



An
Bord
Pleanála

Inspector's Report ABP-301184-18

Development	Permission for extension to the rear of accommodation.
Location	9 Goatstown Close, Goatstown, Dublin 14
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17B/0598
Applicant(s)	Conor McCann & Tarah Goldrick
Type of Application	Permission
Planning Authority Decision	Grant subject to Conditions
Type of Appeal	First Party
Appellant(s)	Conor McCann & Tarah Goldrick
Observer(s)	Mr & Mrs MacDonagh
Date of Site Inspection	17 th July 2018
Inspector	Mary Crowley

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1.0 Site Location and Description

1.1. The appeal site with a stated area of 0.015 ha is located within Goatstown Close, a recently constructed high density, low rise housing estate. No 9 comprises a mid-terrace narrow plan dwelling with small front and rear back garden. The dwelling overlooks a small green area and associated group parking. A set of photographs of the site and its environs taken during the course of the site inspection is attached.

2.0 Proposed Development

2.1. This is an application for permission for development consisting of: a two storey flat roof extension to the rear to accommodate additional living space together with all onsite utilities and services. The stated area of the existing house is 80 sqm. The stated area of the proposed extension is 60sq.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. DLRCC granted permission subject to 9 no generally standard conditions. Condition No 2, the subject of this appeal set out the following:

The depth of the proposed rear extension shall be reduced by 1.5 metres at ground and first floor level. Revised plans shall be submitted to the Planning Authority for its written agreement prior to the commencement of the development and thereafter the development shall be carried out in accordance with the agreed revised plans.

Reason: *In the interests of the residential amenities of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The **Case Planner** considered the elements of the scheme and noted that there was no prevailing pattern of rear extensions in the vicinity of the site but that the depth of

the extension is excessive and would have an overbearing effect on the residential amenities of dwellings either side. The Planner also referred to Section 8.2.8.4 of the Development Plan and noted that 60sqm of amenity space is required to the rear of a 3 bedroom house. However the extension would result in a rear gardens measuring approximately 52.5sqm which is under the minimum standard. The Planner recommended that a reduction in the scale of the extension would be a reasonable solution. Accordingly the Planner recommended that permission be granted subject to 9 no conditions. The notification of decision to grant permission issued by DLRCC reflects this recommendation.

3.2.3. Other Technical Reports

3.2.4. There are no technical reports recorded on the planning file.

3.3. Prescribed Bodies

3.3.1. No reports received.

3.4. Third Party Observations

3.4.1. There are no observations recorded on the appeal file.

4.0 Planning History

4.1. There is no evidence of any previous planning appeal on this site.

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**. The site is zoned Objective A where the objective is *to protect and/or improve residential amenity*. Guidance and standards for additional accommodation in existing built up areas is set out in Section 8.2.3.4 of the Plan.

5.2. Natural Heritage Designations

5.2.1. The site is not located within a designated Natura 2000 site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The first party appeal has been prepared and submitted by the applicant Tarah Goldrick against Condition No 2 only. The appeal may be summarised as follows:

- **Residential Amenities** – There have been no objections to the planning permission. Submitted that neighbours on both sides and numerous other residents in the estate have no objection and support the application as they are considering extensions. Local Councillor letter of support attached.
- **Precedent** – No 45 Goatstown Close were granted permission for a 2 storey extension in August 2017.
- **Rear Garden Size** – The Case Planner references the size of the applicant's garden as the reason for the reduction from 4m to 2.5m. Submitted that the size of the garden in the plans are in line with the extension guidelines listed on the DLRCC website i.e. not less than 25sqm. Stated that with the proposed plans the garden would be 43 sqm.
- **Background** – The reduced extension is not viable as it would not fit a couch or dining table which make sit obsolete. The applicant is a family of 5 who need additional space, their children attend local schools and they have lived in the house for 10 years.

6.1.2. The appeal was accompanied by inter alia a letter from Councillor Sorcha Nic Cormaic supporting the proposed development.

6.2. Planning Authority Response

6.2.1. DLRCC refers to the previous planners report and state 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

6.3.1. There is one observation recorded on the appeal file from Mr & Mrs MacDonagh, No 7 Charlton Lawn, Goatstown, whose house and garden back onto appeal site. The

issues raised relate to incorrect elevation drawings, distance between overlooking windows on the first floor, loss of light and surface drainage. Requested that permission be refused by virtue of its height, scale and close proximity to the shared boundary and loss of residential amenity.

6.4. Further Responses

6.4.1. **DLRCC** – No further comment.

7.0 Assessment

7.1. I note that the grounds of appeal relate to one condition only i.e. Condition No. 2 of the notification of decision rity to grant permission. However I also note the observation recorded on the appeal file from Mr & Mrs MacDonagh, No 7 Charlton Lawn, Goatstown, whose house and garden back onto appeal site together with the issues raised. Accordingly I consider it appropriate that this appeal is considered de novo.

7.2. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Residential Amenity
- Condition No 2
- Other Issues

8.0 Principle

8.1. Under the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022 the site is wholly contained within an area zoned Objective A where the objective is to protect and / or improve residential amenity and where residential development is permitted in principle subject to compliance, with the relevant policies, standards and requirements set out in plan. Residential extensions and alterations to an existing dwelling for residential purposes is therefore considered a

permissible use. Accordingly I am satisfied that the principle of an extension to an existing dwelling at this location is acceptable at this location.

9.0 Residential Amenity

- 9.1. The Observers to this appeal, No 7 Charlton Lawn, Goatstown, whose house and garden back onto appeal site raise specific concerns in relation to incorrect elevation drawings, distance between overlooking windows on the first floor, loss of light and surface drainage. The Observers requested that permission be refused by virtue of the extensions height, scale and close proximity to the shared boundary and loss of residential amenity.
- 9.2. In addition to reconciling the need to meet the requirements of a young growing family (applicants are a family of 5), with the desire to maximise accommodation any extension or alterations at this location should maintain the visual amenities and architectural character of the parent building and wider area without compromising the residential amenities of adjoining properties in terms of privacy and access to daylight and sunlight.
- 9.3. With regard to the general design of the proposed rear extension I would make the comment that notwithstanding the overall scale of the proposed scheme I am not critical of the architectural style applied in this instance. I consider the extension to be architecturally compatible in design and materials.
- 9.4. In the first instance I agree with the observers that the “existing” rear elevation drawings submitted with the application indicating 3 no windows at first floor level are incorrect. As noted on day of site inspection there are no first floor windows to the rear of the appeal property or to any of the adjoining properties in this terrace (site photos refer). One velux style roof window was observed in the rear roof profile of these houses that would appear to serve the stairwell only.
- 9.5. In this regard I would share the observer’s comments that in all likelihood the absence of rear first floor windows in this terrace of two storey dwellings along Goatstown Close was in deference to the close proximity of existing adjoining properties along Charlton Lawn and the protection of residential amenities. Therefore the introduction of 2 no windows on the proposed rear elevation at first floor c 12 metres from No 7 Charlton Lawn together with the introduction of a rear

window to serve Bedroom No 2 in the existing building is unacceptable. In fact the introduction of rear first floor windows within the existing dwelling alone would be unacceptable by reason of proximity to adjoining properties and loss of residential amenity.

- 9.6. Further I consider that the scale of the extension and the height of the flanking wall facing adjoining properties either side of the appeal site, particularly at first floor would be unduly prominent and overbearing, would diminish existing daylighting standards and would be seriously injurious to the amenity of properties in the vicinity. Therefore, it is recommended that should the Board be minded to grant permission that the first floor element of the scheme together with the proposed window to serve Bedroom No 2 be omitted.

10.0 Condition No 2

- 10.1. Condition No 2, the subject of the first party appeal set out the following:

The depth of the proposed rear extension shall be reduced by 1.5 metres at ground and first floor level. Revised plans shall be submitted to the Planning Authority for its written agreement prior to the commencement of the development and thereafter the development shall be carried out in accordance with the agreed revised plans.

Reason: *In the interests of the residential amenities of the area.*

- 10.2. The applicant submits that there have been no objections to the planning permission, that No 45 Goatstown Close was granted permission for a 2 storey extension in August 2017 and that the size of the rear garden is in line with the extension guidelines listed on the DLRCC website i.e. not less than 25sqm. Stated that with the proposed plans the garden would be 43 sqm. Also submitted that the reduced extension is not viable as it would not fit a couch or dining table which makes the scheme obsolete.
- 10.3. Section 8.2.8.4 *Private Open Space – Quantity* of the current Development Plan states that all 3 bedroom houses (terraced, semi-detached, detached) shall provide 60sqm of private open space behind the front building. For 1 or 2 bedroom houses a figure of 48 sqm may be acceptable in cases where it can be demonstrated that good quality usable open space can be provided on site. With the removal of the

proposed third bedroom at first floor the ground floor extension would now serve the existing 2 bedroom house only requiring 48sqm private open space. As documented the existing rear garden would be reduced to 43sqm following the construction of the proposed extension. While this is below that minimum required standards I consider that on balance having regard to the restricted nature of the existing site that the remaining rear private open space in its orientation, usability and relationship to the parent building where access is provided by means of large sliding doors that the reduced are would be acceptable in this instance.

11.0 Other Issues

- 11.1. **Development Contributions** – Dun-laoghaire Rathdown County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended) and is in place since 14th December 2015. Section 10 Exemptions and Reduction of the scheme states that the first 40 square metres of any residential extension, shall be exempt from the contribution scheme. Accordingly, the proposed development with the first floor omitted, as recommended above falls under the exemptions listed i.e. less than 40sqm. The scheme is exempt from the payment of a Section 48 Development Contribution.
- 11.2. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development, a rear 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.
- 11.3. **Surface Drainage** – I am satisfied that this matter can be dealt with by way of suitably worded condition.

12.0 Recommendation

- 12.1. It is recommended that permission be **GRANTED** subject to conditions for the reasons and considerations set out below.

13.0 Reasons and Considerations

13.1. Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and its zoning for residential purposes, to the location of the site in an established residential area 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, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 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 first floor element of the rear extension comprising Bedroom No 3 and ensuite together with the proposed rear window to serve existing Bedroom No 2 as shall be omitted.

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 interest in residential 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 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.

5. 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.

6. 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

Mary Crowley

Senior Planning Inspector

18th July 2018