



An
Bord
Pleanála

Inspector's Report ABP-301678-18

Development

Planning permission sought for to remove the existing concrete tiled roof to the single storey structure to the side and construct a new first floor extension over, internal alterations, new concrete tiled roof to match existing, new lower level concrete ridge tiles, new ventilated rooflights to the new rear concrete tiled roof, external finishes to match existing, and associated site work.

Location

33 Beaufield Park, Stillorgan, Co.
Dublin

Planning Authority

Dun Laoghaire Rathdown County
Council

Planning Authority Reg. Ref.

D18B/0096

Applicant(s)

Don Fallon

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal	Third Party
Appellant(s)	Helen and Padraig Kenny
Observer(s)	None
Date of Site Inspection	2 nd August 2018
Inspector	Emer Doyle

1.0 Site Location and Description

1.1. The application site with a stated area of 0.0342 hectares is located in an established residential area in Beaufield Park, Stillorgan, Co. Dublin. The site comprises a two storey semi-detached dwelling with a single storey extension on the south eastern side closest to No. 32 Beaufield Park (the third party appellant's dwelling). 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 an extension with a stated floor area of 25.2m² at first floor level over the existing single storey extension to the side of the dwelling. The proposed extension would accommodate an additional bedroom and ensuite bathroom. Internal alterations are also proposed.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 7 No. Conditions. Condition No. 3 requires that the entire premises shall be used as a single dwelling unit and shall not be sub-divided in any manner or used as two or more habitable units. All other conditions are of a standard nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planner considered that 'the current proposal has overcome the reasons for refusal under D17B/0311 by omitting the ground floor forward projection, omitting first floor forward projection, omitting first floor bedroom windows to the rear and reducing the overall height of the extension.' On that basis, it is considered that works were acceptable in this instance.

3.2.2. Other Technical Reports

Drainage Dept.: No objection.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

There was one letter of objection. The grounds raised in the objection are similar to those raised in the appeal.

4.0 Planning History

Relevant planning history includes the following:

D07B/0031

Permission granted for a first floor extension to the rear, new single storey sun room extension to the side, internal alterations and associated site works.

D08A/1003/ PL06D.231789

Split decision to grant permission for retention of the side extension and refusal of permission for additional vehicular access and the brick paved surface.

D16A/162/ PL06D.246648

Permission refused by Planning Authority and by ABP on appeal for demolition of extension and construction of granny flat.

D17B/0331

Permission refused for extension to an existing sitting room to the front of the existing dwelling and construction of new first floor extension.

5.0 Policy Context

5.1. Development Plan

The site is zoned 'A' 'to protect and or improve residential amenity' in the Dun Laoghaire Rathdown County Development Plan 2016-2022. Guidance and standards for additional accommodation in existing built-up areas are set out in Section 8.2.3.4 of the Plan.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the third party appeal can be summarised as follows:

- The proposed development would breach the building line as the existing extension protrudes almost 3m to the front of the building line of the street.
- The single storey extension was not built in accordance with the permission D07B/0031 and retention permission was granted under D08A/1003.
- The proximity and height of the proposed first floor extension would severely injure our enjoyment of our own property and its enjoyment. It would be very obtrusive, intrude into our private space and overshadow our property.
- Given the pattern of applications to date, we are concerned with the progressive over development of the site at No. 33.
- There are a number of errors in the Dun Laoghaire Rathdown County Council planning report.

6.2. Applicant Response

The response to the appeal on behalf of the first party can be summarised as follows:

- The statement by the appellant in relation to breaking the building line is exaggerated.
- The existing single storey extension is authorised and cannot be reassessed.
- It is considered that the proposed development will have little impact on the appellant's dwelling.

- It is not considered that this proposal will overdevelop the site – the proposed area is small at only 25m².
- The issues raised in the planning authority report are addressed.

6.3. **Planning Authority Response**

- The Planning Authority considers that the grounds of appeal do not raise any new matter, which would justify a change of attitude to the proposed development.

6.4. **Observations**

- None.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Residential Amenity
- Appropriate Assessment

Residential Amenity

7.1.1. Section 8.2.3.4 (i) of the County Development Plan refers to extensions to dwellings and states that such proposals should be considered in relation to a range of criteria including having regard to the length, height, and proximity to boundaries and quantum of open spaces being retained etc.

7.1.2. The extension proposed comprises of a bedroom with ensuite bathroom over an existing single storey extension. The overall area is c. 25m². The appellant is

concerned that the proposed extension would breach the building line however I note that the existing extension is authorised and there would be no change to the building line as the proposed development is entirely at first floor level. As such, I am satisfied that the principle of building over an existing extension is acceptable in this instance.

7.1.3. In relation to the concerns raised regarding overlooking, I note that there are no windows proposed in the side elevation and velux windows are proposed to the rear of the property. As such, I am satisfied that no significant overlooking would occur. I am also satisfied that no significant overshadowing would occur having regard to layout of the existing dwelling which is set at an angle and the ridge height proposed which is lower than the existing two storey dwelling on the site.

7.1.4. In terms of the visual impact of the proposed development, I am satisfied that the scale and design of the extension do not overwhelm or dominate the original form or appearance of the parent house. Further, I am satisfied that the extension would be subordinate to the main dwelling, having regard to the limited scale of development and the lower ridge height proposed, and that the design will not have a negative impact on the established character or visual amenities of the area.

7.2. **Appropriate Assessment**

7.2.1. Having regard to the nature and scale of the proposed development, a residential extension on serviced land within an established urban area, and the 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.

Recommendation

It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

Reasons and Considerations

Having regard to the provisions of the Dun Laoghaire Rathdown County Development Plan 2016 to 2022, and to the nature, scale and extent of the proposed development, it is considered that, subject to compliance with the following conditions, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, or give rise to a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 existing dwelling and the 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.

3. Prior to the commencement of development, 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.

Reason: In the interests of orderly development and the visual amenities of the area.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: In the interest of public health.

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

8. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

9. 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.

Emer Doyle
Planning Inspector

15th August 2018