



An
Bord
Pleanála

Inspector's Report ABP-301685-18

Development	Single storey extension to rear plus minor extensions of single and two storeys to side and front. The works also include alterations to house, widened road access and demolition of a garden studio.
Location	2 Heather Close, Rathfarnham, Dublin, D16 TP26.
Planning Authority	Dún Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/0226
Applicant(s)	Paul and Nuala Breslin
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party v. Decision
Appellant(s)	Paul and Nuala Breslin
Observer(s)	Patrick Pentony
Date of Site Inspection	18 th August, 2018
Inspector	Robert Speer

1.0 Site Location and Description

1.1. The proposed development site is located in an established residential area to the northeast of the Grange & Brehonfield Roads, Ballinteer, approximately 1.4km west-northwest of the interchange at Junction No. 13 on the M50 Motorway, where it occupies a corner plot at the junction of Heather Close / Heather Road and forms part of a larger suburban housing development. The surrounding area is characterised by a series of cul-de-sacs of conventionally designed two-storey, semi-detached housing based on the typical format of front and rear gardens with off-street car parking. The site itself has a stated site area of 0.033 hectares and is presently occupied by a two-storey, semi-detached dwelling house with a hipped roof detail which has been previously extended over two floors to the side.

2.0 Proposed Development

2.1. The proposed development involves the demolition of an existing single storey 'studio' structure within the rear garden area of the property and the subsequent construction of a new single storey extension to the rear of the dwelling which will extend along the full length of the north-eastern site boundary in order to provide for a new sunroom, T.V. room, and a games room / studio. It is also proposed to erect single and two-storey extensions to the front and side of the dwelling house and to undertake various internal alterations which will include for the conversion of the attic space to 2 No. separate storage areas and ensuite bathrooms serving Bedroom Nos. 1 & 2 on the first floor. The proposal also seeks to widen the existing vehicular entrance onto Heather Close.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 4th May, 2018 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following 3 No. reasons:
- Having regard to roof profile and depth of the rear ground floor extension it is considered that the proposed extension would appear overbearing when

viewed from the adjoining property to the southeast: No. 1 Heather Grove and from the adjoining property No. 4 Heather Close, would be seriously injurious to the residential amenity of both No. 1 Heather Grove and No. 4 Heather Close and depreciate the value of these properties. The proposed development would therefore be contrary to the proper planning and development of the area.

- The proposed front and side extensions and alterations to the roof profile and front elevations would be out of character with the established form of development in the area and therefore are seriously injurious to the visual amenity and character of the area. The proposed development would therefore be contrary to the proper planning and development of the area.
- Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, it is considered that the width of the proposed vehicular entrance on this corner site would endanger public and pedestrian safety by reason of being a traffic hazard and causing obstruction to other road users. Furthermore, allowing this permission would set an unwelcome precedent for similar dwellings, and would be contrary to the proper planning and development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

States that the proposed development will give rise to an overdevelopment of the site and that the rear extension will have an overbearing appearance when viewed from within the adjacent properties at No. 1 Heather Grove and No. 2 Heather Close. It is further stated that the front and side extensions will be out of character with the surrounding pattern of development and that the proposal to widen the existing vehicular entrance will serve to endanger public safety by reason of traffic hazard whilst also resulting in the obstruction of road users. The report thus concludes by recommending that the proposed development be refused permission.

3.2.2. Other Technical Reports:

Transportation Planning: No objection, subject to conditions.

Drainage Planning: Recommends that the applicant should be required by way of a request for further information to submit alternative proposals for the disposal of surface water in order to show that a reasonable effort has been made to incorporate SuDs measures appropriate to the scale of the development proposal (i.e. a soakpit, rainwater harvesting tank, water butt, permeable paving etc.). In addition, runoff from all parking surfaces / hardstanding areas should not be discharged to the mains sewerage network and should instead be infiltrated locally via permeable asphalt or by means of a specialised system of permeable paving. Drawings should also be provided to show that foul and surface water discharges are separated.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

3.4.1. A single submission was received from an interested third party and the principle grounds of objection contained therein can be summarised as follows:

- Concerns that the construction and future maintenance of the proposed extension will result in the encroachment of the shared boundary wall and the objector's property.
- Storm water runoff from the proposed extension should not be discharged into the objector's property.
- The proposal will have a detrimental impact on the residential amenity of the objector's property by reason of overshadowing and an excessively overbearing appearance.
- The gable end of the single storey rear extension should be amended to incorporate a hipped roof design which would be more in keeping with the character of the surrounding area.

4.0 Planning History

4.1. On Site:

PA Ref. No. D95B/0041. Was granted on 23rd February, 1995 permitting D. Kane permission for a two-storey extension to the side.

5.0 Policy Context

5.1. Development Plan

5.1.1. Dún Laoghaire Rathdown County Development Plan, 2016-2022:

Land Use Zoning:

The proposed development site is located in an area zoned as 'A' with the stated land use zoning objective 'To protect and-or improve residential amenity'.

Other Relevant Sections / Policies:

Chapter 8: Principles of Development:

Section 8.2: Development Management:

Section 8.2.3.4: Additional Accommodation in Existing Built-up Areas

Section 8.2.4.9: Vehicular Entrances and Hardstanding Areas

5.2. Natural Heritage Designations

5.2.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The Wicklow Mountains Special Area of Conservation (Site Code: 002122), approximately 4.4km south-southwest of the site.
- The Wicklow Mountains Special Protection Area (Site Code: 004040), approximately 4.7km south-southwest of the site.
- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 5.9km northeast of the site.

- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 6.0km northeast of the site.
- The Glenasmole Valley Special Area of Conservation (Site Code: 001209), approximately 7.5km southwest of the site.

N.B. This list is not intended to be exhaustive as there are a number of other Natura 2000 sites in excess of the aforementioned distances yet within a 15km radius of the application site.

6.0 The Appeal

6.1. Grounds of Appeal

- It is apparent from a review of the accompanying drawing (Drg. No. 1612/A108) that any increase in visual impact attributable to the proposed development (when viewed from within the neighbouring properties to the immediate southeast and northeast) will be minimal when compared to the existing arrangements on site.
- With regard to the potential for the overshadowing of adjacent properties, the elevation facing towards No. 1 Heather Grove has been orientated so that it will virtually never be in shadow (as highlighted in the shadow analysis drawings).

Furthermore, the proposed development will only result in a marginal increase in the extent of shadow cast over the garden area of No. 4 Heather Close when compared to that already caused by the garden wall. Indeed, this part of the proposed extension has been designed with a low-profile roof construction in order to ensure that even low winter sun is not blocked. In addition, the Board is advised that the occupants of No. 4 Heather Close were made fully aware of the applicants' proposals prior to the lodgement of the subject application.

- The proposed development will greatly enhance the value of the subject property and will not result in the devaluation of any adjoining properties.

- In response to the concerns raised by neighbouring property owners, the Board is referred to the amended proposal appended to the grounds of appeal (Drg. No. 1612/A108) which provides for the lowering of the height of the proposed rear extension by the maximum possible. Whilst the visual change consequent on this lowering of the rear extension is perhaps limited, it will nevertheless help to reduce the overshadowing of No. 4 Heather Close.
- The second reason for refusal would seem to equate a difference from the established building form as being seriously injurious to the visual amenity of the area. Such a position is in contrast to the Development Plan which encourages innovative designs for extensions and includes an example of a totally contrasting design form.
- Although 'end-of-street' extensions are not specifically referenced in the Development Plan, there is an acknowledgement as regards the consideration of streetscape in relation to roof expansions and in this respect a clear precedent has been set by the mid-streetscape gable and rooflights / attic windows that have been granted permission elsewhere along this stretch of roadway i.e. at Nos. 13 & 15 Heather Close. Moreover, the location of the subject proposal on a corner site is eminently more suited to roof expansion whilst rooflights have been confined to the rear of the development in keeping with normal practice.
- The subject application has been accompanied by a design statement which provides a rationale for the submitted design, with particular reference to external treatment and passive overlooking.
- Several examples of similar precedent developments were supplied with the initial planning application and it is submitted that those arrangements serve to provide a sense of place and positive articulation to otherwise bland repetitive schemes. This is also considered to be true of the myriad of comparable examples throughout the Dublin suburban area and such improvements ensure compliance with the Development Plan zoning objective to protect and improve residential amenity.
- With respect to the proposed widening of the vehicular access serving the subject site, the applicants are agreeable to the omission of this aspect of the

proposal and are amenable to the imposition of a suitable condition to effect same.

6.2. **Planning Authority Response**

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

6.3. **Observations**

6.3.1. Mr. Patrick Pentony:

- The Board is requested to take cognisance of the contents of the observer's initial submission on the subject application and to ensure that the integrity and residential amenity of his property is protected.
- Whilst the applicants have asserted that there will be little overshadowing of the observer's property consequent on the proposed development, they have nevertheless accepted that there will be some degree of additional intrusion which will impact on his private amenity space.
- Although the revised drawings provided with the grounds of appeal have sought to reduce the roof pitch of the proposed rear extension, concerns remain as regards the proposal to erect the new construction against the boundary wall shared with the observer's property. It is unclear how this particular aspect of the proposed development will be constructed, weathered and maintained into the future.
- No flashing of the junction of the gable end of the proposed rear extension and the shared boundary wall should be permitted to extend over the observer's part of the wall.
- The gable end of the proposed rear extension will have an unpleasant and overbearing appearance when viewed from within the observer's property.
- There are concerns that the proposed extension may serve to undermine the structural integrity of the boundary thereby having a negative impact on the observer's property.

- In the event of a grant of permission, the proposed extension should be recessed back at least 600-900mm from the shared boundary wall and the end elevation of the construction finished with a hipped roof design in order to lessen the visual impact.
- Under no circumstances will the observer consent to access through his property to accommodate the construction of the gable wall of the proposed extension.

6.4. Further Responses

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- Overall design and layout
- Impact on residential amenity
- Traffic implications
- Appropriate assessment

These are assessed as follows:

7.2. **Overall Design and Layout:**

7.2.1. The proposed development involves the construction of a series of extensions to the front, side and rear of the existing dwelling house (which was previously extended pursuant to the grant of permission issued in respect of PA Ref. No. D95B/0041) and in this regard the Planning Authority has determined that the proposed front and side extensions, in addition to the associated alterations to the roof profile and the front elevation, will be out of character with the surrounding pattern of development and thus will be seriously injurious to the visual amenity and character of the area. In response, the applicant has submitted that the use of more innovative designs is supported by the Development Plan and has referred to the 'Design Statement'

supplied with the initial application which noted the site location at the end of a row of repetitively designed semi-detached housing before emphasising how the proposed development would serve to enliven the streetscape by providing a 'book-end' to this corner plot. It has also been asserted that a precedent has been set by the mid-streetscape gable and rooflights / attic windows that have been permitted elsewhere along this stretch of roadway i.e. at Nos. 13 & 15 Heather Close, and that there are comparable examples of similar developments throughout the wider Dublin area which serve to provide a sense of place and positive articulation to otherwise bland and repetitive housing schemes.

7.2.2. Following a review of the available information, and having conducted a site inspection, whilst I would concur with the applicant that the location of the proposed development site on a corner plot at the junction of Heather Close / Heather Road would perhaps offer the opportunity for a suitably designed proposal to 'book-end' the existing row of housing and to make a positive contribution to the wider streetscape by adding visual interest to the area, this must be balanced against the requirement to respect the established character of surrounding housing and the need to avoid an unacceptably obtrusive or visually incongruous form of development. In support of the foregoing, I would accept that there are a number of examples of corner plot subdivisions having been undertaken in the immediate site surrounds (i.e. at No. 1 Heather Park & No. 2 Heather Grove) which have provided for the development of detached two-storey dwelling houses that could be held to 'book-end' existing housing. In particular, the dwelling house approved under PA Ref. No. D06A/0343 at the entrance to Heather Grove is readily identifiable as a new insertion by reason of its gable roof construction and the inclusion of a two-storey front gable feature. In addition, there are also a number of other examples of alterations having been made to existing dwelling houses in the area (e.g. the provision of front porches and bay windows), although the visual impact of same on the prevailing streetscape is minimal.

7.2.3. With regard to the subject proposal, whilst I would acknowledge the applicants' desire to maximise the use of their property and the innovative approach to utilising the available attic space, I am inclined to concur with the Planning Authority that the design of the proposed front and side extensions is out of character with the prevailing built form and would detract from the visual amenity / streetscape of the

surrounding area. In this respect, it is my opinion that the overall scale and massing of these elements of the proposal gives rise to a somewhat cramped appearance and the impression that the structure has been squeezed into the site. For example, the proposed construction will result in the dwelling house extending across the full width of the application site thereby severing any external access from the front of the property to the rear. The massing of the proposal is further exacerbated by the unappealing front elevation of the forward extension and the unbroken ridge line when viewed in conjunction with the adjoining semi-detached property. Accordingly, I would recommend a refusal of permission.

7.3. Impact on Residential Amenity:

- 7.3.1. Having reviewed the available information, and in light of the site context, including its location within a built-up urban area, in my opinion, the overall scale, design, positioning and orientation of the proposed development will not give rise to any significant detrimental impact on the residential amenity of neighbouring property by reason of overlooking or overshadowing.
- 7.3.2. In this respect it should be noted in the first instance that whilst the proposal includes for the repositioning of a window serving a first floor bedroom within the rear elevation of the dwelling house, the separation distance between this window and the rear elevation of the adjacent property to the immediate southeast (i.e. No. 1 Heather Grove) will remain unchanged. In addition, it should be noted that the amended window design will be smaller than that which presently serves the bedroom in question and that no additional fenestration will be provided within this elevation, save for a series of rooflights which will serve storage and bathroom areas proposed within the attic space. By way of further clarity, given that the aforementioned rooflights will not serve any living / bedroom accommodation (but will rather serve ancillary storage and bathroom areas), are to be positioned at an increased height over floor level, and as they will not be directly orientated towards adjacent housing, it is my opinion that they will not give rise to any undue overlooking of neighbouring properties. Any remaining fenestration to be provided at first floor level as part of the proposed development will be located within the gable end of the property and overlook adjacent public areas.

7.3.3. In assessing the impact, if any, of a proposed development on the amenity of an adjacent property by way of a loss of light or overshadowing, it is necessary to consider a number of factors including the height of the structures concerned, their orientation, the separation distances involved and their positioning relative to each other. Accordingly, having regard to the foregoing, in my opinion, it is clear that the front and side extensions will not give rise to any significant impact on neighbouring properties by reason of overshadowing due to their positioning relative to same. With regard to the single storey extension proposed to the rear of the existing dwelling house, whilst I would concede that its overall height and construction alongside the entirety of the north-eastern site boundary will result in some diminution in the amount of direct sunlight / daylight received by the adjacent property to the immediate northeast i.e. No. 4 Heather Close (as detailed in Drg. No. 1612 A108 which has accompanied the grounds of appeal), particularly in the winter months when the sun is at its lowest, I would suggest that any such impact must be taken in context. In this respect I would advise the Board in the first instance that the subject site is situated in an urban area where some degree of overshadowing would be not unexpected. Secondly, I am unconvinced that the reduction in the amount of direct sunlight received by the aforementioned property consequent on the proposed development would have any significant impact on the enjoyment on the wider amenities of that dwelling given that the rear elevation of same and its garden area will continue to receive direct sunlight / daylight throughout a significant proportion of the day. It is also of relevance to note that any overshadowing attributable to the proposed ground floor extension would likely be comparable to that normally associated with similar extensions permissible by way of exempted development.

7.3.4. In relation to the concerns expressed by an observer as the owner of the neighbouring property at No. 1 Heather Grove that the proposed development will overshadow his garden area, given the overall height, siting, and positioning of the proposed construction relative to his property, I am satisfied that the subject proposal will not have an undue impact on the amenity of same by way of overshadowing. Furthermore, I would suggest that any overshadowing of the observer's property consequent on the proposed rear extension would likely be comparable to that attributable to the existing 'studio' structure on site which is to be removed as part of the proposed development. In addition, it is notable that the applicant has submitted

amended proposals with the grounds of appeal which provide for a reduction in the overall height of the rear extension in an effort to alleviate the observer's concerns.

7.3.5. With regard to the suggestion that the gable end of the proposed single storey rear extension will be visually overbearing when viewed from within the confines of the observer's property, having regard to the site context, including the site location in a built-up area, the limited scale and height of the construction proposed, and noting that the visual impact of the gable elevation of the proposed extension is likely to be comparable to the existing 'studio' structure on site which is to be removed as part of the proposed development, it is my opinion that the proposal will not give rise to such an overbearing appearance / influence as to significantly impact on the level of residential amenity presently enjoyed by the occupants of the observer's property. Similarly, although the proposed rear extension will extend along the entirety of the north-eastern site boundary, in light of its limited height and pitched roof construction, I am satisfied that it will not have an undue visual impact on the adjacent property at No. 4 Heather Close.

7.3.6. In respect of the potential for any encroachment or interference with neighbouring property (including any need to access same in order to construct or maintain the proposed development), in my opinion, these are essentially civil matters for resolution between the parties concerned and in this respect I would refer the Board to Section 34(13) of the Planning and Development Act, 2000, as amended, which states that '*A person shall not be entitled solely by reason of a permission under this section to carry out any development*' and, therefore, any grant of permission for the subject proposal would not in itself confer any right over private property. Notwithstanding the foregoing, a review of the submitted plans and particulars would appear to confirm that the proposed development will be undertaken entirely within the confines of the application site.

7.4. **Traffic Implications:**

7.4.1. The proposed development includes for the widening of the existing vehicular access serving the site through the removal of part of the front boundary wall on either side of same, although the principle widening works will occur to the northeast of the existing access point i.e. further along Heather Close and away from the junction with Heather Road. In this respect it should be noted the report of the Transportation

Planning Section of the Local Authority recommended that the existing entrance width should be retained in accordance with Section 8.2.4.9 of the Development Plan (which states that the maximum width of an entrance serving a single residential dwelling should generally be 3.5m) and this would appear to have informed the decision to refuse permission. Notably, the applicants have indicated in the grounds of appeal that they are amenable to the omission of the widened access as a condition of any grant of permission.

7.4.2. In my opinion, the proposal to widen the existing driveway would appear to be unnecessary as there is already sufficient space to accommodate the parking of 2 No. private cars on site, however, I would advise the Board that there are several examples of existing entrances having already been widened in the immediate area whilst there is also some variety in the design and extent of roadside / front garden boundary treatment along this cul-de-sac.

7.5. **Appropriate Assessment:**

7.5.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 **Recommendation**

Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the proposed development for the reasons and considerations and subject to the conditions set out below

9.0 **Reasons and Considerations**

1. Having regard to the site location and the established built form and character of the area, it is considered that the proposed extensions to the front and side of the property would be incongruous in terms of design, scale, bulk and

massing, would be out of character with the streetscape and the existing dwelling and would, therefore, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

Robert Speer
Planning Inspector

25th August, 2018