



An  
Bord  
Pleanála

## Inspector's Report ABP-301239-18

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| <b>Development</b>                  | Demolition of existing single storey front/side extensions and construction of two single storey extension |
| <b>Location</b>                     | 25 Marley Avenue, Rathfarnham, Dublin.   |
| <b>Planning Authority</b>           | Dun Laoghaire Rathdown County Council  |
| <b>Planning Authority Reg. Ref.</b> | D17B/0591  |
| <b>Applicant(s)</b>                 | Edel & John Anglim   |
| <b>Type of Application</b>          | Permission   |
| <b>Planning Authority Decision</b>  | Refuse   |
| <b>Type of Appeal</b>               | First Party  |
| <b>Appellant(s)</b>                 | Edel & John Anglim   |
| <b>Observer(s)</b>                  | James & Marie Keane  |
| <b>Date of Site Inspection</b>      | 22 <sup>nd</sup> June 2018   |
| <b>Inspector</b>                    | Mary Crowley   |

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## **1.0 Site Location and Description**

1.1. The appeal site with a stated area of 0.03ha is located in an established residential area comprising detached and semi-detached dwellings. The site comprised a two storey semi-detached dwelling with off street car parking to the front. The front of the site is facing east with a westerly orientation to the rear. Similar types of houses and rear gardens are typical for the area. A set of photographs of the site and its environs taken during the course of the site inspection is attached. I also refer to the site photos available to view throughout the appeal file.

## **2.0 Proposed Development**

2.1. The application submitted to Dun Laoghaire Rathdown County Council (DLRCC) on the 21<sup>st</sup> December 2017 sought planning permission for the following:

- Demolition of existing single storey front / side extensions
- Construction of two single storey bay windows
- A pitched roof canopy to the front at ground floor
- Two storey extension to side
- Part single two storey extension to the rear and
- New roof lights to the front and rear
- All associated site, drainage and landscaping works
- The stated area of demolition is 15.5sqm. The stated area of the proposed extension is 92.5sqm.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. Dun Laoghaire Rathdown County Council (DLRCC) issued a notification to refuse permission for the following reason:

*Having regard to the proposed height and depth of the first floor rear and side extension it is considered that the proposed extension would appear overbearing when viewed from the adjoining property to the south: No 23 Marley Avenue, would be seriously injurious to the residential amenity of No 23 Marley Avenue and depreciate the value of this property. The proposed development would be contrary to the proper planning and sustainable development of the area.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

3.2.2. The **Case Planner** considered the elements to be demolished together with the two storey side extension and rear ground floor extension to be acceptable. However concern was raised that the massing and the form of the side and rear first floor extension would be overbearing on the adjoining property at No 23 as the height of the first floor extension along with the cantilevered section would add to the overbearing nature of the rear first floor extension and would be harmful to the residential amenity of No 23. It was recommended that permission be refused for a single reason. The notification of decision to refuse permission issued by DLRCC reflects this recommendation.

### **3.2.3. Other Technical Reports**

3.2.4. **Drainage Planning** – No objection to the scheme subject to conditions relating to surface water, SuDS and hardstanding areas.

## **3.3. Prescribed Bodies**

3.3.1. No reports received.

## **3.4. Third Party Observations**

3.4.1. There are no third party observations recorded on the planning 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 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 was submitted on the 21<sup>st</sup> March 2018 and has been prepared and submitted by Hughes Planning & development Consultants on behalf of the applicant Edel & John Anglim and may be summarised as follows:
- The proposed development comprises a modest extension to family dwelling and has been designed to ensure a high standard of residential accommodation which completely avoids any loss of residential amenity to occupants or neighbouring properties.
  - Submitted that the scheme is reflective of a considered design approach which makes the most efficient use of space whilst remaining sympathetic and respectful to the existing built fabric situated either side of the application site.
  - Reference is made to numerous precedents for similar developments exist within close proximity to the appeal site. These include Reg Ref D07A/0406 (No 19 Marley Avenue), D07B/0414 (No 77 Marley Avenue), D06B/180 (No 45 Marley Avenue) and D17A/0343 (No 6 Avoca Place).

- No submission / observations against the proposal were received during the statutory period. Submitted that every effort was made to contact the residents of No 23 Marley Avenue but without success.
- The first party presents an amended design reducing the scale of the extension for consideration. The applicant's preference is for the original design.

6.1.2. The appeal was accompanied by the following:

- Letter of support for the proposed development from the neighbour's at No 27 Marley Avenue
- Amended Architectural Drawings

## 6.2. **Planning Authority Response**

6.2.1. DLRCC in their response to the appeal considered that the revised extension has to overcome the reason for refusal and that having regard to the proposed height and depth of the first floor rear and side extension, as revised, that the proposed extension would appear overbearing when viewed from the adjoining property to the south: No 23 Marely Avenue, would be seriously injurious to the residential amenity of No 23 Marley Avenue and depreciate the value of this property. It is the opinion of the planning authority that the proposed development would be contrary to the proper planning and sustainable development of the area.

## 6.3. **Observations**

6.3.1. There is one observation recorded on the appeal file form HRA Planning on behalf of James & Marie Keane, No 23 Marley Avenue. The issues raised may be summarised as follows:

- Scheme is unacceptable able having regard to its overall design, scale and massing. The scheme would have an adverse impact on the residential amenity of their property and the scheme is not consistent with other permitted extension in in the area. There is minimal separation between the observer's northern boundary and the proposed two storey extension. The proposal would result in an oppressive extension, dominating the rear garden of the observer's property.

- The amended plans are noted and it is submitted that the reduction proposed is insignificant in the context of the overall proposal. The observers do not support the revised plans.
- In terms of consultation it is submitted that owing to the observers personal circumstances they were unaware of the planning process and waited for their neighbours to show them the proposed scheme. The plans were never shown to the observers and the observers were unaware that specific timeframe was imposed for making an objection. Had the observer realised the full gravity of the development they would have objected at the planning application stage.

#### **6.4. Further Responses**

6.4.1. There are no further response recorded on the appeal file.

#### **7.0 Assessment**

7.1. The application submitted to DLRCC on 21<sup>st</sup> December 2017 sought permission for the following:

- Demolition of existing single storey front / side extensions, construction of two single storey bay windows and a pitched roof canopy to the front at ground floor
- Two storey extension to side and part single two storey extension to the rear and new roof lights to the front and rear

7.2. DLRCC in their notification of decision to refuse permission stated that the proposed height and depth of the first floor rear and side extension would appear overbearing when viewed from the adjoining property to the south, No 23 Marley Avenue and would be seriously injurious to the residential amenity of No 23 Marley Avenue and depreciate the value of this property.

7.3. The first party in their appeal dated 21<sup>st</sup> March 2018 submitted amended plans reducing the area of the proposed rear extension in order to address the reasons for refusal. At ground floor the revised design reduces the length of the extension by 0.7m at the northern extent of the site. This results in the rear extension meeting the

building line set by the single storey rear extension of No 27 Marley Avenue to the north. The southern extent of the rear extension that adjoins No 23 Marley Avenue is also reduced by 1m. The massing of the extension is further reduced by 0.4m reduction in the length of the main body of the rear extension. At first floor level, the revised design incorporates a reduction in the length of extension by 0.82m. These revision, together, result in a 0.95m reduction in length of the original extension proposed under this application. The height of the first floor parapet along the southern boundary remains at 6.05m while the parapet at ground floor has been reduced from 3.365m to 3.21m. There has been no changes to the set back from the boundaries with either No 27 Marley Avenue or No 23 Marley Avenue. The first party states that their preference is for the original design. These revised plans and particulars were cross circulated to the relevant parties for comments. Accordingly this scheme is based on the plans and details submitted to DLRCC on the 21st December 2017 as amended by further plans and particulars submitted to An Bord Pleanála on 21<sup>st</sup> March 2018.

7.4. 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
- 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 pertinent issue in the consideration of this appeal is the impact of the height and depth of the first floor rear and side extension on the adjoining properties and in particular the dwelling to the south at No 23 Marley Avenue.
- 9.2. I have noted the amended plans submitted with the appeal. With regard to the design and visual impact of the proposed development I am satisfied that the scale and design of the scheme as amended by plans and drawings received by the Board on 21<sup>st</sup> March 2018 does not overwhelm or dominate the original form or appearance of the parent house. Further I am satisfied that the extension and proposed alterations are subordinate to the main dwelling and that the scheme will not have a significant negative impact on the established character or visual amenities of this residential area or the overall streetscape. Having regard to the scale and location of the proposed extension I do not consider that the scheme would if permitted, form an unduly overbearing or dominant element when viewed from the adjoining properties along Marley Avenue or surrounding areas. Furthermore I am satisfied that the design, scale, form and positioning of the proposed extension (as amended) strikes a reasonable balance between the protection of the amenities and privacy of the adjoining dwellings, that it will not result in any significant over shadowing of adjoining properties and that it will not result in any unreasonable loss of natural light or overlooking to neighbouring residential properties.
- 9.3. Overall I consider the reduction in the scale and depth of the side and rear extension as submitted to the Board on the 21<sup>st</sup> March 2018 will reduce the visual impact of the scheme together with the perceived overbearing impact on the rear garden of No 23 Marley Avenue. Accordingly I am satisfied that the development as amended, represents an appropriately scaled and ancillary residential extension which will not give rise to any undue impacts on the amenity of any adjacent properties.

## 10.0 Other Issues

- 10.1. **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 does not fall under the exemptions listed in either scheme and it is recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

10.2. **Devaluation of Property Values** – I note that concern is raised by the observer to the appeal regarding the depreciation in adjoining residential property values. The proposal before the Board is for a residential development on lands zoned for residential use where such developments is considered a permissible use and where it is reasonable to expect developments of this kind would normally be located. I am generally satisfied, having regard to the amendments to the proposed scheme as submitted to An Bord Pleanála that it will not result any significant loss of amenity to adjoining properties and is not therefore considered to be a bad neighbour in this context. Accordingly I am satisfied that this matter is not material to the consideration of this appeal in this instance.

10.3. **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.

## 11.0 Recommendation

11.1. It is recommended that permission be **granted** subject to conditions for the reasons and considerations set out below.

## 12.0 Reasons and Considerations

12.1. 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 as amended, it is considered that, subject to

compliance with the conditions set out below, the proposed development as amended 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.

### 13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 21<sup>st</sup> December 2017, as amended by the further plans and particulars submitted to An Bord Pleanála on the 21<sup>st</sup> March 2018, 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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**Mary Crowley**

**Senior Planning Inspector**

**25<sup>th</sup> June 2018**