



An
Bord
Pleanála

Inspector's Report ABP 301547-18.

Development	Demolition of existing extension and construction of two-storey extension.
Location	65 South Avenue, Mount Merrion, Co. Dublin.
Planning Authority	Dún Laoghaire-Rathdown
Planning Authority Reg. Ref.	D18A/0006
Applicants	John & Eimear Heneghan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellants	Mark Daly & Joanna O'Riordan
Observers	None
Date of Site Inspection	23/8/18
Inspector	Siobhan Carroll

1.0 Site Location and Description

- 1.1. The appeal site is located at no. 65 South Avenue, Mount Merrion, Co. Dublin. It is part the established residential area of Mount Merrion situated to the west of the N11 and between Stillorgan to the south and Fosters Avenue and Mount Anville Road to the north. Mount Merrion was developed as a residential area from the 1920's.
- 1.2. The property on site is a semi-detached dwelling with a floor area of 114sq m. It situated close to the crossroads between South Avenue and Trees Road. The properties located at the four corners of the crossroads have been orientated to address the crossroads at an angle. No. 65 South Avenue and No. 51 Trees Road the adjoining dwelling are orientated NE/SW onto the crossroads.
- 1.3. The property has frontage of circa 35m along South Avenue. The roadside boundary is defined by features a low capped wall and hedgerow. There is a vehicular entrance to the northern side of the dwelling and a gated pedestrian entrance is situated 16m from the southern corner of the site. The dwelling is served by a separate garage which adjoins the northern boundary.

2.0 Proposed Development

- 2.1. Permission is sought for the following;
 - Demolition of single storey extension and garden wall to the side of the dwelling,
 - Construction of a two-storey extension to the front,
 - Construction of a part single storey and part two-storey extension to the rear,
 - Conversion and enlargement of the attic,
 - New entrance to front of the dwelling,
 - New vehicular entrance gate off South Avenue.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 11 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Report dated 23/2/18 – Further information was sought to clarify the extent of demolition proposed and details to be indicated on revised plans, revised proposals for a single vehicular entrance, revised proposals indicting the omission of the proposed chimney and clarification of the height of the single storey extension which abuts No. 51 Trees Road.
- Report dated 5/4/18 – Following the submission of a response to the further information the Planning Authority were satisfied with the proposal and permission was recommended.

3.2.2. Other Technical Reports

3.2.3. Transport Planning – No objections subject to conditions.

3.2.4. Municipal Services – No objections subject to conditions.

3.3. Third Party Observations

3.3.1. The Planning Authority received one observations/submission in relation to the proposed development. The main issues raised are similar to those set out in the appeals.

4.0 Planning History

PA Reg. Ref. D08A/1390 – permission was granted for new 3m wide vehicular entrance from South Avenue with 1.8m high timber gates to new gravel driveway to front of house, blocking up existing vehicular entrance from South Avenue to match existing boundary wall and demolition of existing single storey side extension. The permission was not carried out.

PA Reg. Ref. D06A/0237 – permission was refused for the demolition of 2 no. existing dwellings and construction of new part 2-storey, part 3 - storey apartment development containing 10 no. 2 bed apartments overbasement storage, together with all associated drainage, services, boundary wall treatment, site works, landscaping and amendments to 2 no. existing vehicular access, at corner of 51, Trees Road Lower and 65, South Avenue.

Adjoining site

PA Reg. Ref. D10A/0473 – permission was granted at no. 51 Trees Road Lower, for a single storey extension with a flat roof to the front and side of an existing two storey semi-detached dwelling, relocation of main entrance door to the side, demolition of a single storey garage and shed to the rear & side, demolition of a single chimney stack, alterations to existing elevations, widened entrance gate, new timber fence on top of existing front and side boundary wall to give overall height of 1.8m and associated site works.

5.0 Policy Context

5.1. Development Plan

The site is governed by the provisions of the Dún Laoghaire – Rathdown County Development Plan 2016-2022.

- It is zoned Objective A 'to protect and/or improve residential amenity'.
- Chapter 8 – Principles of Development
- Section 8.2.3.4 – refers to Additional Accommodation in built up areas

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was submitted by Mark Daly and Joanna O’Riordan. The issues raised are as follows;

- The appellants object to the proposed rear extension to the dwelling. They consider that the extension would present a large blank wall which would extend out 5.7m at a height of 5.5m. Concern is raised that the extension would be overbearing and that due to the small size of their rear garden it would negatively impact upon their residential amenities.
- The Planning Authority required that the chimney breast be removed from the proposal due to 'an overbearing impact on adjoining properties'. The appellants query how the chimney could be deemed to have an overbearing impact and not the two-storey extension.
- The appellants contend that the proposed two-storey extension would cause overshadowing over their rear garden and that it would remove direct western light from the rear garden.
- The appellants stated that no site visit was conducted in relation to their observation to the Planning Authority and that the Planning Authority did not seek further information in relation to overshadowing.

6.2. Applicant Response

A response to the appeals was submitted by extend.ie Architectural Practice on behalf of the applicants John and Eimear Heneghan. The main issues raised are as follows;

- Regarding the issue of overbearing, the first party state that the two-storey extension is located 2.6m from the party boundary wall and that the extension would be to the north of the appellant's property. Having regard to the orientation of the site and the setback distance the proposed extension is not considered overbearing.

- The proposed chimney extends 2.7m over the eaves level of the proposed two-storey extension. Therefore, a structure at 8.3m in height has a greater overbearing impact than a structure at 5.5m in height.
- The Planning Authority required that the chimney be removed as part of the further information request. The applicants submitted revised plans with the chimney omitted as required.
- In relation to the issue of overshadowing the appellant's property is on a corner site which has sunlight from early morning to late evening. No. 65 South Avenue only shadows the end portion of the rear garden of No. 51 Trees Road in the late afternoon.
- As indicated on the submitted light analysis the proposed two-storey extension is 0.7m below the existing ridge height and located north of the appellants site and will only cast minimal shadow to the end portion of the garden in the late evening. This is not considered an excessive impact.
- In relation to the matter of the Planning Officer carrying out a site visit, it is noted that they visited the site on the 25th of January.
- Regarding the issue of a shadow analysis, there is no standard requirement for a planning application to be accompanied by a shadow analysis. There are no standards or guidelines on the subject of sunlight access to buildings or daylight access to buildings for Ireland.
- The British Guidelines are noted. BS: 8206-2:2008, "lighting for Buildings – Part 2: Code of Practice for daylight." The standards for daylights and sunlight access in buildings set out in the British standards have been applied to the proposed development.
- It is considered that the proposed development would not unacceptably effect the amenities of the neighbouring property including access to daylight and sunlight.
- The report of the Planning Officer concluded that "*having regard to the height, length, orientation and proximity to adjoining boundaries there would be no significant overshadowing to the adjoining property.*"

- In relation to the issue of overbearing the Planning Officer stated *“Having regard to the distance to the proposed first floor extension it is considered that there would not be a significant overbearing impact onto the adjoining property No. 51 Trees Road.”*
- The first party response to the appeal includes a Shadow Analysis to address the issues raised.
- The BRE Guide –‘Site Layout Planning for Daylight & Sunlight’ states, *“It is suggested, that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least 2 hours of sunlight on 21st of March or is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.”*
- The submitted Shadow Analysis demonstrates how no undue shadowing will occur for the adjoining property once the development is complete. At least half of the adjoining amenity spaces will receive at least 9 hours of sunlight on 21st of March.
- Therefore, in conclusion, the proposal will result in no discernible change to the shadowing in the vicinity of the subject site, including for the month of March.
- The applicants state that they require an extension of their house to facilitate the needs of the family.

6.3. Planning Authority Response

- The Planning Authority refer the Board to the Planner’s Report and state that they consider that the grounds of appeal do not raise any new matters which would justify a change of attitude to the proposed development.

6.4. Further Responses

A further submission was received from Mark Daly and Joanna O’Riordan in response to the first party submission referring to their appeal.

- The appellants state that they appreciate that their neighbours wish to extend their property. However, they object to the proposed two-storey extension as they consider that it would impact their property.

7.0 Assessment

Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

- Design and Impact on Residential Amenity
- Appropriate Assessment

7.1. Design and Impact on Residential Amenity

- 7.1.1. The appeal site is located in an area zoned Objective 'A', which aims to protect and/or improve residential amenity'. In this zone residential extensions and alterations to an existing dwelling for residential purposes are considered an acceptable development in principle. Section 8.2.3.4(i) of the Dun Laoghaire Rathdown Development Plan 2016-2022 refers to extensions to dwellings. There are a number of specific criteria set out in this section of the Plan which relate to first floor rear extensions. It is stated that first floor rear extensions will be considered on their merits and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. The factors which are taken into consideration in determining proposals for first floor extensions include, overshadowing, overbearing, overlooking, proximity, height and length along mutual boundaries.
- 7.1.2. In relation to the design and scale of the proposed extension to the front of the dwelling, I am satisfied that the proposed design is in keeping with the character of the dwelling. A hipped roof is proposed which matches the existing roof design and surrounding properties. The proposed projecting two-storey element to the front with a pyramid hip roof would be in line with the existing eaves level and below the main roof ridge. Therefore, I am satisfied that it will integrate into the overall design character of the property.
- 7.1.3. The main contention of the appellants relates to the scale of the two-storey rear extension, the proximity to their property and the impact that it would have on the

daylight and sunlight which their property would receive. They contend that the proposed development would interfere with the flow of natural light specifically to the rear garden which has a smaller area than surrounding properties.

- 7.1.4. Regarding the matter of overshadowing, I have examined the proposed plans and elevations and having regard to the location of the appellant's property to the south of the proposed two-storey extension. As part of the response to the appeal a Shadow Study analysis was prepared by extend.ie Architectural Practice. The diagrams indicated shadowing at 9am, 12pm, 3pm and 6pm at the spring equinox, March 21st, the summer solstice June 21st, the autumn equinox 21st September and the winter solstice December 21st. These indicated no additional shadowing on March 21st and December 21st. There would be some very limited additional shadowing of the adjoining rear garden No. 51 at 3pm and 6pm on June 21st and at 3pm on 21st September.
- 7.1.5. Given the level of additional shadowing would be very limited and that it would not impact the dwelling directly, I am satisfied that the proposed development would not unduly impact the amenities of appellant's property in terms of overshadowing.
- 7.1.6. In relation to the issue of overbearing impact, I note that the two-storey element of the rear extension would be inset from the party boundary with the appellant's property by 2.6m. The proposed two-storey extension to the rear would project out 5.5m from the existing rear building line. I consider having regard to the separation distance between the proposed extension and the appellant's dwelling and also that the depth of the extension at first floor is a maximum of 5.5m, that it would not unduly impact upon the amenity of the neighbouring property. Furthermore, I note that the appellants have a rear garden with a maximum depth of over 14m. Therefore, having regard to the site context and to the limited depth of the proposed extension and relative to the separation distance of proposed extension to the appellants dwelling to the south, I consider that it would not result in an undue overbearing impact.

7.2. **Appropriate Assessment**

- 7.2.1. Having regard to the nature and scale of the proposed development, an 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.

8.0 Recommendation

- 8.1. It is recommended that permission be granted permission for the reason set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the current Development Plan for the area, and having regard to the pattern of existing development in the area and the design and scale of the proposed extension, 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 comply with the provisions of the Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The proposed 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 13th day of 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 house shall be used as a single dwelling unit and shall not be subdivided in any manner or used as two or more separate habitable units.

Reason: To prevent unauthorised development.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The disposal of foul and surface water on site shall be via separate drainage systems. The developer shall submit plans indicating the foul and surface water drainage systems to be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health to ensure a proper standard of development.

4. The external finishes of the proposed extension, including roof, shall be the same as those of the existing dwelling in respect of colour and texture. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. 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.

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.

Siobhan Carroll
Planning Inspector

30th of August 2018