



An  
Bord  
Pleanála

## Inspector's Report ABP-300866-18

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<b>Development</b>	Permission for a first floor extension.
<b>Location</b>	17 Flemingstown Park, Churchtown, Dublin 14.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D17B/0503
<b>Applicant(s)</b>	Ian and Miriam Young
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	To Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Ian and Miriam Young
<b>Observer(s)</b>	No observers
<b>Date of Site Inspection</b>	16 <sup>th</sup> May 2018
<b>Inspector</b>	Erika Casey

## 1.0 Site Location and Description

1.1. The subject site has an area of 0.076 ha and is located on the southern side of Flemingstown Park, in the mature residential suburb of Churchtown. The detached gable fronted bungalow with side dormer has an existing floor area of 322 sq. metres. A large contemporary single storey extension has been constructed to the rear. Development in the vicinity is similar low density, suburban housing constructed in the late 1960's and early 1970's. A number of the dwellings in the estate have been modified and extended in recent years. Vehicular access to the dwelling is via the existing cul de sac.

## 2.0 Proposed Development

2.1. The proposed development comprises the construction of a first floor pitched roof extension over an existing contemporary flat roofed extension to the rear of the property. The area of the extension is 78 sq. metres. The extension has a staggered roof profile with a height ranging from 7.2 to 8.1 metres.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1 To Refuse Permission for 1 no. reason:

*“The proposed development, a first floor extension over exiting single storey structure to rear of dwelling, by reason of its scale bulk and massing, is considered to be visually obtrusive and would appear dominant as well as having an overbearing impact on neighbouring properties and would, therefore, fail to accord with the County Development Plan section 8.2.3.4 (i). The proposed development would seriously injure the amenities and depreciate the value of property in the vicinity 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 (11.01.2018)**

- Notes that permission is sought for an amended design of the first floor extension that was previously refused under D17B/0195. The principal amendments are a reduction in the overall height by 0.5 metres and the relocation of a first floor window on the eastern side elevation.
- The works would be approximately 12.7 metres in width and would be highly visible from the front of the property sitting above the ridge of the main dwelling. The extension remains at odds with the character of the main house and the surrounding area.
- The development would introduce a bulky and dominant extension to the rear of the main property as well as introduction an uncharacteristic form of development into the streetscene.
- The proposed works will not result in the addition of any new projections of windows that are likely to result in any overlooking or result in a loss of light to the neighbouring properties.

#### **3.2.2. Other Technical Reports**

**Drainage Planning (18.12.2017):** No objection.

### **3.3. Prescribed Bodies**

- No submissions.

### **3.4. Third Party Observations**

- No third party observations.

## 4.0 Planning History

### Subject Site

#### Planning Authority Reference: D17B/0195

- 4.1 Permission granted for the retention of ground floor bay windows and associated alterations to the front façade and permission refused for the construction of a first floor extension over the existing single storey structure to the rear of the dwelling. The reason for refusal stated:

*“The proposed development; a first floor extension over existing single-storey structure to rear of dwelling, by reason of its scale bulk and massing, is considered to be visually obtrusive and would appear dominant in the street scene as well as having an overbearing impact on neighbouring properties and would, therefore, fail to accord with the County Development Plan Section 8.2.3.4 (i). The proposed development would seriously injure the amenities and depreciate the value of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.”*

#### Planning Authority Reference D06B/0422

- 4.2 Permission granted for demolition of garage, single storey extensions to side and rear of existing dwelling with a total floor area of 115.5 sq. metres, alterations to existing dormer accommodation to include the raising of roof (by 575 mm) to front and 1,350 mm to rear) and general site works.

### Adjacent Site

#### Planning Authority Reference D17A/0306

- 4.3 Permission granted for the demolition of existing 1 – 1.5 storey, 5 bed detached bungalow of 215 sq. metres at no. 19 Flemingstown Park including all outbuilding/sheds/glass house and garage to allow construction of new 1.5 storey, 5 bed detached dwelling of 426 sq. metres, a 24 sq. m. single storey garden storage shed to the rear boundary, on site parking, turning space and a covered bin/bicycle storage area to front garden, new connection to public sewer, associated site works, landscaping and boundary treatments.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016 – 2022.

5.1.2 The subject site is zoned A: “*To protect and/or improve residential amenity.*” The principle of a residential extension is acceptable under this zoning objective.

5.1.3 Section 8.2.3.4 of the Plan addresses additional accommodation in existing built up areas. This notes the following key points:

- In determining first floor extensions the Planning Authority will have regard to factors such as:
  - Overshadowing, overbearing and overlooking -along with proximity, height and length along mutual boundaries.
  - Remaining rear private open space, its orientation and usability.
  - Degree of set-back from mutual side boundaries.
- Dormer extensions to roofs will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations.
- The level and type of glazing within a dormer structure should have regard to existing window treatments and fenestration of the dwelling. Particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties.
- Criteria to consider where roof alterations are proposed include the character and size of the structure; its position on the streetscape and proximity to adjacent structures; existing roof variations on the streetscape; distance/contrast/visibility of proposed roof end; harmony with the rest of the structure, adjacent structures and prominence.

## 5.2. Natural Heritage Designations

- None applicable.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The existing flat roofed ground floor extension has had persistent problems with leaks. The pitched roof extension is sought to remedy this issue and also to provide additional accommodation.
- It is considered that the proposal has been sensitively designed to have a minimum of impact on adjoining properties and to sit comfortably into the streetscape.
- Consideration was given to the previous refusal on the site for a first floor extension and the revised proposal reduces its potential impact on neighbouring properties and its visibility from the public road.
- Whilst the general form of the roof is retained, the eastern portion of the roof has been dropped in height by 455mm, bringing it broadly in line with the ridge height of the main roof element of the existing house. The western end of the roof that is visible from the public road was dropped by a further 1355mm. The eastern end of the proposed roof cannot be seen from the end of the public road. The existing and proposed roofs are of similar height.
- It is noted that there have been no third party objections to the proposal.
- Permission has been granted on the adjacent site for the demolition of the existing dwelling and the construction of a new dwelling. The ridge height of this permitted dwelling is almost 1 metre higher than the ridge level of the new roof proposed.
- Due to the orientation of the proposed roof i.e. on the east west axis and perpendicular to the party boundaries, it is the narrow ends only of the roof that present themselves to the neighbours. Any shadow cast is minimal and all windows are carefully positioned to avoid any direct overlooking.

## 6.2. Planning Authority Response

- 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 to the proposed development.

## 6.3. Observations

- No observations.

## 7.0 Assessment

7.1.1 The main issues are those raised in the grounds of appeal and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Design
- Impact on Residential Amenity.
- Appropriate Assessment

## 7.2 Design

7.2.1 The principle concern raised by the local authority relates to scale and bulk of the extension and the fact that it would be highly visible from the front of the property as it would sit above the ridge of the main dwelling. The ridge of the existing main dwelling is at its highest point 7.72 metres. The maximum height of the proposed extension is 8.1 metres. It is considered that the extension is incongruous with the existing streetscape and the character of the existing dwelling.

7.2.2 Flemingstown Park is characterised by similar style bungalows constructed in the late 1960's and early 1970's. Whilst the existing dwellings are similarly designed and create a unified streetscape, it is not considered that the area has any particularly sensitive architectural character or identity. A number of the dwellings have been extended and modified in recent years. The area is not designated an architectural conservation area and has not been identified as an area with any particular significant architectural attributes or sensitivity.

7.2.3 Whilst the proposed extension will be visible when viewed from the front of the property, it is noted that it set back considerably from the front boundary of the dwelling by over 17 metres which will reduce its potential visual impact. As detailed by the applicant, the height of the extension is only marginally above that of the existing ridge height of the main dwelling (380mm) and the roof profile has been staggered so that at the western end, where it is most visible from the public road, it is lower than the existing roof. At this end, the roof reduces in height to c. 7.2 metres.

Furthermore, due to the position of the dwelling on the curve of the cul de sac, views of the dwelling from the public road are restricted.

7.2.4 The appropriateness of the design must also be considered having regard to the fact that permission has been granted for the redevelopment of the adjacent dwelling at no. 19. This permitted dwelling is substantially higher than the height of the proposed extension. It has a staggered roof profile and extends to a maximum height of 8.9 metres. The design of the proposed extension has been modified from that previously refused by the Planning Authority, and I am satisfied that the first floor extension as now proposed, addresses the previous reason for refusal and will not have any significant adverse visual impact on the existing streetscape.

### **7.3 Impact on Residential Amenity**

7.3.1 It is noted that whilst the reason for refusal by the Planning Authority cites an overbearing impact on the adjoining property, no concerns regarding potential impacts on residential amenities are raised in the planner's report which states that the development will not result in any overlooking or result in the loss of light to neighbouring properties.

7.3.2 The proposed development will result in an increase of the height of the rear extension from c. 5 metres to 7.2 metres on the western elevation and c. 8.1 metres on the eastern elevation. To the east, permission has been granted to develop a new house with a height of c. 8.9 metres. The new dwelling has a rear building line broadly similar to the existing extension to the rear of no. 17. Only high level fenestration is proposed on this elevation and the extension is set back from the western boundary of this proposed dwelling by c. 2.5 metres. In this regard, it is considered that there will be no overlooking or overbearing impact to no. 19.



7.3.3 To the west, as previously noted the height of the extension has been reduced to c. 7.2 metres. It is set back from the common boundary with no. 15 by a distance of 1.22 metres. Again the fenestration on this elevation is located at a height of 3500mm to prevent any overlooking. It is noted that no. 15 has a long rear garden, and whilst the increase in height of the extension to include a first floor element may result in some minor increase in overshadowing, I do not consider that this will be material. Furthermore, given the minor increase height, staggered roof profile and set back from the western boundary, I do not concur with the Planning Authority assessment that the extension will have an overbearing impact.

7.3.4 The development also provides for a large rear dormer window. There is a substantial distance between the existing rear boundary of the dwelling and dwellings located to the south of the site and in this regard, no adverse overlooking or overshadowing will occur.

#### **7.4 Appropriate Assessment**

7.4.1 Having regard to the nature and scale of the proposed development, an extension to an existing dwelling within an established urban area, and its distance to the nearest European site, 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 It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

### **9.0 Reasons and Considerations**

9.1. Having regard to the provisions of the current Dun Laoghaire Rathdown County Development Plan 2016-2022, the location of the site in an established residential area and its zoning for residential purposes and to the nature, form, scale and design of the proposed development, 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 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 external finishes of the proposed extension, including roof tiles/slates, shall be the same as those of the existing dwelling in respect of colour and texture.

**Reason:** In the interest of 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 residential amenities of adjoining property in the vicinity.

5. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

**Reason:** In the interest of visual amenity.

6. 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 the 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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**Erika Casey**

**Senior Planning Inspector**

**17th May 2018**