



An  
Bord  
Pleanála

## Inspector's Report ABP-301774-18

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<b>Development</b>	Permission for two storey extension to rear of two storey end of terrace house
<b>Location</b>	44 Dale Road, Stillorgan, Co Dublin.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D18B/0114
<b>Applicant(s)</b>	Gabrielle Murphy and Gregory Hermitte
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Gabrielle Murphy and Gregory Hermitte
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	2 <sup>nd</sup> August 2018
<b>Inspector</b>	Emer Doyle

## 1.0 Site Location and Description

- 1.1. The site is located on Dale Road, a mature suburban area in Stillorgan, Co. Dublin.
- 1.2. No. 44 Dale Road is an end of terrace two storey dwelling. To the north of the site is No. 42 Dale Road, a mid terrace property, and to the south of the site is No. 46 Dale Road a large extended end of terrace dwelling on a very generous plot.

## 2.0 Proposed Development

- 2.1. Permission is sought for the following:
  - Two storey rear extension to end of terrace dwelling (41.1 square metres)
  - Projecting window in side elevation
  - Removal of porch door
  - Three velux windows
  - Replacement windows

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission refused by Dun Laoghaire Rathdown County Council for one reason as follows:

‘It is considered that the proposed addition of a projecting angled first-floor gable window to a habitable room, together with the internal configuration of the first floor and proposed width of the first-floor rear extension would be contrary to Section 8.2.3.4 of the Dun Laoghaire Rathdown Development Plan 2016-2022, would adversely affect the development potential of number 46 Dale Road and would therefore seriously depreciate the value of number 46 Dale Road and would be contrary to the proper planning and sustainable development of the area.’

## 3.2. **Planning Authority Reports**

### 3.2.1. **Planning Report**

- The planner's report noted that there was a precedent for similarly scaled two storey extensions in the area and considered that the rear extension was acceptable. However, it was considered that the projecting window to the side would overlook the garden of No. 46 and would restrain the development opportunities of No. 46.

### 3.2.2. Other Technical Reports

### 3.2.3. **Drainage Planning:** No objection subject to conditions.

## 3.3. **Prescribed Bodies**

### 3.3.1. No reports received.

## 3.4. **Third Party Observations**

### 3.4.1. There are no third party observations recorded on the file.

## 4.0 **Planning History**

### 4.1.1. It is stated in the planner's report that there is no planning history.

## 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 is set out in Section 8.2 of the Plan.

## 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

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

- The only part of the planning submission that the Council had a concern was in relation to the projecting angled first floor window in the side elevation.
- The window has been designed to mitigate any overlooking impacts by proposing one angled obscure glazing pane to the rear of the angled window and one angled clear glazed pane to the front.
- The side garden at No. 46 is not used as a private outdoor space and is highly visible from Dale Road.
- A future two storey infill development or two storey extension on the plot of No. 46 would have negative impacts on their property.
- The proposal has been discussed with the owners of No. 46 and they have indicated that they wish to build a garage on this space.
- A letter of support from the owners of No. 46 has been attached to the appeal.
- An alternative design (Appendix 4) is attached to the appeal.
- A final alternative would be to change the functionality of the middle room (called Bedroom 2 in Appendix 4) and change the original design of the

angled window (see Appendix 2) but have both panes of glass as opaque to prevent overlooking.

## 6.2. **Planning Authority Response**

- DLRCC refer the Board to the previous planner's report in their response. It is considered that the grounds of appeal do not raise any new issue which, in the opinion of the Planning Authority would justify a change of attitude to the proposed development.

## 7.0 **Assessment**

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:

- Design and Impact on Visual and Residential Amenities
- Appropriate Assessment

### 7.1. **Design and Impact on Visual and Residential Amenities**

- 7.1.1. Section 8.2.3.4 (i) of the County Development Plan states that 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 are no significant negative impacts on surrounding residential or visual amenities.
- 7.1.2. I consider that the principle of this extension is acceptable and I concur with the appeal in that that the primary concern relates to the first floor projecting window in the side elevation.
- 7.1.3. The first party appellant considers that the mitigation measures proposed in the application are acceptable which provide for obscure glazing in the section of the

projecting window facing into the rear of No. 44. However, two alternatives are submitted with the appeal – firstly a projecting box type window with a window seat with obscured glazing directly facing into the garden of No. 44 and clear glass facing east and west, and secondly a change of use of Bedroom 2 to a study or playroom and retaining the original design of the angled windows but with both panes of glass opaque to prevent overlooking.

- 7.1.4. I note that the appeal dismisses the potential of future development in the garden of No. 44 and expresses concern regarding negative impacts of either a two storey extension or a two storey dwelling as a future infill development on this site. The appeal states: *'we would argue that such a structure could be highly oppressive and overburdening to No. 44 Dale Road, due to its proximity and jutting angles facing the boundary of No. 44 Dale Road and based on Section 8.2.3.4 of Dun Laoghaire's Development Plan 2016-2022, planning permission is unlikely to be granted for such a development, making future development of this land, we would argue, an unlikely future scenario.'*
- 7.1.5. I note that a letter has been submitted with the appeal from the owners of No. 46 stating that they support the initial application and do not agree with the concerns raised by the Council in relation to devaluation of property and comprising future development potential of their property. I also note that they have plans to build a garage in this location.
- 7.1.6. I am of the view that a projecting window in a side elevation would detract from the visual amenities of the area and would set an unwelcome precedent for further development of this type. I would have no objection to such a proposal on an end house overlooking a road or public open space, however, in this instance, it would overlook the garden of the adjacent house and would be very prominent when viewing from the adjoining road.
- 7.1.7. I concur with the view of the planner that the development potential of the adjacent dwelling would be compromised by the introduction of a projecting window in the side elevation.
- 7.1.8. Whilst I note that it would be possible for the Board to condition that the room is used as a study or bedroom with a window of fully obscured glazing in accordance with

the 'final alternative' proposed in the appeal, this would not address the negative visual impact of a projecting window in a side elevation.

- 7.1.9. In conclusion, whilst the principle of a residential extension at this location is acceptable, I consider that the first floor projecting window element of the design would overlook the adjoining dwelling. In my view it would be visually dominant, have a negative impact on the character of the existing house and appear visually incongruous in the streetscape. I also consider that it would set an unacceptable precedent for development of this type and would negatively impact on the development potential of No. 46.

## 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 refused for the reason set out below.

## 9.0 Reasons and Considerations

1. Having regard to the established character and pattern of development in the area, it is considered that the proposed projecting window in the side elevation would be visually incongruous and would seriously injure the residential amenities of the adjoining dwelling by reason of overlooking. Furthermore, the proposed development would adversely affect the development potential of number 46 Dale Road and would therefore seriously depreciate the value of number 46 Dale Road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Emer Doyle  
Planning Inspector

14<sup>th</sup> August 2018