



An
Bord
Pleanála

Inspector's Report ABP-301386-18.

Development	Permission for a single storey extension to side and rear of existing 2 storey semi-detached dwelling which will incorporate an accessible 1 bedroom family flat and additional family reception room.
Location	20 College Drive, Terenure, Dublin 6W.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD18B/0013.
Applicant(s)	Dermot Carroll.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First party.
Appellant(s)	Dermot Carroll.
Observer(s)	Monica Dinan.
Date of Site Inspection	11/07/2018.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The appeal site is located on College Drive in Terenure, Dublin 6. College Drive connects Wainsfort Road to the west with Fortfield Road to the east. Terenure College is located to the east off Fortfield Road and St. Pius X Catholic Church is located across the road from the subject site.
- 1.2. The College Drive area of Terenure is a mature sub-urban residential area comprising primarily semi-detached houses with a detached house to the east and the Courtyard apartment complex and The Mews, terraced dwellings beside the church to the south of College Drive. To the east end of College Drive, the houses to the north of the road have long rear gardens which back onto Manor Avenue to the north. Manor Avenue is a narrow laneway which serves 5 dwellings and a commercial unit.
- 1.3. The appeal site itself fronts onto College Drive, and backs onto Manor Avenue. The site is stated as being 0.0386ha and is occupied by the two storey semi-detached house, no 20 College Drive and its associated rear private open space.

2.0 Proposed Development

- 2.1. Permission is sought for a single storey extension to side and rear of existing 2 storey semi-detached dwelling which will incorporate an accessible 1 bedroom family flat and additional family reception room, all at 20 College Drive, Terenure, Dublin 6W.
- 2.2. The proposed extension will comprise a total floor area of 79.4m² and the extension will rise to 4.6m at its highest point on the western elevation and 2.8m on the eastern elevation. The design proposes a mono-pitched roof and will provide for a 1 bedroom accessible flat. The family flat will have a floor area of approximately 54.8m² with the proposed additional family reception room of 24.6m².
- 2.3. The proposed development will have a rendered finish to the walls with a SIKA Trocal roof with standing seam detail. The windows are indicated as timber frames triple glazed.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for the following three reasons:

1. The proposed development, by virtue of its large scale, its proximity to the boundary with No. 18, its height and the excessive length of its projection into the rear garden, would result in an unacceptable overbearing and overshadowing impact on the adjoining house and garden, and would seriously injure the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development, by virtue of its overbearing and overshadowing impact, would materially contravene the 'RES' zoning objective of the area as set out in the South Dublin County Development Plan 2016-2022, which seeks 'to protect and/or improve residential amenity'. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively seriously injure the visual amenities of the area of property in the vicinity, and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report forms the basis of the Planning Authority's decision to refuse permission. The report noted that the proposed development complies with the provisions of the development plan in principle. The report further considered, however, that the scale, massing and height of the proposed development was a cause for concern concluding that permission should be refused.

3.2.2. Other Technical Reports:

None noted.

4.0 Planning History

Subject Site:

PA Ref. No. SD08B/0051: Permission sought for permission for a two storey family flat to side of house, also to extend a single storey front porch across the front of the dwelling. Further information was requested and no response was received and, therefore, the application was declared withdrawn.

The Board will note that unsolicited further information was submitted as part of this application advising that the flat was required to provide independent accommodation close to family support for an adult daughter who suffered a brain tumour.

ABP Ref. PL06S.219059 (PA Ref. D06B/0377): Permission granted on appeal to erect new piers and gates to the rear of 20 College Drive, Terenure, Dublin entering from Manor Avenue.

On Adjacent Sites:

ABP Ref. PL06S. 224255 (PA Ref. SD07B/0309): Permission granted on appeal for the construction of a part single and part two-storey extension to the side (to boundary line) and rear of the existing two-storey semi-detached dwelling, an increase in the rear garden walls to 2.1m and the construction of new pitched roof to replace the existing single storey flat roof to the front at 22 College Drive, Terenure, Dublin.

5.0 Policy Context

5.1. Development Plan

5.1.1. The South Dublin County Development Plan 2016 – 2022 is the relevant policy document pertaining to the subject site, which is zoned 'RES: To protect and/or improve residential amenity'.

5.1.2. Section 2.4.1 of the Development Plan deals with Residential Extensions and the following policies and objectives are considered relevant:

- Housing Policy 18: It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.
- H18 Objective 1: To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

5.1.3. Section 2.4.2 of the Plan deals with family flats and states that ‘a family flat refers to a temporary subdivision or extension of a single dwelling unit to provide semi-independent accommodation for an immediate family member (older parent or other dependent). The Council will consider family flat developments where an established need has been satisfactorily demonstrated.’ The following policies and objectives are considered relevant:

- Housing Policy 19: It is the policy of the Council to support family flat development subject to the protection of residential and visual amenities.
- H19 Objective 1: To favourably consider family flat development where the Council is satisfied that there is a valid need for semi-independent accommodation for an immediate family member (such as an older parent or other dependent), subject to the design criteria outlined in Chapter 11 Implementation.

5.1.4. Section 11.3.3 (i) of the plan deals with extensions while Section 11.3.3(ii) deals with Family Flats. The Plan states as follows:

(i) Extensions: The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.

(ii) Family Flat

A family flat is to provide semi-independent accommodation for an immediate family member (dependent of the main occupants of a dwelling). A family flat is not considered to represent an independent dwelling unit and as such open space and car parking standards are not independently assessed. Proposals for family flat extensions should meet the following criteria:

- The applicant shall be required to demonstrate that there is a genuine need for the family flat,
- The overall area of a family flat should not exceed 50% of the floor area of the main dwelling house,
- The family flat should be directly accessible from the main dwelling via an internal access door, and
- The design criteria for dwelling extensions will be applied.

5.2. House Extension Design Guide (2010)

5.2.1. This document was prepared to supplement policies and guidance in the County Development Plan and to provide advice on how to achieve a well designed extension and seeks to set out good practice on the approach to such designs.

5.3. Natural Heritage Designations

There are no designated European sites within the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first party appeal against the decision of the Planning Authority to refuse permission for the proposed development. The appeal advises that the need for the proposed family flat is for an adult daughter who has a rare brain tumour and that the proposed development is in preparation for a probable disability. The appeal is summarised as follows:

- A number of layouts were considered for the proposed development, which was influenced by two planning issues including the two storey extension at No. 22 College Drive and the need to preserve and protect the amenity of No 18 College Drive.
- The boundary wall erected by neighbours at No. 22 exceeds that permitted and is unauthorised.

- The existing extension at No. 22 has caused permanent and damaging overshadowing and the appellant is conscious not to impact on No. 18. The proposed layout has been developed in agreement with the neighbour at No. 18.
- While the proposed extension is 2m longer than the permitted extension at no. 22, it is submitted that it is of a lesser scale.
- In terms of overshadowing, it is submitted that the rear gardens face a few degrees off due north and without any extensions, houses cast shadows across each other.
- It is submitted that the existing overshadowing associated with the extension at No. 22 will not be increased by the proposed single storey extension proposed and if permitted, the extension will not seriously injure the residential amenity of No. 18.
- In terms of the issue of overbearing, it is submitted that there was no objection from the occupants of No. 22. The proposed extension will be over 2m lower than the overall height of the existing extension.
- The occupant of No. 18 has submitted a letter of support for the proposed development and the proposed extension will rise only 0.8m above the existing boundary wall.
- It is submitted that the proposed development is consistent with the pattern and scale of development at College Drive, and it is requested that the Board overturn the decision to refuse and grant permission.
- It is submitted that the applicant would reluctantly accept a condition reducing the 4.6m height to 4.2m.
- Finally, it is submitted that the reference to the material contravention in the second reason for refusal relates to the zoning objective and not the development plan.

6.2. Planning Authority Response

The Planning Authority has responded to this appeal advising that the issues raised in the appeal have been covered in the planners report.

6.3. Observations

There is one observation noted on the file from the neighbour of the applicant / appellant. The submission seeks to support the proposed development.

7.0 Assessment

Having regard to the nature of this appeal, and having undertaken a site visit, as well as considering the information submitted, and proposed development, I suggest that it is appropriate to assess the proposed development under the following headings:

- The principle of the development and compliance with policy
- Design and residential amenity
- Development contribution
- Appropriate Assessment

7.1. Principle of Development & Compliance with policy

7.1.1. The South Dublin County Development Plan 2016 – 2022 is the relevant policy document pertaining to the subject site, which is zoned 'RES: To protect and/or improve residential amenity'. Section 2.4.1 of the Plan deals with residential extensions where policy H18 seeks to support the extensions of existing dwelling subject to the protection of residential and visual amenities.

7.1.2. Further to the above, Section 2.4.2 of the Plan deals with family flats and Policy H19 provides that the Council will support family flat development, again, subject to the protection of residential and visual amenities. In addition, H19 Objective 1 requires that the Council is satisfied that there is a valid reason for the semi-independent accommodation for an immediate family member.

7.1.3. Section 11.3.3(i) of the Plan deals with extensions, and Section 11.3.3(ii) deals with Family Flats. At the outset, I proposed to consider the principle of the

proposed extension, and family flat. The Plan requires that proposals for family flat extensions should meet a number of criteria as follows:

- The applicant shall be required to demonstrate that there is a genuine need for the family flat:

The applicant advises that the flat is for an adult child who suffers from a rare brain tumour. I am satisfied that there is a genuine need for the flat in this instance.

- The overall area of a family flat should not exceed 50% of the floor area of the main dwelling house:

The proposed extension will comprise a total floor area of 79.4m² with the family flat having a floor area of approximately 54.8m² and the proposed additional family reception room of 24.6m². The existing house has a stated floor area of 86.66m².

As it stands, the proposed floor area of the family flat exceeds 50% of the total floor area of the main dwelling house. However, should permission be granted for the additional reception room, the flat would not exceed this 50% limit. I have concerns regarding the potential impact of the extension on the existing residential amenities of adjacent properties which I will discuss further below in section 7.2 of this report. However, in principle, I am satisfied that the proposed development is acceptable.

- The family flat should be directly accessible from the main dwelling via an internal access door:

The family flat is accessible and connected to the main house via an internal door which is acceptable.

- The design criteria for dwelling extensions will be applied:
I proposed to deal with design further below.

7.1.4. Having regard to the information presented in support of the proposed development, I am generally satisfied that the principle of the proposed extension and family flat is acceptable within the terms of the County Development Plan and the zoning afforded to the site.

7.2. Design & Residential Amenity

7.2.1. The Board will note that the PA refused permission for the proposed development primarily in terms of the visual impact and the perceived overbearing nature of the extension. It is further considered that the development will result in overshadowing and would set a precedent in the area.

7.2.2. The Plan provides that the design of the extension should accord with the South Dublin County Council House Extension Guide (2010). Section 4 of this document deals with elements of good extension design and identifies the following as relevant:

- I: Respect the appearance and character of the house and local area
- II: Provide comfortable inside space and useful outside space
- III: Do not overlook, overshadow or have an overbearing affect on properties next door
- IV: Consider the type of extension that is appropriate and how to integrate it
- V: Incorporate energy efficient measures where possible

7.2.3. In terms of the above, and noting the decision of the Planning Authority, I would have no objection in principle to the overall design of the proposed extension. I consider that the modern design provides a clear definition between the existing and the proposed house extension. The extension will extend 16m from the rear wall of the house and will extend 7.75m across the width of the site, being located tight up against the boundary on the east.

7.2.4. In terms of the potential impacts on existing residential amenity, I note the submission in the appeal which would indicate that the existing extension at no. 22 College Drive currently overshadows the appeal site. The design of the proposed extension is submitted to have regard to the residential amenities of no. 18 College Drive by reason of the set back proposed for a distance of 9.5m and with only 6.5m abutting the boundary wall. While I have no objection to the proposed design of the extension, or the principle of same, I have concerns in terms of the proposed scale and length, as well as its proximity to the eastern boundary wall, notwithstanding the support of the appellants neighbour.

7.2.5. I note that the appellant has advised that he would accept a condition to reduce the overall height of the extension from 4.6m to 4.2m. This element of the design is located on the western side of the extension and having regard to the existing façade of no. 22, I do not consider that the development will have a significant impact on the residential amenities of this property.

7.2.6. In the interests of protecting the residential amenities of the adjacent property to the east, and in the interests of compliance with Section 11.3.3(i) of the County Development Plan, I consider that the proposed extension should be reduced in length by a minimum of 2m and should be set back from the eastern boundary by a minimum of 1m. These amendments will reduce the floor area proposed and ensure compliance with Section 11.3.3(i) of the Plan. I am satisfied that these matters can be dealt with by way of condition.

7.3. Development Contribution

7.3.1. The proposed development proposes a floor area above 40m². Section 10(ii) of the County Development Contribution Scheme states as follows:

- (ii) The first 40sq metres of a permitted first extension (including garages, conversion of attic to habitable areas) to a residential or a non-residential development shall be exempted (subsequent extensions or extensions above 40 square metres to be charged at the applicable rate per square metre). These exemptions will not apply to development for which retention permission is sought.

In light of the above, the proposed extension will attract a development contribution.

7.4. Appropriate Assessment

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, 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. It is recommended that permission be granted for the proposed extension subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the suburban nature, and the location of the subject site in a well established residential area, together with the pattern of development in the area and the information submitted in relation to the proposed development, the Board is satisfied that, subject to compliance with the following conditions, a grant of permission for the proposed extension, would be acceptable in terms of the policy requirements of the South Dublin County Development Plan, 2016-2022, and subject to compliance with the following conditions, would not injure the existing visual and residential amenities of properties in the vicinity of the site. The development would be acceptable in terms 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.

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 overall length of the extension shall be reduced by 2m and shall not exceed 14m.
 - (b) The family flat element of the extension shall be set back from the eastern boundary by a minimum of 1m.

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 residential 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 proposed family flat extension shall be used solely for that purpose, and shall revert to use as part of the main dwelling on the cessation of such use.

Reason: To protect the amenities of property in the vicinity.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place and no additional caravans shall be brought onto the site, without a prior grant of planning permission.

Reason: In order to ensure compliance with the temporary and limited nature of this planning permission and in the interests of the proper planning and sustainable development of the area.

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

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.

A. Considine
Planning Inspector
21st July, 2018