



An
Bord
Pleanála

Inspector's Report ABP 301356-18

Development

Demolition of single storey garage.
Construction of single storey extension, internal and external alterations including external insulated render to the walls. Reconfiguration of driveway to include ramped access.

Location

50 Kilgobbin Heights, Stepside, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council.

Planning Authority Reg. Ref.

D17A/1070.

Applicants

Kate and Alex Fortune.

Type of Application

Permission.

Planning Authority Decision

Grant with conditions.

Type of Appeal

Third Party.

Appellants

Martin & Caroline Dunne and Brian Stapleton & Anna Crosse.

Observers

None.

Date of Site Inspection

27th June 2018.

Inspector

Dáire McDevitt.

1.0 Site Location and Description

- 1.1. Kilgobbin Heights is a mature suburban area, accessed via the Kilgobbin Road off the R117, to the northeast of Stepaside village in Co. Dublin.
- 1.2. No. 50 Kilgobbin Heights is a detached single storey house with gable forming the front elevation addressing the road. The site fronts onto Kilgobbin Heights, a cul-de-sac of five houses within the Kilgobbin Heights Estate. The houses are built on a hill which slopes from south to north. No. 50 is bounded on three sides by existing houses, with the appellants houses (No. 49 and No. 51) bounding it to the south and north respectively. The rear access to three houses fronting onto the Kilgobbin Road form the eastern side of the cul-de-sac.
- 1.3. The side boundaries of the site consist of walls and railings along the side of the houses. Decking is in place to the front of a number of the properties along Kilgobbin Heights. Planting along the roadside boundary screens the decking from the public road.
- 1.4. Vehicular access is off Kilgobbin Heights, driveways are sloped with the houses sited above the public road. Minor alterations to the entrance and driveway are proposed as part of the application.

2.0 Proposed Development

- 2.1. Permission is being sought for:
 - The demolition of an existing c.15sq.m garage to the side/rear of an existing c.120sq.m three bedroom single storey dwelling.
 - The construction of a c. 26sq.m extension to the rear with a glass link to the main house.
 - The internal reconfiguration of the existing house.
 - External alterations consisting of insulated render to existing walls, new windows and window configuration and new rooflights to the existing house.
 - Alterations to driveway and vehicular access.

- Landscaping.

The proposal would result in a c. 146sq.m four bedroom house on a site with an overall area of c. 413sq.m

3.0 Planning Authority Decision

3.1 Decision

Grant permission subject to seven standard conditions.

3.2 Planning Authority Reports

3.2.1 Planning Reports

The Planners Reports (two reports) formed the basis of the Planning Authority's decision. The initial report can be summarised as follows:

- The extension, while contemporary in design, is cognisant of the main house which it is attached to, in particular its use of materials.
- The proposal would not result in a loss of light or have a negative impact on No. 49.
- Overlooking between opposing windows at No. 50 and No. 49 would not be an issue due to the proposed boundary treatment and the nature of the windows to No. 49 facing No. 50.
- Further information was requested with regards to carparking, discrepancies in drawings, proposals to address overlooking of No.51 Kilgobbin Heights and landscaping.

The further information submitted included proposals to increase the height of the boundary between No. 50 and No. 51, mirroring that proposed along the boundary with No. 49.

The final Report found the further information submitted to be acceptable and a grant of permission was recommended.

3.2.2 Other Technical Reports

Transportation Planning (Two reports). Further Information was recommended in relation to car parking provision. Further Information addressed outstanding issues to the satisfaction of the Transportation Planning Section and no objection to a grant of permission subject to appropriate conditions.

Drainage Section. No objection subject to conditions.

3.3 Prescribed Bodies

None.

3.4 Third Party Observations

Submissions received by the Planning Authority as follows:

- Brian Stapleton & Anna Crosse, No. 51 Kilgobbin Heights (two copies of submission).
- Martin & Caroline Dunne, No 49 Kilgobbin Heights.
- Stephen Fensom, No. 48 Kilgobbin Heights.

The issues raised are broadly in line with the grounds of appeal lodged jointly by Martin & Caroline Dunne (No.49) and Brian Stapleton & Anna Crosse (No. 51). These are dealt with in more detail in the relevant section of this report.

4.0 Planning History

None as per the Council's online Planning Register.

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 (i) sets out the private open space requirements for private houses.

Section 8.2.4.5 refers to the car parking standards and table 8.2.3 set out the requirement for residential lands use of 2 spaces per 3 bed unit +.

Section 8.2.4.9 (i) refers to the minimum width of 3m and maximum of 3.5m required for vehicular entrances.

Section 8.2.4.9 refers to vehicular entrances and hard standing areas.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was lodged by Martin & Caroline Dunne, No. 49 Kilgobbin Heights, Stepside, Co. Dublin (adjoining house to the south) and Brian Stapleton & Anna Crosse, No. 51 Kilgobbin Heights, Stepside, Co. Dublin (adjoining house to the north). The grounds of appeal are summarised as follows:

- Residential Amenity:
 - Loss of privacy/overlooking.
 - Loss of natural light/overshadowing resulting from the increase in the height of the boundary between No. 49 and No. 50.
 - The proposed reconfiguration of the living areas and the provision of a terrace, in particular, alongside the boundary with No.49 would

have a negative impact on the residential amenities of adjoining houses.

- Potential parking and traffic hazard due to the gradient of the driveway and the use of the slope as a parking area.
- Devaluation of adjoining properties.

6.2. Applicant Response

The applicant submitted a response in the form of a rebuttal. Other points of note are:

- Revised drawings submitted address the incorrect labelling of the 'new retaining wall.'
- The proposed parking would not create a potential danger for pedestrians due to the gradient of the driveway. The appellants use a similar parking arrangement.
- Light study has been carried out for three scenarios (a) the existing wall, b) the proposed 700mm fence and c) the 550mm fence proposed in the response), this concluded that the proposed development would have a negligible impact on the natural light levels within No. 49.
- Landscaping proposed would address issues relating to noise.
- The fence between No. 49 and No.50 has been reduced in height and the levels along No. 49 updated on the plans.

The appeal documentation includes:

- Revised Plans.
- Light studies and geo-technical 3D models.

The applicant is willing to omit the use of insulated render to the external walls to address the concerns raised by the residents of No. 51 Kilgobbin Heights. This matter was not raised by the Planning Authority.

6.3. Planning Authority Response

The Board is referred to the previous planner's reports as it is considered that the grounds of appeal do not raise any new matters which, in the opinion of the

Planning Authority, would justify a change of attitude to the proposed development.

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.
- Parking.
- Appropriate Assessment.

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 and quantum of open spaces being retained.

7.1.2 A joint appeal has been lodged by the owners of the adjoining properties, No. 49 and No. 51 respectively. One of the main concerns is the negative impact the proposed fence on top of the shared boundary wall would have on the residential amenities of the residents of No. 49.

7.1.3 There is a difference in levels between the appellant's property (No. 49) and no. 50 of c.0.5 metres (No. 49 is at the higher level). The appellants have raised concerns regarding loss of light to the rooms along the northern elevation of No. 49, resulting from the proposed increase in height of the boundary between the two properties. This has been refuted by the applicant in their response to the appeal which included a light study (carried out for three scenarios: existing wall, proposed fence and a revised proposal for a 550mm fence submitted with their response) and 3D modelling. This concluded that the proposed increase in

height to the boundary between the two properties would not result in a significant loss of light to the rooms along the northern side of No. 49. I note that the windows of No. 49 facing No. 50, serving an en-suite, bathrooms and utility room have obscured glazing. The windows serving the kitchen and dining area face onto the driveway and decking area of No. 50. I am of the opinion having regard to the topography of the area, the relationship of the properties to each other and the height of the proposed fence, for the length of the existing wall, that the proposed development would not impact unduly on the amenities of No. 49 due to loss of light or overshadowing.

7.1.4 The applicants have included proposals with their response to reduce the height of the fence along the boundary with No. 49 from 700mm to 550mm, fixed to the face of the boundary wall on the side of No. 50. I do not consider that a reduced fence height is required. In my view, the proposed 700mm high fence is acceptable. It would not have a material impact on the degree of overshadowing currently experienced by adjoining properties and therefore will not have any additional negative impact on the residential amenities of same.

7.1.5 The appellants also raised the issue of overlooking and loss of privacy on the grounds of appeal. Overlooking of No. 49 does not occur from the proposed revised living areas along the southern elevation of No.50 due to the topography of the area, existing boundary treatment and the design of the house. As noted previously, the windows in the northern elevation of No. 49 mainly have obscured glazing and face the existing boundary wall. The windows serving the kitchen and dining area face onto the driveway and decking area of No. 50. I am satisfied that there would be no negative impacts on the residential amenities of No. 49 arising from the proposed windows to serve the relocated living area.

7.1.7 The owners of No. 51 Kilgobbin Heights, to the north, had raised concerns at Planning Application stage that the revised configuration of the living areas of No. 50 Kilgobbin Heights would result in overlooking of their main living areas from a window serving a proposed bedroom. Mitigation measures were included as part of a further information response to the Planning Authority. These included fencing on top of the boundary wall with No.51, to mirror that along the boundary with No. 49, and revised window configuration. This was considered acceptable

by the Planning Authority and I note that the owners of No. 51 have not raised this matter in the grounds of appeal.

7.1.8 It is commonly understood that overlooking between properties does not usually occur at ground floor level. This is because in most urban cases a two metre solid boundary from the front building line back, either a wall or fence, is erected to screen views and in rural areas landscaping along site boundaries is conditioned to screen sites. There is no standard in relation to separation distances which concern ground floor windows and new development. In my opinion the boundary treatment proposed along the southern and northern boundaries addresses this issue. I am satisfied the extent of site works would not have a detrimental impact on the amenities of the adjoining properties.

7.1.9 The applicants have also that they are willing to omit the proposed insulated render to the exterior of No. 50 and retain the brick finish. I do not consider this necessary. In my view, the alterations proposed to No. 50 Kilgobbin Heights, including the proposed insulated rendered finish, would enhance its overall design and would not detract from the visual or residential amenities of the area or that of adjoining properties.

7.1.10 The proposed development also includes a c.26 sq.m contemporary style single storey extension to the rear and side of No. 50 Kilgobbin Heights. The proposed extension to the rear/side would replace an existing single storey garage (c.15 sq.m), connected to the house via a glazed link.

7.1.11 While the extension is higher than the boundary, I note that the extension is modest in size and the design of the roof, which rises away from the neighbouring property, mitigates the impact. I am satisfied that the height and scale of the extension would not have an overbearing impact or result in an obtrusive form of development or detract from the residential amenities of adjoining properties. I note that the appellants did not raise this element of the proposed development in the grounds of appeal.

7.1.12 The appellants have raised concerns that the re-orientation of the living areas of No. 50 and associated terrace would have a negative impact on their amenities due to its location along the boundary with No. 49 and the use of hard

landscaping which could give rise to excessive noise levels. This area at present is a driveway with the main access to the house off this area. The use of this area as a formal terrace would not significantly increase the potential impact from noise from its current configuration or use. The proposed decking area to the front (east) of No. 50 would replace existing decking. This pattern of development is replicated at No. 51 and 52 to the north of the site. The applicants submitted proposals as part of the further information response for soft landscaping at these locations. I consider the proposals acceptable.

7.1.13 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, revised elevations, window configurations and boundary treatment 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 development would not detract from the residential amenities of nearby properties nor set an undesirable precedent for development in the area.

7.2 Parking

7.2.1 Section 8.2.4.9 (i) of the County Development Plan sets out the requirements for entrances and hard standing areas. Section 8.2.4.5 refers to the car parking standards and table 8.2.3 set out the requirement for residential lands use of 2 spaces per 3 bed unit+.

7.2.2 The grounds of appeal raised concerns relating to traffic safety arising from the proposed alterations to the driveway at No. 50 which would result in cars parked on a gradient of 1 in 5 which would not comply with the current County Development Plan standards.

7.2.3 The existing driveways serving the houses along the cul-de-sac have gradients which are used for parking vehicles. This arrangement predates the current County Development Plan and its standards. The alterations to the vehicular entrance

and minor alterations to the driveway have been noted. The issue of onsite parking for two vehicles and the slope of the driveway was the subject of a further information request. This was addressed to the satisfaction of the Council's Transportation Planning Section. The proposed development would not result in additional traffic movements, the proposal can accommodate two spaces within the curtilage of the site and would not constitute a traffic hazard.

7.2.4I, therefore, consider the alterations to the existing vehicular access and driveway acceptable.

7.3 Appropriate Assessment

7.3.1 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, subject to compliance with the conditions set out below the proposed development would not seriously injure the amenities of the existing house or of properties in the vicinity, would not constitute a traffic hazard and the 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 to the Planning Authority on the 7th day of December 2017, 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. Samples of the proposed external finishes and materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension and in the interest of residential amenity

4. 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.

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 amenities of adjoining residential occupiers.

Dáire McDevitt
Planning Inspector

3rd July 2018