



An
Bord
Pleanála

Inspector's Report ABP-301360-18

Development	Rear single storey extension.
Location	5 The Mews, Albert Cove, Sandycove, County Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18B/0018
Applicant(s)	Aislinn Coffey/David Ryan
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	Patricia Ashe and Others
Observer(s)	None
Date of Site Inspection	21 st June 2018
Inspector	Hugh Mannion

1.0 Site Location and Description

1.1. The application site has a stated area of 0.0115m² and comprises one of a terrace of seven two storey town houses built to the rear of numbers 54 to 58 Albert Road Lower, Sandycove, County Dublin. The wider area comprises the southern suburbs of Dublin city. The environs of the application site, in Sandycove, is characterised by residential development which has developed from the mid-19th century to more recently. Generally, the houses in the area are two storey but there are single storey houses on Albert Road Lower.

2.0 Proposed Development

2.1. The proposed development comprises the construction of a single storey domestic extension of 21.5m² to the rear of 5 The Mews, Albert Close, Sandycove, County Dublin.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission with conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report recommends a grant of permission as provided in the manager's order.

3.2.2. Other Technical Reports:

Surface Water drainage section reported no objection.

4.0 Planning History

There is no recent relevant planning history.

5.0 Policy Context

5.1. Development Plan

The application site is in an area zoned A 'to protect and/or improve residential amenity' in the Dun Laoghaire Rathdown County Development Plan 2016-2022.

5.2. Natural Heritage Designations

See AA screening below.

6.0 The Appeal

6.1. Grounds of Appeal

- The planned increase in accommodation will give rise to additional noise, disturbance and nuisance.
- The proposed development will require the removal of a common boundary and the loss of trees.
- The enlarged windows/door will give rise to overlooking of properties in The Mews and Albert Road Lower.
- The proposed development is overdevelopment of the site reducing the private open space and will negatively impact on the water table.
- The proposed development will give rise to problems of access, congestion and safety.
- The applicant does not have sufficient access to complete the proposed development.

6.2. Applicant Response

- Building up to the boundary is a common practice in urban areas. A recently constructed fence is incorrectly positioned on the site and when this is

repositioned correctly the new extension will be constructed entirely within the applicant's property.

- The extension will be built on a concrete raft slab with the walls constructed of self-finished block work, this construction method minimises excavation and eliminates concrete footings.
- All reasonable efforts will be made to minimise noise/disturbance during construction works. Increased residential accommodation will not increase noise/nuisance.
- The roof will not be used as a terrace and the enlarged windows will not give rise to overlooking of adjoining property.

6.3. **Planning Authority Response**

- No further observations.

6.4. **Observations**

- No objections

6.5. **Further Responses**

No further submissions.

7.0 **Assessment**

7.1. The Dun Laoghaire Rathdown County Development Plan considers ground floor rear extensions to houses at paragraph 8.2.3.4 and sets out a number of criteria against which such extensions will be assessed. These criteria are length, height, proximity to adjoining boundaries and remaining private open space.

7.2. The appeal makes the point that the proposed development is overdevelopment of a restricted site. The existing house has two bedrooms. The plan states (paragraph 8.2.8.4) that two bed units should have 48m² of private open space although a relaxation of this may be acceptable on a case-by-case basis. In the present case the proposed extension will reduce the rear garden to about 35m². I consider that

this remaining space, while small, will benefit from good direct sunlight most of the year and because it serves a relatively modest house is acceptable.

- 7.3. The appeal makes the point that the proposed development will overshadow adjoining property. The proposed development is 3.2m high and 4.15m deep. Having regard to its modest scale and east/west orientation I conclude that it will not unreasonably impact on adjoining property due to overshadowing.
- 7.4. The appeal makes the point that the proposed development has a high-level window which will give rise to overlooking of adjoining property. There will be a new ground floor sliding door/glazed which will not impact on amenity. There is a slim vertical window serving the new utility room which will not impact on amenity. The revised first floor window serving bedroom number 1 has a maximum height of 1.135m above the existing window. Since this redesigned window is about 9m off the rear boundary with number 56 Albert Road Lower I consider it reasonable that it be glazed with opaque glass.
- 7.5. The appeal makes the point that the proposed extension will give rise to additional noise and general disturbance. Having regard to the residential zoning for the application site I consider that a modest extension to permitted house will not seriously impact on the amenity of adjoining property. I consider it reasonable to regulate the hours of construction activity to further protect the residential amenity of neighbouring property.
- 7.6. The appeal makes related points in relation to the boundary between the application site and adjoining property and the ability of the applicant to finish the walls of the proposed extension.
- 7.7. The applicant makes the point that the methods of construction will obviate the necessity for access to the side walls during the construction process. The application drawings show the proposed development entirely within the site boundaries. In relation to boundary disputes it may be noted that the Development Management Guidelines (paragraph 5.13) makes the point that the planning system is not designed to resolve disputes about title to land and that section 34(13) of the Act provides that a person is not entitled solely by reason of a permission to carry out development. I conclude therefore that the proposed development should not be refused on the basis of dispute in relation to site boundaries.

7.8. Appropriate Assessment

7.9. Having regard to modest scale of the proposed development and its location in a urban area where public piped services are available 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. Having regard to the foregoing I recommend a grant of permission as set out below.

9.0 Reasons and Considerations

10.0 The proposed development is located in an area zoned for residential development in the Dun Laoghaire Rathdown County Development Plan 2016-2022. Having regard to the pattern of residential development in the area, to the modest scale of the proposed development and subject to compliance with the conditions set out below it is considered that the proposed development would not seriously injure the amenity of property in the vicinity and would accord with the County Development Plan and the proper planning and sustainable development of the area.

11.0 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. 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 in the interest of residential amenity.

4. The roof of the proposed extension shall not be used as accessible amenity open space.

Reason: In the interest of residential amenity.

5. The window on the western elevation serving bedroom number 1 shall be glazed with obscure glass.

Reason: To prevent overlooking of adjoining residential property.

6. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 property in the vicinity.

Hugh Mannion
Senior Planning Inspector

21st June 2018