



An
Bord
Pleanála

Inspector's Report 301530-18.

Development	Single and two storey extension to the rear and alterations to existing front garage elevation and associated site works.
Location	17 Kimmage Road West, Dublin 12.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD18B/0040.
Applicant	Philip Roche and Ciara McNamara.
Type of Application	Permission.
Planning Authority Decision	Permission with conditions.
Type of Appeal	Third Party
Appellant	Mary Martin.
Observer(s)	None
Date of Site Inspection	31 st July 2018.
Inspector	Derek Daly.

1.0 Site Location and Description

- 1.1. The proposed development is located and has frontage onto the southern side of Kimmage Road West and important traffic route in the southwestern suburbs of Dublin in an established residential area.
- 1.2. On the appeal site is a two storied semi-detached dwelling with a small single storied extension to the rear and single storey flat roof garage at the side. The site is bound to west by another semi-detached property, to the east by a detached residential and to the rear by two storied dwellings.
- 1.3. The adjoining property to the west (no.19) has a two storied extension extending over part of the rear of the dwelling. Other dwellings to the west also have two storied extensions of a greater width and depth than the adjoining property.

2.0 Proposed Development

- 2.1. The proposed development as submitted to the planning authority on the 6th of February 2018 provided for the following;
 - 2.1.1. A development comprising of;
 - 2.1.2. The construction of a single and two storey extension to the rear and alterations to existing front garage elevation and associated site works.
 - 2.1.3. The proposal as submitted provides for the demolition of the rear single storey annexe and the construction of a rear extended area to the rear of the garage and the dwelling at ground floor level with a stated area of 48m² and for an extension at first floor level of 16.4 m² extending for a depth of approximately 4050mm over part of the rear elevation adjoining the party boundary with the adjoining semi-detached dwelling.
 - 2.1.4. The two storey extension retains a similar eaves height to the existing dwelling. The rear extension proposes a pitched roof for the two storied element of the extension though a lower ridge height, a monopitch roof for part of the remainder of the rear extension and a continuation of the flat roof to the rear of the garage.

- 2.1.5. A new garage door is proposed for the garage. There are also internal alterations to the layout of the dwelling proposed.
- 2.1.6. The proposed extension to the dwelling has a stated floor area of 64.4m² and the existing semi-detached dwelling to be retained has a stated area of 147m².

3.0 Planning Authority Decision

3.1. Decision

The decision of the planning authority was to grant planning permission subject to 7 conditions.

Condition no.2 (i)(a) requires the first floor extension to be reduced in size as not to project beyond the rear building line of the adjoining single storey extension on the adjacent site of 19 Kimmage Road West.

Condition no.2 (ii) a commitment to carry out this amendment

Condition no.2 (iii) the receipt for all these requirements is acknowledged in writing.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 3rd of April 2018 refer to;

- The planning history.
- The provisions of the development plan.
- An assessment under a number of issues identified.
- The principle of the development is accepted.
- The development it is considered will not overshadowing and is considered acceptable but a reduction of the first floor extension is recommended by condition.
- The revised external finishes are acceptable.
- Permission was recommended.

3.3. Third Party Observations

A submission was received and reference is made to the drawings, to issues of boundary encroachment, bulk and massing with reference made to overshadowing and overdevelopment and impact on daylight.

4.0 Planning History

No planning history on the site.

There is reference to PA Ref. No SD15B/0233 and planning permission granted for a two storey extension to the rear of an adjacent site.

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative plan is the South County Dublin Development Plan 2016-2022.

The site is located within an area zoned RES with the objective “to protect and/or improve residential amenities”.

5.1.2. Residential is a permitted use.

5.1.3. Chapter 2 of the plan outlines policies which encourage the provision of housing and guidance in relation to adaption of existing housing stock. Section 2.4.1 in particular refers to residential extensions and policy H18 supports extensions of properties subject to protection of residential and visual amenities.

5.1.4. Chapter 11 refers to development management guidance and sets out guidance on a range of matters for development include extensions, building heights open space parking and the protection of amenities.

5.1.5. I would also refer to guidance in relation to design as outlined in the planning authority’s House Extension Design Guide.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. JCD Group representing Mary Martin 19 Kimmage Road West in a submission dated the 27th of April 2018 refers to;

- The appellant considers that the proposed development would seriously injure the visual and residential amenities in the vicinity; would result in a serious reduction in privacy and light and would devalue property.
- The Board are requested to consider conditioning the development to address the concerns of the appellant.
- Reference is made to the site with aerial photographs indicating the appeal site and the appellant's site.
- The appellant refers to provisions of the development plan and the need to protect residential and visual amenities with reference to H18 Objective 1 and it is considered that the development is in contravention of H18.
- The drawings submitted are incorrect in indicating the appellants two storied extension extending to the depth of the proposed single storey on the appeal site with reference to drawings 1717-PL-001 and 1717-PL-002.
- Drawings show new construction along the boundary line.
- The proposed development will have a negative impact by way of reduction in current daylighting enjoyed reducing amenity.
- Daylighting will be reduced and lighting will be blocked to windows owing to the increased depth of the development.
- Handing the proposed first floor extension would be a more acceptable and considerate proposal and there would be no significant daylighting loss and precedent exists for approach.
- An illustration of how the development could have been constructed to address the appellant's concern is presented.
- A condition to this effect is requested.

6.2. Applicant Response

6.2.1. The applicant c/o Kelliher, Miller Architects in a response dated the 30th of May 2018 refers to;

- Reference is made to condition no. 2 of the planning authority's decision.
- The amendment requested will be complied with.
- An amended drawing 1717-PL-006A is submitted indicating compliance and the depth of the extension is reduced by approximately 900mm.
- The proposed development is modest when taking into consideration other extensions in the area.
- The error on the drawings submitted in relation to outline of adjoining property is acknowledged.
- Ownership boundaries will be respected.
- The proposed design is complimentary to the area.
- The design is to avoid internal dark rooms.
- The proposal does not overlook neighbours and is not overbearing.
- In relation to daylighting the rear of both properties are south facing.
- A daylighting analysis indicates minimal impact on the adjoining properties.
- There will be no tunnel effect on the bedroom (home office).
- The applicant comments on the revised proposals suggested in the grounds of appeal and it is considered that the proposals as suggested would impact on the quality of the extension on the appeal site and would be inappropriate.

6.3. Planning Authority Response

The planning authority in a response dated the 28th of May 2018 requests its decision be reaffirmed and that the issues raised in the grounds of appeal are addressed in their reports.

7.0 Assessment

- 7.1. The main issues which arise in relation to the appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise.
- 7.2. Principle of development.
 - 7.2.1. The site is within an area zoned residential and the current proposal for an extension to the existing dwelling complies with the zoning. I would note that a number of the dwellings in the area including the adjoining property to the west have extensions including two storied extensions. I would have no objection to an extension to the dwelling and I would note in this regard the appellant does not express an objection to an extension but to the nature of the extension and potential impact on residential amenities.
- 7.3. Design of the proposed development.
 - 7.3.1. The issue of overall design, scale, bulk, massing and proximity to the party wall and layout is central to the third party appeal and its impact on adjoining property.
 - 7.3.2. The proposal as submitted to the planning authority provides for the demolition of the rear single storey annexe and the construction of a rear extended area to the rear of the garage and the dwelling at ground floor level with a stated area of 48m² and for an extension at first floor level of 16.4 m² extending for a depth of approximately 4050mm over part of the rear elevation adjoining the party boundary with the adjoining semi-detached dwelling.
 - 7.3.3. The two storey extension retains a similar eaves height to the existing dwelling. The rear extension proposes a pitched roof for the two storied element of the extension though a lower ridge height, a monopitch roof for part of the remainder of the rear extension and a continuation of the flat roof to the rear of the garage.
 - 7.3.4. The two storied extension as proposed extends to a greater depth than the depth of the two storied extension of the dwelling to the west.
 - 7.3.5. The planning authority in considering the development and matters raised by third party submissions included in the decision to grant permission a revision of the proposed development and in condition no.2 (i)(a) requires that the first floor

extension to be reduced in size as not to project beyond the rear building line of the adjoining single storey extension on the adjacent site of 19 Kimmage Road West.

- 7.3.6. In the response to the grounds of appeal the applicant has indicated that the amendment requested will be complied with and an amended drawing 1717-PL-006A is submitted in the response submission indicating this compliance and the depth of the extension is reduced by approximately 900mm.
- 7.3.7. I have no objections to the overall design concept as originally submitted or as amended by the planning authority. The suggestion by the appellant to hand the extension is not a proposal to be considered on the basis that it was not applied for and there is an adjoining property to the east which would be possibly aware of the current but not a development which would be in closer proximity to that party boundary.
- 7.3.8. The primary issue to be considered is impacts on the amenity of property in the vicinity.
- 7.4. Impact on amenities
- 7.4.1. The third party considers that the development would result in a serious reduction in privacy and light and that a tunnel effect is created diminishing the amenity of rear ground floor rooms. In response the applicant has indicated that the proposal does not overlook neighbours and is not overbearing in relation to daylighting the rear of both properties are south facing; daylighting analysis indicates minimal impact on the adjoining properties and there will be no tunnel effect on the bedroom (home office).
- 7.4.2. In considering the issue of daylight and overshadowing, any development by its nature had the potential to diminish any existing amenity but it is noted that the rear of both properties face south so in terms of loss of daylight it is confined to early morning and evening and in the case of the latter the existing two storey projection on the appellant's property would be the primary cause of any diminution. I do not consider that any loss of amenity would be significant given the maximum depth of two storey development proposed.
- 7.4.3. In relation to tunnel effect the provision of a two storey extension will have some level of effect in this regard but the maximum projection is 4050mm as proposed in the original proposal reduced by 900mm by condition in condition no. 2 of the planning authority's decision. I do not consider that the projection of either of the

proposal are of a scale and mass to present an overbearing impact and it has to be stated the appellant's property has a current two storied extension.

- 7.4.4. In relation to overlooking both properties have windows at the rear which currently overlook adjoining properties which in an urban context occurs and the new extension will not significantly alter this position.
- 7.4.5. Issues relating to works on party walls are as accepted by both parties, civil matters and the grant of a planning permission does not negate the rights of any party.
- 7.5. An issue to be determined is whether the original proposal as submitted is acceptable or whether the reduction in depth of the two storied extension as required by condition no. 2 is a more appropriate design response. In reducing the depth by approximately 900mm the two storied extensions on both of the semi-detached properties would be the same. This could be considered to offer a level of symmetry but having consider the matter I do not consider that the reduction as indicated in condition no. 2 is necessary or warranted and the greater depth would not adversely impact on residential amenities significantly.

8.0 Recommendation

- 8.1. In view of the above assessment permission for the proposed development is recommended.

9.0 Reasons and Considerations

Having regard to the provisions of the South County Dublin Development Plan 2016-2022, the location of the site and the nature and pattern of existing development in the area it is considered that subject to 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 be acceptable in terms of traffic and pedestrian safety. 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 as amended by the further plans and particulars submitted on the 6th of February 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 interests of clarity

2. Details of the materials, colours and textures of all the external finishes to the proposed development 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. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, 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 property in the vicinity

4. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site

clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management

- 5 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.

Derek Daly
Planning Inspector

1st August 2018