



An
Bord
Pleanála

Inspector's Report ABP-301217-18

Development	Partial demolition of rear conservatory; rear extension to ground and first floor levels; attic conversion with dormer window; new windows to side elevation; new canopy to front elevation.
Location	86, Scholarstown Park, Knocklyon, Dublin 16
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD17B/0405
Applicant(s)	John & Phil O'Byrne
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Mary Kennealy
Date of Site Inspection	10 th May 2018

Inspector

Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.266 hectares, is located in the housing development of Scholarstown Park in Knocklyon. The site is short distance from the M50 (south of the site). The appeal site is occupied by no. 86, which is a two-storey semi-detached dwelling. The other dwelling that makes up the pair the site is part of is no. 87 to the west. To the east is no. 85 and to the north are no. 68 and 69, which back onto the northern boundary of the site.

2.0 Proposed Development

2.1. Permission is sought for partial demolition of a rear conservatory, rear extension to ground and first floor levels, attic conversion with dormer window, new windows on the side elevation and a new canopy to the front elevation. The proposal entails an increase of 50sqm of the floor area of the existing dwelling.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 8 conditions. Of note is the following condition.

Condition no. 2: Revision to the design including the dormer window to be reduced in height by 100mm, set back from the eaves and set in from the roof gable. The first floor element of the rear extension is not to project more than 4m from the rear wall of the dwelling. Revisions to be agreed in writing prior to the commencement of development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (20/02/18): The design and scale of the proposal was considered acceptable subject to some amendments to be dealt with by way of condition. A grant of permission was recommended based on the conditions outlined above.

3.3. Third Party Observations

Submission from Mary & Peter Kennealy, 3 Dodder Dale, Rathfarnham, Dublin 14.

- The submission raises concerns regarding the design and scale of the proposal in the context of the visual amenities of the area and residential amenities of no. 87 to the west of the site.

4.0 Planning History

No planning history.

5.0 Policy Context

5.1. Development Plan

The relevant Development plan is the South Dublin County Council Development Plan 2016-2022. The site is zoned RES with a stated objective 'to protect and/or improve Residential Amenity'.

5.2. Natural Heritage Designations

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been lodged by Mary Kennealy, 3 Dodder Dale, Rathfarnham, Dublin 14. The grounds of appeal are as follows...

- The appeal is the owner of no 87 Scholarstown Park located on the adjoining site to the east.
- The extensions to the dwelling are not in accordance with the relevant guidelines for such provided by South County Council and would be disproportionate in scale and out of character with the existing and adjoining dwellings.
- The ground floor extension is disproportional in length and would be visible from no. 87.
- The first floor extension will cause loss of light to the appellants property, would be visible and dominant relevant to the rear garden of no. 87 and the rear garden of no. 87 would be overlooked by the large window in the first floor extension.
- The scale of the dormer window and attic conversion is excessive, would result in a loss of privacy to number 87 and an overbearing impact as well as there being no precedent for such a pattern of development in the area.
- The appellant notes the lack of shadow analysis for the proposal.
- It is considered that the alterations provided for by way of condition (no. 2) do not deal with the appellant's concerns regarding design, scale and impact on visual and residential amenity.

6.2. Applicant Response

Response by Marston Planning Consultancy on behalf of the applicant John & Phil O'Byrne.

- The proposal is compliant with Development Plan requirements in regards to residential extensions.
- It is noted based on shadowing analysis that the proposal would have a very minimal impact on the rear garden of no. 87 and that the amendments required by way of condition deal with any potential shadowing impacts.

- The impact of the ground floor extension is not significant and is stepped away from the boundary with no. 87 with it noted it is less than 40sqm in size.
- It is noted that the first floor extension is reflective of exemptions under the 2001 regulation in terms of scale. It is noted that it is not excessive in scale and would have no adverse impact on visual or residential amenities.
- The scale and design of the attic conversion. Dormer window has adequate regard to visual and residential amenities.

6.3. **Planning Authority Response**

No response.

6.4. **Further Responses**

Further response by the appellant Mary Kennealy, 3 Dodder Dale, Rathfarnham, Dublin 14.

- The appellant reiterates concerns regarding the overall design and scale of the extension in terms of being overly dominant, visually intrusive and out of character with existing properties.
- The appellant reiterates there is no precedent for similar development in the area.
- The appellant reiterates concerns regarding the impact of the proposal on residential amenity in regards to no. 87.

7.0 **Assessment**

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Design, scale, visual and residential amenity

Appropriate Assessment screening

7.2. Design, scale, visual and residential amenity:

7.2.1 There are three main elements to the proposal. At ground floor level there is partial demolition of a conservatory extension and provision of a flat roof extension at ground floor level that projects 3m beyond the rear wall of the conservatory. At first floor level it is proposed to erect a flat roof extension that projects 5.3m from the rear wall of the dwelling and is set back 1.7m from the boundary with no. 87 to the west. At second floor level it is proposed to convert the attic and install a dormer window on the rear roof plane.

7.2.2 The extension to the ground floor level entails partial demolition of an existing single-storey pitched roof extension to the rear and the provision of a flat roof extension that projects a further 3m beyond that of the existing conservatory on site. It is notable that where the extension projects beyond the extent of the existing extension on site, it is stepped away from the boundary to the west (no. 87). The semi-detached nature of the dwelling also means it is stepped away from the boundary with no. 85. I would consider the overall scale and design of the single-storey portion of the existing to be satisfactory in the context of the visual and residential amenities of the area.

7.2.3 The first floor extension projects 5.3m from the rear wall of the dwelling, is 2.964m in height relative to the roof on the ground floor extension and is setback 1.7m from the boundary with no. 87 to the west. In granting permission condition no. 2 requires the depth of this extension to be no more than 4m from the rear wall of the existing dwelling. The first floor extension is a flat roofed extension and is setback from both the eastern and western boundaries of the site. I would consider that the alteration required under condition no. 2, which reduces the depth of the first floor extension to 4m is appropriate and that subject to such, the extent of the first floor extension would be satisfactory. The applicant has submitted shadow diagrams and I would note that subject to the alteration in the depth of the first floor extension, the proposal would have no adverse impact in terms of overshadowing or loss of light.

7.2.4 The second floor attic conversion includes the provision of a dormer extension on the rear roof plane. The ridge height of the dormer extension is slightly higher than the apex of the existing dwelling and projects as far as the eaves level of the existing dwelling. In granting permission condition no. 2 required a reduction in the ridge height and a setback from the eaves level of the existing dwelling. I would consider that the scale of the dormer window is not excessive but would concur with the views of the Planning Authority and recommend that it be reduced in height to match the ridge of the existing dwelling. The dormer window is setback from each side and is within the width of the roof profile. I do not consider that it would necessary to setback the window from the eaves level and that the alteration to the ridge height would suffice.

7.2.5 I would consider that subject to some minor amendments the overall visual impact of the proposed development would be acceptable and would not be out of character at this location. The majority of the alterations would not be highly visible in the public areas surrounding the site and would be acceptable in regards to the visual amenities of adjoining properties. The proposal does include a new canopy on the front elevation and such is in keeping with the character and scale of the dwelling.

7.2.6 As noted above and subject to minor amendments, the scale of the proposal is satisfactory in the context of residential amenity and would not have an overbearing impact or result in a significant loss of light/overshadowing. In relation to privacy the majority of new glazing above ground floor level is in the rear elevation and orientated in accordance with the established pattern. The proposal does entail a number of new windows in the eastern gable with the windows above first floor level serving bathrooms and hallways. Such windows are to have obscure glazing and fitted and such would be satisfactory in the context of residential amenity.

7.3 Appropriate Assessment screening:

7.3.1 Having regard to the nature and scale of the proposed development and its proximity 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. I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the current Development Plan for the area, and having regard to the pattern of existing development in the area and the design and scale of the proposed extension, 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 or of property in the vicinity, and would comply with the provisions of the Development Plan. 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.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) The first floor extension to the rear shall be reduced in depth and shall project no more than 4m from the existing rear elevation (first floor) of the dwelling.

- (b) The ridge height of the dormer extension shall match that of the apex of the existing dwelling.

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 visual and residential amenity.

3. The windows at first and second floor level on the western gable are to be fitted with obscure glazing and shall be maintained as such permanently.

Reason: In the interest of residential amenity.

4. Site development and building works shall be carried out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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 construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

7. 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.

Colin McBride
Planning Inspector

13th June 2018