rear of the house.

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 (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 Majella Uí Dhubhghaill, 38 Saint Helens Road, Booterstown, Co. Dublin. Adjoining house to the north of No. 40.

The grounds of appeal are summarised as follows:

- The development would result in the loss of light through one of the south facing clerestory windows which serve the recently constructed kitchen/dining area to the rear of No. 38.
- It would also result in the loss of passive solar gain to this space.
- Devaluation of property.
- The proposal is not sensitive to its context, namely the clerestory window to the kitchen/dining area which directly faces onto the proposed first floor extension to the rear of No. 40.

6.2 Planning Authority Response

The Board is referred to the original Planner's Report on file as no new matters were raised in the appeal.

6.3 Applicant's Response to the Third Party Appeal

The applicant has submitted a detailed response which is mainly in the form of a rebuttal. However, the following points of note were made:

- The extension was designed with a pitched roof on three sides and is set back from the ground floor extension to the rear of No. 40 to minimize any visual impact.
- There are no windows to the northern elevation facing No. 38.
- The extension granted at No. 38 (PL. Ref. No. D15A/0721) has significant glazing to its rear, west facing, elevation. It does not rely on the clerestory lighting for its use.
- The extension would be set back c.2.25m from the shared boundary with No. 40. The clerestory window to No. 38 is set back c.2.56m from the shared boundary. There is, therefore, c.4.8m separation distance between the proposed first floor extension and the window in question.

6.4 Observations

None

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:

- Residential Amenity.
- Other Issues.

7.1 Residential Amenity.

- 7.1.1 Section 8.2.3.4 (i) of the County Development Plan 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, and proximity to boundaries.
- 7.1.2 The appellant has raised concerns regarding loss of light to the kitchen/dining area of No. 38 in the grounds of appeal. This has been refuted by the applicant who has submitted that there is adequate separation distances between the proposed extension and the southern elevation of the rear extension to No. 38 and the clerestory window. The kitchen/dining area is also served by a large glazed area to the rear, therefore the space does not rely solely on clerestory lighting for its use.
- 7.1.3 The proposed development consists of a c.25sq.m first floor extension over an existing single storey extension to the rear of No. 40 Saint Helens Road. The first floor extension does not extend over the full width or depth of the ground floor extension. It does not project beyond the rear building line of the single storey rear extensions to adjoining properties (No. 42 and No. 38).
- 7.1.4 The extension would be setback c.2.25m from the shared boundary with No. 38, resulting in a setback c.4.8m from a clerestory window facing south serving the rear extension to No 38. Having regard to the set back of the first floor element from the shared boundary with the appellant's house (No. 38), the height of the extension, the pitch of the roof that rises away from this property and the relationship of the properties to each other, I am satisfied that the proposal will not result in significant overshadowing and loss of light to the ground floor living area of No. 38. It would not result in a significant increase in the degree of overshadowing currently experienced by the appellant's property and, therefore, will not have any additional negative impact on the residential amenities of same.
- 7.1.5 The proposal is set back c.2m from the boundary with No. 42, to the south, a small opaque circular window serving an en-suite, is proposed to the southern elevation of the extension. I am satisfied that the proposal would not have a

detrimental impact on the residential amenities of No. 42 by means of overshadowing or overlooking.

- 7.1.6 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 to each other. I am also satisfied that direct overlooking of the private amenity spaces of No. 62 and 64 Saint Helens Road, to the rear, is not an issue due to the separations distances, the layout and orientation of the properties and their relationship to each other.
- 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 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 or an unacceptable loss of light, 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.
- 7.1.8 The alterations to the vehicular entrance have been noted. The widening of the existing entrance would not result in the loss of a pay and display car parking space to the front of No. 40. The Area Planner and Transportation Section have raised no concerns on traffic grounds. The proposed alterations are considered acceptable and comply with Section 8.2.4.9 (i) of the Dun Laoghaire Rathdown County Development Plan 2016-2022
- 7.1.9 I, therefore, consider that the appeal should be not 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 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. The flat roof to the rear of the property shall not be used as a terrace, balcony or for any similar purpose.

Reason: In the interest of residential amenities.

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

17th April 2018