



An
Bord
Pleanála

Inspector's Report ABP-301744-18

Development	Ground floor front extension of a living room and a first floor front extension, a two storey rear extension and internal alterations
Location	24, Mount Andrew Avenue, Lucan, Co. Dublin
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD18B/0097
Applicant(s)	Dr. Jasbir Singh Puri
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party
Appellant(s)	Peter Healy and Nicola Donnelly
Observer(s)	None
Date of Site Inspection	17 th August 2018
Inspector	Ciara Kellett

1.0 Site Location and Description

- 1.1. The appeal site is located at No.24 Mount Andrew Avenue, Lucan, Co. Dublin. It is located in the Yellow Walls residential area of Lucan which is c.300m south of the N4 road, c. 2.6km east of Lucan village and c.1.8km west of the M50.
- 1.2. Mount Andrew Avenue runs in a north-south direction and the subject dwelling is in the middle of a row of six detached dwellings. No.26 to the north is the home of the appellants. The houses are orientated east-west and face onto a linear green area to the west, with Mount Andrew Park to the south-west. The road is characterised by substantial greenery with mature trees along the grass verges.
- 1.3. The dwellings along this stretch of road are identical in design with hipped roofs, a projecting front bay window and with a setback at the first floor to the front of the dwelling. The subject dwelling has an extended kitchen area to the rear at ground floor level.
- 1.4. Appendix A includes maps and photos.

2.0 Proposed Development

- 2.1. It is proposed to extend the dwelling to the front and rear at ground and first floor level.
- 2.2. At ground floor level to the front of the dwelling, it is proposed to increase the footprint of the living room by 4.9sq.m, projecting 1.945m from the existing building line, to be in line with the porch and study. The hipped roof currently over the porch and study at ground floor will be extended over the projected living room and extend the full length of the front façade.
- 2.3. At first floor level to the front it is proposed to extend the setback bedroom over the study to provide for a prayer room of 11.9sq.m.
- 2.4. To the rear it is proposed to build over the previously extended ground floor kitchen area at first floor level for the full width of the dwelling. Internal alterations will result in three large bedrooms with large storage areas and ensuites/bathroom, as well as the prayer room at first floor level.
- 2.5. The proposal will result in changes to the roof profile of the dwelling.

2.6. Unsolicited Further Information was submitted to the Planning Authority by the applicant indicating a change in the roof design over the study/porch and extended living room at ground floor. The roof was amended to include a hip design.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to 7 standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report is the basis for the Planning Authority's decision. In summary, it states:

- Subject site is zoned 'RES – To protect and/or improve residential amenities'. Proposal is consistent in principle and in compliance with the Council's policy in relation to extensions.
- Notes two storey extension to the rear would project 3.09m from the rear building line and extend the width of the dwelling.
- The proposed extension to the front of the dwelling at first floor would provide an additional 11.9sq.m. A fully hipped roof profile is proposed to match the profile and ridge height of the main house.
- Notes unsolicited Further Information proposes a change to the roof to angle the hipped porch roof to match the profile of the main roof. This is considered an appropriate design solution, as it would be more consistent with the existing building lines along the street.
- Notes that while the extension is large the dwelling is detached with a large front and rear garden set back from the main road. Considers that the proposal would not have a negative impact on the visual or residential amenities of the area.

- Considers proposal is consistent with the Design Guidelines for extensions as set out in the “House Extension Design Guide”.
- Considers proposal would not seriously injure the amenities of the area and recommends a grant of permission.

The decision was in accordance with the Planner’s recommendation.

3.2.2. Other Technical Reports

- **Environmental Services Department:** No report received.

3.3. Prescribed Bodies

None on file

3.4. Third Party Observations

A submission was received from the appellants and is similar to the appeal which is detailed in Section 6 below.

4.0 Planning History

There is no recent planning history on the subject site. In the vicinity there are a number of applications including:

- **Reg. Ref. SD17B/0223:** Permission was refused in July 2017 for development at No.28 Mount Andrew Avenue, just north of the appellant’s dwelling. Permission was refused for development including the conversion of the attic and construction of a dormer and two windows to the side. Permission was refused for two reasons including the dormer’s highly visible and overbearing appearance on the roof slope, out of character with the existing and neighbouring dwellings and would be visually obtrusive on the streetscape. The second reason referred to the undesirable precedent it would set.
- **Reg. Ref. SD09B/0224:** Permission was granted in February 2010 for a two storey extension to the side and single-storey lean-to extension to the rear at 18 Mount Andrew Avenue to the south and across the road from subject dwelling.

5.0 Policy Context

5.1. South Dublin County Development Plan 2016 - 2022

- 5.1.1. Under the County Development Plan 2016 – 2022, the site is zoned '**RES: To protect and/or improve residential amenity**'.

Chapter 2 refers to housing and Chapter 11 refers to Implementation. The Council has also produced guidance in the form of 'House Extension Design Guide'.

- 5.1.2. Sections 2.4.1 of Chapter 2 consider residential extensions.

Policy H18 Objective 1 states: *To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).*

- 5.1.3. Section 11.3.3 considers Additional Accommodation. Section 11.3.3(i) states with respect to Extensions: *The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.*

- 5.1.4. The House Extension Guide produced by the Council provides advice on different types of extensions. Chapter 4 is entitled *Elements of Good Extension Design*. Of relevance to the subject application is the advice provided for front and rear extensions. It states (inter alia):

Keep the extension simple and complementary to the style of the house by reflecting the style and details of the main house, e.g. window location, shape, type, proportion and sill details.

Reflect the roof shape and slope of the main house.

Try to expose and complement rather than hide or cover original distinctive features of a house such as bay windows.

Avoid extensions that are dominant or overlarge in relation to the scale and appearance of the house.

Avoid building an extension more than 1.5m in front of the existing front wall of the house if there is a regular building line along the street.

And for rear extensions (inter alia):

Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise.

Match the shape and slope of the roof of the existing house, although flat roofed single storey extensions may be acceptable if not prominent from a nearby public road or area.

5.2. **Natural Heritage Designations**

The Rye Water Valley/Carlton SAC (Site Code 001398) is c.4km to the west.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A third party appeal has been submitted by the occupants to the north of the dwelling at No.26 Mount Andrew Avenue. In summary it includes:

- The scale of the proposal poses a difficulty due to the inappropriate increased bulk and volume, its overbearing design and the resultant negative impact the development will have on the infiltration of light and its associated property value.
- The first floor front extension will fill what is currently necessary relief between the subject site and their dwelling.
- The first floor rear extension will be visually dominant and bulky in form resulting in a poor outlook when viewed from their rear garden. The proposal if granted will set an undesirable precedent.
- Proposal represents overdevelopment of the site and the design has made no effort to reduce the scale and massing to mitigate impact on neighbouring properties and as a result will provide an overbearing form.

- Proposal will result in a very deep plan across two floor levels which compounds the perception of overbearing. The first floor extension to the rear will jut out by an additional 3.37m directly abounding their private amenity space. The rear extension height will be c.7.79m facing their side boundary. The separation distance proposed is not in accordance with the Extension Design Guide as the distance is only 1.162m.
- Note that planning application drawings do not accurately denote the extended roof profile on the northern side elevation.
- Proposal will adversely impact on the infiltration of light from the south. No shadow study has been submitted.
- The proposal will have a negative impact on their privacy.
- Proposal has blatantly disregarded the rear boundary line which will result in a distorted form that is over scaled.
- The front façade has an unappealing design which is completely out of character with the neighbouring dwellings. The dwellings along the streetscape all follow a similar design which helps retain the character of the area. The proposed development is not in harmony and will negatively impact on the character of the area.
- Refer to recent refusal Reg. Ref. SD17B/0223 at No.28 Mount Andrew Avenue which consisted of the conversion of attic space and construction of a new dormer and new roof windows. Refer to reasons for refusal and consider that the Board should similarly refuse permission due to its overbearing nature and being out of character.

6.2. Applicant Response

The applicant was provided an opportunity to respond to the appeal. In summary it includes:

- The appellant's dwelling sits forward of the subject dwelling and its resultant gable, alongside the single storey northern gable of the subject house, is the dominant feature to the north of the applicant's front garden and dominates

the streetscape at this point. The building line of the subject dwelling sits well back from the appellant's front façade.

- The extension of the bedroom is held back behind the established building line and will not in any way seriously offend the front garden amenity of the neighbour.
- This extension addresses the main gable wall of the appellant's dwelling. The end relationship remains that of a gable to gable dwelling and is similar to that approved for No.18.
- With respect to the first floor rear extension the existing hedging and tree planting and kitchen annex have a bigger influence on solar gain and daylight than any proposed extension.
- A 3m deep extension is modest in urban terms and there are planning exemptions for such modest extensions.
- The extension building line was deliberately held back to a modest 3m beyond the existing main rear wall and only 1.5m beyond the original kitchen annex.
- Shadow diagrams submitted indicate that the main over-shadowing is caused by the existing house rather than the rear extension. The over-shadowing of No.26 is made more pronounced by the high hedge along its own garden boundary.
- The extension design was based on a recognition of the realities of orientation, of the shadows cast by the large size of the original dwelling and the relief offered by the broad gardens.
- There will be less overlooking potential with the proposed design and confined to the rear one-third of the garden.
- The existing design set back has created an existing solar shadow and the hedge further contributes to it.

6.3. Planning Authority Response

The Planning Authority responded stating that it confirms its decision and that all issues raised have been addressed in the Planner's Report.

6.4. Further Responses

The third party appellant was provided an opportunity to respond to the first party response. In summary it includes:

- The position of the dwellings are only subject to a very minor offset and do not create a bespoke set of circumstances where the potential for adverse impacts is mitigated.
- Key concern is the material adverse impacts that will arise by providing an extended and much deeper plan at First Floor Level.
- The first floor front extension results in the disruption of the visual appearance of dwellings that are identical in appearance and will culminate in an elevation that is completely out of character with its neighbouring structures. The massing of the structures has been arranged to ensure necessary relief is provided – the first floor front extension erodes this necessary relief to the detriment of the streetscape and residential amenities.
- Disagree that their high hedging has a bigger impact on daylight and solar access than the proposed first floor rear extension proposal. The hedging and tree planting is bamboo which does not affect light infiltration but if it did, it could be cut back or removed – a large first floor extension is permanent.
- The depth of plan at first floor will be 13.4m which is deep in an urban context equating to an average 4.5 storey high building.
- Note reference to exemptions provided in Planning Acts but note no reference has been made to the conditions and limitations therein; including that any above ground floor extension shall be a distance of 2 metres from any party boundary and any window above ground level shall not be less than 11 metres from the boundary it faces.
- The first floor level extension ranges a distance of 1.14m to 1.16m from its northern boundary and 1.03m to 1.5m from its southern boundary. In addition the windows proposed at first floor level are c.9.39m from the boundary it faces. Proposal is much more extensive than development that could be considered exempt. First party was inaccurate and misleading to state the

proposed development will have similar impacts to an extension that could be provided as exempted development.

- First floor rear extension will be visually dominant and bulky and overbearing in its form which will be visually obtrusive when viewed from their house.
- Shadow studies submitted do not provide a robust assessment.
- Note that the overlooking will be most severely felt by the occupants of the dwelling to the rear of the subject dwelling as a distance of 9.39m only will remain and the standard of 11m for the protection of amenity has not been adhered to.
- Consider that the Planning Authority's decision is not consistent with other decisions recently made in the area most notably at No.28.
- As part of the de novo assessment by the Board, wish to draw attention to the Extension Design Guidelines which states that at first floor, extensions should provide a distance of 1m from a side boundary per 3m of height. A separation distance of 2.6m would be required in order to comply with this policy and not the 1.162m proposed.

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Design and Layout
- Residential & Visual Amenities
- Appropriate Assessment

7.1. **Design and Layout**

- 7.1.1. Extensions to the subject dwelling are proposed to the front and the rear, both at ground and first floor level. The appellant raises concerns with the design of both

and I intend to address both separately, in the event that the Board may wish to consider a split decision.

Front Extension

- 7.1.2. With respect to the front, the applicant proposes changes at ground and first floor. The current layout and front façade of the dwellings along Mount Andrew Avenue feature a stepped roofline – there is the main hipped roof, a hipped roof above a bay window arrangement, and a stepped back roof on its northern gable, as well as a roof above the ground floor study. As well as extending the front living room, the applicant seeks permission to effectively ‘infill’ the step back feature along the northern gable and thereby extend the front of the dwelling. The net result will be an inline façade at first floor level.
- 7.1.3. The design of itself would be acceptable if there was a mix of dwelling types along the street, however, I have concerns with the impact it would have on the overall streetscape on this particular road. The houses along Mount Andrew Avenue are identical and present a uniform look. There is one exception at No.18 which is referred to by the applicant. Having visited the site I consider that No.18 cannot be deemed to have set a precedent for changes to the roofline. It is on the corner with Mount Andrew Grove and on a very large plot. With respect to the subject dwelling, it is in the middle of a row of 6 detached identical dwellings. There are 15 dwellings on Mount Andrew Grove and with the exception of the corner plot of No.18, all are identical.
- 7.1.4. I note that the Planning Authority refused permission for works to the front of No.28 in July 2017. While this proposal was different in that it included a dormer window to the side at attic level, the reason for refusal referred to the dormer’s highly visible and overbearing appearance on the roof slope, as well as being *out of character* with the existing and neighbouring dwellings, and it would be visually obtrusive on the streetscape. I am of the opinion that these reasons for refusal could equally apply to the subject proposal.
- 7.1.5. To conclude with respect to the front extension, I am of the view that the proposed changes would obscure the features of the roofline which is the distinguishing feature of the dwellings along this avenue. It would result in a dwelling that is out of character with the neighbouring dwellings and it would be visually obtrusive on the

streetscape. The proposal is not in accordance with the *South Dublin County Council House Extension Guide* which recommends that front extension designs *complement rather than hide or cover original distinctive features of a house such as bay windows.*

Rear Extension

- 7.1.6. With respect to the rear extension, it is stated that there is already a kitchen extension at ground floor level along the full width of the dwelling. Drawing no. 004 indicates that currently there is a distance of 13.048m between the rear façade and the rear boundary wall, resulting in a distance of 25.054m between opposing facades with the dwelling to the rear, No.9 Mount Andrew Grove. With the proposed rear extension this is reduced to 9.39m to the boundary wall and 21.594m between opposing facades. The Sustainable Residential Development in Urban Areas Guidelines recommend a minimum of 22 metres between opposing first floor windows, and the Planning and Development Regulations 2001, as amended, require that any window above ground level shall not be less than 11 metres from the boundary it faces for compliance with exempt conditions and limitations (exemptions are referred to for comparison purposes).
- 7.1.7. The *South Dublin County Council House Extension Guide* recommends as a 'rule of thumb' that a separation distance of approximately 1m from a side boundary per 3m of height should be achieved. Having regard to this Guide, I consider that the first floor extension should be stepped back further from the boundary wall with both No.26 and No.22. The distance between the extension and the appellant's boundary wall is proposed to be 1.162m and a distance of 1.5m is proposed with the dwelling to the south.
- 7.1.8. The applicant for comparison purposes refers to exemptions for the need to obtain planning permission for extensions below 40sq.m as provided for in the Planning and Development Regulations, 2001, as amended. The subject proposal is only slightly above the 40sq.m limit, being 42.8sq.m in area. However, as stated by the appellant the associated conditions and limitations for exempted development therein must be complied with. Those conditions and limitations include a requirement that any above ground floor extension shall be a distance of not less than 2 metres from any party

boundary wall, and where an above ground extension exceeds 12 square metres, any window proposed shall not be less than 11 metres from the boundary it faces.

- 7.1.9. Having regard to the non-compliance with the various Guidelines with respect to 22m between opposing first floor windows (albeit a minor infringement), a distance of 9.39m from the rear boundary wall at first floor, and the proposed 1.162m distance from the party wall with No.26, I am not satisfied with the proposed design of the rear extension.
- 7.1.10. To conclude with respect to the rear extension, I am not satisfied with the proposed design due to lack of compliance with Guidelines. However, should the Board be of a mind to grant permission, I would recommend a condition requiring the first floor rear extension to be set back at least another metre from the party wall with No.26 and No.22 and that a minimum distance of 22 metres is achieved between the rear façade and the opposing rear façade of No.9 Mount Andrew Grove.

7.2. Residential & Visual Amenities

- 7.2.1. As noted above, I am of the opinion that the rear extension at first floor level should step back away from the boundaries by at least another metre, which would reduce the overbearing impact on the appellant's dwelling (No.26) and the property to the south (No.22).
- 7.2.2. Furthermore, having regard to the east-west orientation of the dwellings, I consider that there will be overshadowing of the appellant's dwelling during the day. I note the applicant states that there are already factors contributing to overshadowing but the addition of an extension at first floor will intensify it, thereby resulting in an adverse impact on the residential amenities of the appellants.
- 7.2.3. I do not agree with the appellant that the extension will result in changed circumstances with respect to privacy or overlooking of the appellant's garden. There is already a degree of overlooking of gardens from the upstairs rear windows between both dwellings, as is to be expected in an urban environment. This will not change as a result of the proposal. I do however have concerns with potential overlooking with No.9 Mount Andrew Grove as the extension moves the rear bedroom windows closer to the rear of that dwelling, and as noted is below the 22m

distance recommended between opposing above ground floor windows. This could be addressed by way of condition, should the Board consider granting permission.

7.2.4. With respect to visual amenities, as discussed in Section 7.1.5 above, I am of the opinion that the changes proposed to the front of the dwelling would have an impact on the visual amenities of the area. The houses are uniform in design and the roof profile is the distinguishing feature of these dwellings. The proposed front extension would introduce a discordant element into the street. It would detract from the appearance and rhythm of the houses in a visually prominent location. It would be out of character with the area, over-dominant and would have a negative impact on the visual amenities of the area.

7.3. **Appropriate Assessment**

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, 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**

I recommend that planning permission should be refused for the reasons and considerations as set out below.

9.0 **Reasons and Considerations**

Having regard to the pattern of development in the area and the scale of development proposed, it is considered that the proposed front and rear extensions, by reason of design, scale, bulk and proximity to site boundaries, would seriously injure the residential and visual amenities and depreciate the value of adjoining properties by reason of visual obtrusion and out of character with development in the vicinity and overshadowing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Ciara Kellett
Senior Planning Inspector
22nd August 2018