



An
Bord
Pleanála

Inspector's Report ABP-301856-18

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| Development | Construction of a single storey rear extension comprising a bedroom, ensuite and store room. |
| Location | 23, Beech Grove, Lucan, Co. Dublin. |
| Planning Authority | South Dublin County Council |
| Planning Authority Reg. Ref. | SD18B/0112 |
| Applicant(s) | Anthony & Cara Murphy |
| Type of Application | Permission |
| Planning Authority Decision | Grant subject to conditions |
| Type of Appeal | First Party |
| Appellant(s) | Anthony & Cara Murphy |
| 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.23 Beech Grove, Lucan, Co. Dublin. The dwelling is within a residential area of Lucan just north of the N4 dual carriageway. It is c.1.25km south-east of Lucan village.
- 1.2. Beech Grove is characterised by well established, medium density, two storey, semi-detached and detached suburban type housing. There are mature hedgerows and trees along the footpaths and in private gardens. The roadway is of sufficient width to provide for parking on either side of the road, as well as allow for two-way traffic.
- 1.3. No.23 Beech Grove is located in the last cul-de-sac off the main spine road and is the southern half of a pair of semi-detached dwellings. No.23A, a detached dwelling, lies to the south.
- 1.4. The dwelling currently comprises living/dining and family room downstairs with 4 bedrooms upstairs. There is a single storey sunroom extension to the rear.
- 1.5. Appendix A includes maps and photos.

2.0 Proposed Development

- 2.1. It is proposed to demolish existing garden sheds and develop a single storey extension at ground floor level with access from the sunroom. The extension will be offset from the rear façade of the main dwelling by 2m. The proposed extension is 4.67m x 5.929m with a low-pitched roof having a maximum height of 3.773m and two rooflights. The extension comprises a bedroom, an ensuite and a store room.
- 2.2. The existing dwelling is offset from the southern party wall with No.23A by 658mm. The extension will be offset by 300mm.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to 7 conditions including condition no.2 which is being appealed by the applicant. Condition no.2 states:

2. Elevation

The southern side elevation of the proposed extension shall be stepped in from the side boundary such that it is in line with the existing side elevation of No.23 Beech Grove.

Reason: *In the interest of visual and residential amenity.*

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 includes:

- Site is located within the zoning 'RES To protect and/or improve Residential Amenity'. The development of an extension is permitted in principle subject to its design being in accordance with the relevant provisions of the Development Plan with specific reference to Section 11.3.3.
- Notes that the depth of the extension is considerable having regard to its orientation north of the adjoining detached house, but considers this acceptable having regard to the large garden size and the single storey nature of the proposal.
- Considers it appropriate that the side elevation of the proposed extension should match the line of the existing side elevation of the dwelling which would create a greater setback from the adjoining property. Considers that this can be addressed by way of condition.
- External finishes harmonise with existing dwelling on site.

- Concludes that development would not seriously injure the amenities of the area and recommends that permission is granted subject to conditions.

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

3.2.2. Other Technical Reports

- **Environmental Services:** Refer to Irish Water.

3.3. Prescribed Bodies

- **Irish Water:** No report.

3.4. Third Party Observations

None

4.0 Planning History

There is no planning history associated with the site. A number of domestic extensions have been applied for in the general area.

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. Section 2.4.1 of Chapter 2 considers 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 Design 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 rear extensions. It states (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.*
- *Make sure enough rear garden is retained.*

5.2. **Natural Heritage Designations**

The Rye Water Valley/Cartron SAC (Site Code 001398) is c.3km to the west.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A First Party appeal against Condition no.2 has been submitted. In summary it includes:

- The proposal is to allow for the development to extend beyond the gable end of the existing dwelling to maximise the extension width.
- The proposal was offset from the boundary with No. 23A so that gutters would be 300mm off the property boundary – this would leave sufficient building width within the proposed extension to create a decent living space.

- The purpose of the extension is to enable the applicant's mother move in to the property on a permanent basis and use the extension as her own living space. It is stated that there are health issues and the extension is seen as an alternative to residential care.
- The applicant's mother would sell her house thereby freeing up a much needed property for a family. This is presumed to be welcomed.
- The proposal has been discussed with both neighbouring property owners and both have given consent to the proposed development.
- Request the Board to uphold the Council's decision to grant permission and remove the restrictive condition.

6.2. Planning Authority Response

The Planning Authority responded stating:

“The proposed development was advertised in public notices as an extension and not a ‘family flat’. The reason for the subject condition was to ensure the rear extension kept in line with the existing side elevation for visual amenity and it would also maintain side access to the rear garden on site in future. Keeping the rear extension in line with the side elevation was a minor step in and the space could have been achieved on the other side”.

7.0 Assessment

The first party has appealed Condition No.2 only. Having regard to the land use zoning in this location, and the fact that there were no third party submissions at Planning Authority stage, or third party appeals against the decision of the Planning Authority to grant permission, I am satisfied that the consideration of the proposed development ‘de novo’ by An Bord Pleanála would not be warranted in this case. Accordingly, I recommend the Board should use its discretionary powers under Section 139 of the Planning and Development Act 2000 (as amended), and issue the Planning Authority directions to retain, remove or amend the Condition No.2. The issue of Appropriate Assessment also needs to be addressed.

7.1. Condition No.2

- 7.1.1. Condition no.2 requires that the rear extension is stepped back away from the boundary wall such that it is in line with the existing building elevation. The reason for the condition is noted as being in the interests of visual and residential amenity.
- 7.1.2. The drawings indicate that there is 658mm between the existing dwelling and the boundary wall with No.23A. There is currently a side gate erected which provides side access to the rear garden. It is proposed to build the extension within 300mm of the same boundary wall which is a step out of 358mm from the existing dwelling elevation.
- 7.1.3. I consider that 658mm is a narrow passageway in the first instance with respect to access to the rear garden. However, to reduce this distance to 300mm is effectively removing access from the front of the house to the rear garden which would impact on residential amenities. For this reason, I am of the opinion that Condition No.2 should be retained.
- 7.1.4. I am of the opinion that if the extension is kept in line with the existing dwelling it will provide some visual relief to the occupants of No.23A. The extension extends almost 8m from the rear façade of the existing dwelling, albeit there is a 2m gap proposed between the rear façade and the extension. I accept it is a single storey extension but nonetheless would have concerns that if it was built so close to the boundary, it could have an overbearing effect on the occupants of No.23A. A gap of 658mm will mitigate against the extension being overbearing and for this reason I am of the opinion that Condition No.2 should be retained.
- 7.1.5. The Planning Authority stated that the condition was also appended for visual amenity purposes. I accept that the dwelling is at the end of a cul-de-sac and to the rear of the dwelling and unlikely to be very visible from the public view. I am satisfied that it would not seriously impact on visual amenities.
- 7.1.6. To conclude I am of the opinion that the condition should be retained.

7.2. 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

- 8.1. Having regard to the nature of the condition the subject of the appeal and based on the reasons and considerations set out below, the Board is 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 directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 as amended, to **RETAIN** condition number 2.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed extension, it is considered that the extension as proposed being only 300mm away from the party wall would have an overbearing effect and prohibit side access to the rear garden and would, therefore, seriously injure residential amenities and would be contrary to the proper planning and sustainable development of the area.

Ciara Kellett
Senior Planning Inspector

20th August 2018