



An
Bord
Pleanála

Inspector's Report ABP-301550-18

Development	Removal of existing garage, boiler house, WE and utility and construction of a flat roof extension to the front, side and rear of the dwelling at ground floor level, a first floor flat roof extension to the rear of the dwelling.
Location	30 Knocksinna Park, Foxrock, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18B/0076
Applicant(s)	Mark McCrohan
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	First Party
Appellant(s)	Mark McCrohan
Observer(s)	John & Helen Nolan
Date of Site Inspection	22 nd June 2018
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.069ha is located in a well-established residential suburb. The site is occupied by a single storey detached three bedroom dwelling characterised by a wide and relatively shallow pitched roof profile with front and rear facing gable elevations. The dwelling is served by a gravelled front drive and parking area and a rear garden with a stated depth of c21m. There is an existing flat roofed, single storey garage and boiler house to the side and rear and a separate and smaller, single storey extension with a lean to roof further towards the front elevation. A set of photographs of the site and its environs taken during the course of the site inspection is attached.

2.0 Proposed Development

- 2.1. Permission is sought for development consisting of the removal of the existing garage, boiler house, WC and utility and for the construction of a flat roof extension to the front, side and rear of the dwelling at ground floor level (65sqm), a first floor flat roof extension to the rear of the dwelling (15sqm) including proposed window at first floor level to the rear, 1 no. roof light in the single storey flat roof extension and 3 no. roof lights in the existing pitched roof, amendments to the existing dwelling including a new front entrance porch elevation, new rear patio and for all associated works above and below ground.
- 2.2. The application was accompanied by a detailed cover letter setting out the planning history, pre planning consultations, the proposal and the applicant's response to the previous grounds for refusal.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. DLRCC issued a notification of decision to grant permission on the 10th April 2018 subject to 9 conditions. Condition No 2, the subject of this appeal set out the following:

Prior to the commencement of development on site, the Applicant shall submit for the written agreement of the Planning Authority, revised drawings showing

the proposed first-floor, rear bedroom (Bedroom 4) element omitted, and for the remaining ground floor element, to have the same height as the also proposed, adjoining single storey rear utility and bedroom extension.

***Reason:** In the interest of clarity and to protect the residential and visual amenities of the area*

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

3.2.2. The **Case Planner** was generally satisfied with the proposed scheme save for the two storey rear extension which was not considered to be visually acceptable. Accordingly it was recommended that permission be granted and that a condition be attached omitting the first floor rear bedroom. The notification of decision to refuse permission issued by DLRCC reflects this recommendation.

3.2.3. Other Technical Reports

3.2.4. **Drainage** – No objection to the scheme subject to conditions relating to surface water.

3.3. **Prescribed Bodies**

3.3.1. No reports received.

3.4. **Third Party Observations**

3.4.1. There is one third party observation recorded on the planning file from John & Helen Nolan, No 28 Knocksinna Park, adjoining property to the south west. The issues raised relate to the rear first floor extension in relation to the height, design and scale of same and its negative impact on the observer's property.

4.0 **Planning History**

4.1. There is no evidence of any previous appeal on this site. Reference is made to the following previous planning applications on the appeal site that may be summarised as follows:

- **Reg Ref D17B/0269** – DLRCC refused permission on the 26th July 2017 for the partial removal of the existing garage and boiler house and for the construction of a flat roof extension to the side of the dwelling at ground floor level (13sqm), a first floor extension (78sqm) including proposed windows at first floor level to the front and rear with a new raised pitched roof section, including 4 no. roof lights, amendments to the existing dwelling including a new flat roof over the existing WC, alterations to existing window and door openings in the side and rear facade and for all associated works above and below ground for the following reason:

It is considered that the proposed first floor extension to the existing single storey dwelling, by reason of its height, design and scale, would be out of keeping with the character of the surrounding area, would result in an incongruous insertion into the streetscape at this location, would be visually overbearing and obtrusive when viewed from the public realm and adjacent properties, would significantly detract from the character of the area and be seriously injurious to the visual amenities of the area and depreciate the value of property in the vicinity and would set an undesirable precedent for similar type development in the area. The proposed development, therefore, would be contrary to the proper planning and sustainable development of the area

- **Reg Ref D10A/0629** – DLRCC granted permission on the 17th January 2011 for alterations to front elevation including bay window and porch extension to single storey detached dwelling and widening of existing vehicle entrance subject to 8 conditions.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative Development Plan is the **Dun Laoghaire Rathdown County Development Plan 2016-2022**. The site is zoned Objective A where the objective is *to protect and/or improve residential amenity*. Guidance and standards for additional accommodation in existing built up areas are set out in Section 8.2 of the Plan. Section 8.2.3.4(i) Extension to Dwellings sets out the following:

First floor rear extensions will be considered on their merits, noting that they can often have potential for negative impacts on the amenities of adjacent properties, 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. In determining applications for first floor extensions the following factors will be considered:

- *Overshadowing, overbearing and overlooking - long with proximity, height and length along mutual boundaries*
- *Remaining rear private open space, its orientation and usability*
- *Degree of set-back from mutual side boundaries*
- *External finishes and design, which shall generally be in harmony with existing*

5.2. Natural Heritage Designations

5.2.1. The site is not located within a designated Natura 2000 site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The first party appeal has been prepared and submitted by Jim Brogan, Planning and Development Consultants on behalf of the applicant on the 3rd May 2018. The appeal is against Condition No 2 only and may be summarised as follows:

- Requested that the Board remove Condition No 2 or in the alternative amend the condition on the basis of the proposed modification submitted with the appeal.
- Residential Amenities – The first floor extension will not have any material impact, much less a significant impact on the amenities of the residential properties in its proximity and even less so in its modified form. The first floor extension will not be overbearing on or overshadowing either of the neighbouring properties.

- Overlooking – There is a single window proposed in the rear wall of the extension that has clearance of c17m from the rear boundary. The extension will not result in any material overlooking of residential properties in its vicinity to the extent that would cause injury to their amenities.
- Private Open Space – Following construction of the extension the remaining area of open space within the garden would be well above the norm.
- Proximity to Boundaries – The set back of the first floor extension from the adjacent side boundaries is in excess of the 2m minimum clearance required under the Exempted Development Regulations and is therefore acceptable.
- Finish & Design – The proposed finishes are to be the same as those on the existing house.
- Visual Amenity – Its limited bulk will be largely concealed by the house to the south-west, by roadside trees, the boundary hedgerows and the trees within the front gardens and the stepped disposition of houses in its vicinity. It will have limited visibility from the footpath.

6.2. Planning Authority Response

6.2.1. DLRCC in their response to the appeal set out the following as summarised:

- It is still considered that the proposed first floor (rear) element of the proposed two-storey rear extension etc is not considered to be acceptable due to the concerns and reasons as detailed in the Planning Authority's report and per the grant of permission should remain omitted by Condition No 2
- Additionally with regard to the proposed modified first floor element of the proposed extension as submitted under the subject appeal e.g Drwg No ABP-004 showing the chimney omitted and the parapet height reduced e.g from 6.046m to 5.946m on the southwest side elevations; it is still considered that the same concerns remain in terms of visual impacts, noting its height (and width), layout / location and the character of the house and similar houses on the streetscape and the existing pattern of development etc. It is considered

that the appeal modified first floor elements of the proposed extensions should similarly be omitted.

6.3. Observations

6.3.1. There is one observation recorded on the appeal file from John & Helen Nolan, No 28 Knocksinna Park, adjoining property to the south west. The issues raise may be summarised as follows:

- The need for an additional bedroom space can be more easily accommodated at the rear of the existing bungalow in a spacious garden thereby rendering it unnecessary and unwarranted to add a bedroom at first floor level.
- There is no objection to the applicant's plans to create an additional bedroom space as long as there would be no first floor rooms. The observers own dwelling was extended in the past to provide accommodation for their growing family at the time.
- There was no objection to these previous works to the appeal site as there was no "going up" (Reg Ref D10A/0629 refers). However this current scheme include a first floor element and is therefore unacceptable. It is submitted that if a fourth bedroom is required, there is ample space available, taking account of both the space foregone from the previous alterations which reduced the internal space from a 4 bed to a 3 bed arrangement and the space available in the spacious garden at the rear of the house, thereby obviating the need for a "first floor element". This option does not appear to have been considered in previous applications.

6.4. Further Responses

6.4.1. No further responses recorded on the appeal file.

7.0 Assessment

7.1. Further to my examination of the planning file and the grounds of appeal that relate to one condition only i.e. Condition No. 2 of the notification of decision of the planning authority to grant permission, and having assessed the documentation and

submissions on file, I consider it is appropriate that the appeal should be confined to this single condition. Accordingly I am satisfied that the determination by the Board of this application as if it had made to it in the first instance would not be warranted and that it would be appropriate to use the provisions of Section 139 of the 2000 Act in this case.

- 7.2. The application submitted to DLRCC on 14th February 2018 sought permission for inter alia a first floor flat roof extension to the rear of the dwelling (15sqm) including proposed window at first floor level to the rear. DLRCC in their notification of decision to grant permission attached Condition No 2 which set out the following:

Prior to the commencement of development on site, the Applicant shall submit for the written agreement of the Planning Authority, revised drawings showing the proposed first-floor, rear bedroom (Bedroom 4) element omitted, and for the remaining ground floor element, to have the same height as the also proposed, adjoining single storey rear utility and bedroom extension.

Reason: *In the interest of clarity and to protect the residential and visual amenities of the area*

- 7.3. The first party in their appeal dated 3rd May 2018 submitted a modified version of the element of the extension which is represented Drawing No's ABP-003 and 004. The proposed modifications include the omission of a chimney and a reduction in the height of this part of the extension by 0.35m. The appeal together with the revised plans and particulars were cross circulated to the relevant parties for comments. Accordingly this scheme is based on the plans and details submitted to DLRCC on the 14th February 2018 as amended by further plans and particulars submitted to An Bord Pleanála on 3rd May 2018.

In addition to reconciling the need to meet the requirements of the applicant to maximise accommodation any extension or alterations at this location should maintain the visual amenities, scale and architectural character of the parent building and wider area without compromising the residential amenities of adjoining properties in terms of privacy and access to daylight and sunlight. Section 8.2.3.4 Extensions to Dwellings of the Dun Laoghaire Rathdown County Development Plan 2016-2022 refers. Generally I am satisfied that the scheme both its original form as submitted to DLRCC and in its amended and modified form as submitted to the Board respects the

amenities of the neighbouring properties in that it will not result in any significant overlooking, undue overshadowing or significantly diminish existing day lighting standards to the adjoining properties by reason of its position, design and proximity to adjoining boundaries. Further I am satisfied that the first floor extension will not have a negative effect on residential amenities of the occupants of the main house

- 7.4. However I share the Planning Authorities concerns with regard to the visual impact of the scheme. While the dwelling house is not listed as a Protected Structure or is it located within a designated Architectural Conservation Area I consider that the form, setting and location of this house both individually and collectively within the established development pattern of the area to be of significant visual quality and aesthetic. While I have noted the scheme as originally submitted to DLRCC together with the modifications proposed and submitted with the appeal I consider that the rear first floor extension proposed would result in a development that would overwhelm and dominate the original form and appearance of the house with the result that the extension would appear highly incongruous in relation to the parent building and the adjoining properties and would dominate and upsets the established character, height and roof profiles of the surrounding area. Accordingly I agree with the approach of the Plannign Authority and recommend that Condition No 2 be attached.

8.0 Conclusion & Recommendation

- 8.1. Having regard to the nature of Condition No 2, the subject of the appeal and based on the reasons and considerations set out below, I am satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and recommend that the said Council be directed under subsection (1) of section 139 of the Planning and Development Act, 2000 to **ATTACH** Condition Number 2 for the reason and considerations set out:

9.0 Reason & Considerations

- 9.1. Having regard to the zoning objective for the area as set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022, the established pattern of development in the area and the nature, scale and design of the proposed first-floor, rear bedroom (Bedroom 4) element of the scheme as amended by plans and details

submitted to An Bord Pleanála on the 3rd May 2018 it is considered that, the proposed development as amended would seriously injure the visual amenities of the area and to permit same would be contrary to the proper planning and sustainable development of the area.

10.0 Condition No 2

Prior to the commencement of development on site, the Applicant shall submit for the written agreement of the Planning Authority, revised drawings showing the proposed first-floor, rear bedroom (Bedroom 4) element omitted, and for the remaining ground floor element, to have the same height as the also proposed, adjoining single storey rear utility and bedroom extension.

Reason: In the interest of clarity and to protect the residential and visual amenities of the area

Mary Crowley

Senior Planning Inspector

27th June 2018