



An
Bord
Pleanála

Inspector's Report ABP-301914-18

Development

Demolish garage and extension, excavate under ground level to extend existing lower ground floor accommodation, construct extension to side, alterations to existing dwelling, new entrance, shed and associate site works

Location

Alderley, Adelaide Road, Glenageary, Co. Dublin

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D18A/0134

Applicant(s)

Steven Van den Bergh

Type of Application

Permission

Planning Authority Decision

Grant subject to Conditions

Type of Appeal

Third Party

Appellant(s)

Ann & Niall Fortune

Observer(s)

n/a

Date of Site Inspection

21st August & 11th September 2018

Inspector

Mary Crowley

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision	7
3.1. Decision	7
3.2. Planning Authority Reports	7
3.3. Prescribed Bodies	8
3.4. Third Party Observations	8
4.0 Planning History.....	8
5.0 Policy Context.....	8
5.1. Development Plan.....	8
5.2. Natural Heritage Designations	9
6.0 The Appeal	9
6.1. Grounds of Appeal	9
6.2. Applicant Response	10
6.3. Planning Authority Response	11
6.4. Observations.....	11
6.5. Further Responses.....	11
7.0 Assessment.....	12
8.0 Principle.....	12
9.0 Residential Impact	13
10.0 Traffic Impact	15
11.0 Other Issues.....	16
12.0 Recommendation	17

13.0	Reasons and Considerations	17
14.0	Conditions	17

1.0 Site Location and Description

1.1. The appeal site with a stated area of 0.092ha is located on the corner of Glenageary Road Upper and Adelaide Road with the existing vehicular access also located onto this concern and proximate to the road junction. The site comprises an existing detached dwelling that is 2-3 storeys with partial sunken / semi basement elements at the southern and western elevations and a full 3 storey eastern elevation facing towards Adelaide Road. The site boundaries consist of random rubble stone walls and mature planting. There are a number of existing mature trees within the subject site. A set of photographs of the site and its environs taken during the course of the site inspection is attached. I also refer to the photos available to view throughout the appeal file.

2.0 Proposed Development

2.1. The applicant sought permission from DLRCC on the 15th February 2018 for the following:

- Demolition of existing ground floor garage and lower ground floor (semi-basement) single storey extension.
- Construction of one and two storey (i.e. ground floor over lower ground floor semi-basement level) extension to (west) side.
- Excavation under ground level to extend existing lower ground floor (semi-basement) accommodation.
- Alterations to the existing dwelling including: change windows to doors and create new windows to lower ground floor level (semi-basement) to side (east) façade.
- Create new window at ground floor level to side (east) façade.
- Widen window opening and create external doors at semi-basement (lower ground floor) level to front (south) façade including excavation to form external courtyard.

- Demolish existing roof dormer to south and part of existing dormer window to north and construct new dormer windows to north and south sides of roof.
 - Create new roof lights to south and east roofs.
 - Block-up existing vehicular entrance and create new entrance from Adelaide Road with associated dishing of kerb.
 - Site works including construction of 2m high boundary to front (south) garden and extend boundary walls with timber extension to 2m height.
 - Construction of single storey shed to front south garden.
 - Related services including surface water soakaway.
- 2.2. The gross floor space of the existing building is 362.2 sqm. The gross floor space to be demolished is 47.4sqm. The gross floor space of proposed works is 76.6sqm.
- 2.3. The application was accompanied by a Method Statement for Basement Construction prepared by DTA Consulting Engineers.
- 2.4. Further information was submitted on the 2nd May 2018 and may be summarised as follows:
- Revised plans and details
 - Revised public notices indicating that significant further information had been submitted
 - First floor plan has been revised so that glazing within the proposed dormer on the southern elevation matches the elevation forming part of the original planning submission.
 - The internal front boundary wall has been reduced to closer reflect the height of the front boundary wall.
 - Modified vehicular entrance
 - Alterations omitting the dormer window to the north roof and replacement with 2 no roof lights. Further 2 no roof lights are also proposed over the single storey entrance porch.
- 2.5. The further information was accompanied by a letter from the applicant in relation to the location of the boundary line between their house and the observer / appellant's house. Submitted that the red line indicated on the planning drawings is located on the centre of the site boundary structures. Stated that irrespective of whether the

boundary is on the fence line or a notional 300mm inside, this has no impact on the proposed extension since the proposed extension is 784mm removed from the boundary in question.

3.0 **Planning Authority Decision**

3.1. **Decision**

3.1.1. DLRCC issued a notification of decision to grant permission subject to 14 Conditions.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

3.2.2. The **Case Planner** (10th April 2018) in their first report recommended that the following further information be sought as summarised. Further information was requested on the 10th April 2018.

- 1) Insufficient detail has been submitted in order to fully assess the proposed development relative to the adjoining property to the west in terms of overlooking and overbearing. Requested to submit additional drawings, including floor plans and elevations to show the adjoining property and associated amenity space to the west relative to the proposed extension and an accurate site boundary, delineated in red on proposed floor plans.
- 2) Revised plans and elevations to show the extent of glazing proposed.
- 3) Revised proposals with regards to the internal site boundary treatment that does not exceed the height of the existing site boundary wall. Applicant also invited to explore an alternative location within the site for the proposed shed.
- 4) Revised drawings showing an amended vehicular entrance that provides for adequate visibility for both pedestrians and vehicles.

3.2.3. The **Case Planner** (24th May 2018) in their second report and having considered the further information submitted recommended that permission be granted subject to conditions. The notification of decision to grant permission issued by DLRCC reflects this recommendation.

3.2.4. Other Technical Reports

- 3.2.5. **Transportation Planning** (21st March 2018) – No objection subject to conditions relating to the proposed relocated vehicular entrance, SUDs and damage to public road. In their second report (17th May 2018) and having considered the further information had no stated objections subject to conditions relating to vehicular entrance, SuDS and damage to public road.
- 3.2.6. **Drainage Planning** (11th April 2018) – No objection subject to conditions relating to surface water.

3.3. **Prescribed Bodies**

- 3.3.1. There no reports from any Prescribed Bodies recorded on the planning file.

3.4. **Third Party Observations**

- 3.4.1. There is one observation recorded on the planning file from Niall & Ann Fortune. The issues raised relate to legal interest, loss of privacy, overshadowing, visual impact and underpinning rubble wall.

4.0 **Planning History**

- 4.1. There is no evidence of any previous planning application or subsequent appeal on this site.

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*. Further the site contains an objective *to protect and preserve trees and woodland*. Section 8.2.3.4(i) deals with Extensions to Dwellings. Section 8.2.4.9 deals with Vehicular Entrances and Hardstanding Areas. Section 8.2.8.6 deal with Trees and Hedgerows.

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 third party appeal has been prepared and submitted by Tim Chapman Architects on behalf of Ann & Niall Fortune, Alderley Lodge, Glenageary Road Upper (neighbouring property to the west) and may be summarised as follows:

- **Overlooking / Light Impact** – There is a new bedroom created in the basement which has a window facing the appellants' property. The current boundary is not solid and so the appellants' privacy is compromised. Condition No 2 reduces the height of the proposed two storey extension by 600mm. Even when reduced this blank wall will be 5.2m high above the appellants footpath, will cause overshadowing to an existing window and an eyesore. This impact to the appellants' property has not been adequately addressed.
- **Site Boundary** – The boundary between the proposal as shown by the applicant is incorrect and does not reflect the title map of the appellants' property. The difference in the location of the two boundaries is 300mm.
- **Construction of Extension** – A retaining wall is shown along the boundary with the appellants property however there is no indication of what material this retaining wall is to be built from and its overall construction thickness. The plans show part of the existing rubble wall being demolished. There is no clear method in how part of this rubble wall is to be removed without the remainder collapsing as it is not clear whether the rubble wall has a foundation.
- **Foul Drain** – The main foul drain to the appellants' house run parallel to the adjoining boundary with Alderley and there is concern that the works along this boundary could result in possible subsidence and disruption through the undermining of the foul sewer.

- **Conclusion** – Basement window facing the appellants' property to be omitted. Kitchen extension to be built within the applicants boundaries, limited to a height of 4.9m with an internal ceiling height of 2.5m. Methodology in dealing with the rubble wall and the retaining wall to the boundary to be agreed.

6.2. Applicant Response

6.2.1. The first party response to the appeal has been prepared and submitted by RD Architecture and may be summarised as follows:

- **Basement Window** – The boundary is constructed of a timber fence and is not transparent. The proposed window is fixed and obscure. If it was changed to clear glass it would be subject to Enforcement Action.
- **Height of Side Extension** – The height is not excessive and is comparable in height to the side extension constructed to the adjacent property. There is a large separation distance between the appellant's extension and the applicant's property. There will be a loss of light to the appellant's side extension. Guidance for new dwellings suggest a ceiling height of 2.7m for habitable rooms.
- **Boundary Location** – If the boundary is located 300mm inside the fence line, it has no effect on the proposed development since the proposed extension is located 784mm from the fence line. It is common for new buildings to be built close to a boundary where no access is possible from a neighbouring property. Access to plaster the gable wall is not essential since the wall can be either fair-faced blockwork, brickwork or similar. This can be constructed without access to the adjacent property. For clarity the applicant requests that a condition specifying the finish of this side wall be attached.

6.2.2. The submission was accompanied by a cover letter and a Basement Construction Method Statement prepared by DTA Consulting Engineers. It is confirmed that the location of the foul sewer will be located prior to works and will be protected during works.

6.3. **Planning Authority Response**

- 6.3.1. DLRCC (2nd July 2018) refers to the previous planners report and state 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.

6.4. **Observations**

- 6.4.1. There are no observation recorded on the appeal file.

6.5. **Further Responses**

- 6.5.1. The submission received from the applicant in response to the third party appeal was cross circulated to relevant parties in accordance with Section 131 of the Planning & Development Act 2000 (as amended). The responses may be summarised as follows:

- 6.5.2. **DLRCC** (2nd August 2018) - Refers to the previous planners report and state 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.

- 6.5.3. **Ann & Niall Fortune** (15th August 2018) (Appellant)

- **Basement Window** – The basement window facing the appellants’ property should be omitted. There is another window / door into this bedroom which faces to the north so there is adequate ventilation and light from this.
- **Height of Side Elevation** – The extension is higher than the eaves of the appellant’s property. This wall which is 5.8m high above the ground floor level of the appellant’s property and within 1m of the boundary will cause loss of daylight and throw shadows over the south facing windows in the appellant’s extension.
- **Boundary Location** – Copy of appellants’ title deeds provided which shows the boundary between the two properties. Submitted that there will only be a distance of 483mm between the 5.8m high wall and the appellant’s boundary. Even if a condition was attached that the wall was to be fair faced brickwork / blockwork that the quality of finish having to be built “overhand” would be poor and not in keeping with the existing house.

- **Constructing the Basement Wall** – The method statements for dealing with the rubble wall and the retaining wall to the boundary needs to be completed in more detail.
- **Demolition of Rubble Wall** – The practical method of how the wall is to be supported whilst underpinning is not described. Concern raised that once a rubble wall is disturbed they become unstable and will end up being demolished.
- **Protection of Existing Drainage** – In order to establish the location of the drain and carry out a CCTV survey the applicants contractor will have to enter the appellants property.

7.0 Assessment

7.1. The application was submitted to DLRCC on 15th February 2018. Further information was submitted on the 2nd May 2018. Accordingly this assessment is based on the plans and particulars submitted on 15th February 2018 as amended on 2nd May 2018.

7.2. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Residential Impact
- Site Boundary
- Construction Impact
- Traffic Safety
- Other Issues

8.0 Principle

8.1. Under the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022 the site is wholly contained within an area zoned Objective A where the objective *is to protect and / or improve residential amenity* and where residential

development is permitted in principle subject to compliance, with the relevant policies, standards and requirements set out in plan. Therefore the proposed development is considered a permissible use.

- 8.2. As pointed out by the Case Planner the proposed development consists of a number of alterations to the existing dwelling which can be split into three main elements: (1) demolition and extensions (including dormer structures), (2) ancillary alterations (including new window / doors changes to boundaries and a shed) and (3) the relocation of the existing vehicular access. Issues pertaining to access are dealt with separately below.
- 8.3. The building is not listed on the record of protected structures and is not located within any designated conservation area. Accordingly there is no objection to the demolition of the existing ground floor garage and lower ground floor (semi-basement) single storey extension.
- 8.4. With regard to the design and visual impact of the proposed development I am satisfied that the scale and design of the scheme does not overwhelm or dominate the original form or appearance of the parent house, that the extension is subordinate to the main dwelling and that the scheme will not have a significant negative impact on the established character or visual amenities of this established residential area or the overall streetscape.

9.0 Residential Impact

- 9.1. The appellant, neighbouring property to the west of the appeal site, raises concerns in relation to the new basement bedroom and the window facing the appellant's property. It is submitted that as the current boundary is not solid the appellants' privacy will be compromised. It is further submitted that the height of the blank wall of the proposed extension, notwithstanding the condition to reduce it to 5.2m, will cause overshadowing to an existing window and an eyesore. Requested that the height is reduced to 4.9m with an internal ceiling height of 2.5m.
- 9.2. Overall I consider that the proposed extension (as amended) has been designed to ensure that there will be no reduction in the residential amenity of adjacent dwellings, in terms of outlook, privacy or access to daylight and sunlight. Further the height of the extension, while proximate to the appellant's house is consistent with the pattern

and layout of the existing property. I therefore consider the provision of this extension to be acceptable and that same will not detract from the residential amenity of the adjoining property to such an extent that would warrant a refusal of permission.

- 9.3. With regard to the specific concerns raised in relation to the basement window proposed to serve a bedroom I note that the plans clearly state that this will be a “*fixed obscure glass window*”. I consider the form and positioning of this window strikes a reasonable balance between the protection of the amenities and privacy of the adjoining dwelling and the requirements of the applicant. It is worth noting that should the Board be minded to grant permission that Condition No 1 of same generally requires that the development be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted by further information. Any development which proceeds in breach of such a condition laid down in the planning permission will be subject to the rigours of planning enforcement and will be a matter for the Local Authority.

10.0 Site Boundary

- 10.1. I note the concerns raised with regard to the location of the boundary between the appeal site and the appellants property. In this regard I would draw attention to Section 34(13) of the Planning Act that states that a person is not be entitled solely by reason of a permission to carry out any development. Therefore, should planning permission be granted and should the observers or any other party consider that the planning permission granted by the Board cannot be implemented because of landownership or title issue, then Section 34 (13) of the Planning and Development Act 2000 is relevant.
- 10.2. With regard to the appellants concerns in relation to the treatment of the wall facing their property and the poor quality of same by reason of the finish having to built “overhand” I note applicants response to same. It is common for new buildings in urban areas to be built close to a boundary where no access is possible from a neighbouring property. While it may be in all parties interests to facilitate access I agree with the applicant that access to plaster the gable wall is not essential since

the wall can be either fair-faced blockwork, brickwork or similar. It is recommended that should the Board be minded to grant permission that a condition be attached requiring that the external finish of the boundary facing the appellant to the west be agreed prior to commencement of work on site.

11.0 Construction Impact

- 11.1. The appellant raises concerns with regard to the construction impact to the rubble wall and the details of the retaining wall. I refer to the Basement Construction Method Statement submitted.
- 11.2. There will inevitably be disruption during the course of construction, however such can be minimised to acceptable levels with appropriate standard working / construction procedures such as controlling construction hours, dust minimisation. While much of the concern raised is an engineering issue and not a planning issue, whereby it falls to the developer to ensure that no damage or deterioration occurs to adjoining properties, I am satisfied that this matter can be dealt with by way of a suitably worded condition requiring the submission of a construction management plan for agreement. With the attachment of such a condition I do not consider that the construction phase of the development would give rise to an unreasonable impact on neighbouring properties in this instance.

12.0 Traffic Impact

- 12.1. The scheme also includes proposals to block-up the existing vehicular entrance at the junction of Adelaide Road and Glenageary Road Upper and creating a new entrance from Adelaide Road with associated dishing of kerb (as amended). As observed on day of site inspection (x2) the current location of the vehicular entrance is directly onto the junction of Adelaide Road and Glenageary Road Lower and is a traffic hazard. The relocation of the vehicular entrance is intended to improve sightlines and is a safer location to exit the site as it further removed from the junction.
- 12.2. DLRCC Transportation Planning have no stated objection to the proposed development subject to conditions as set out in their report. I am satisfied given the location of the appeal site that the proposed relocation of the entrance would provide

a substantial improvement on the existing situation for all road users and would and would not conflict with traffic or pedestrian movements in the immediate area subject to conditions as recommended by DLRCC Transportation Section. Overall I consider the proposal to be acceptable and I am satisfied that the proposed development will not result in the creation of a traffic hazard.

13.0 Other Issues

- 13.1. **Foul Drain** – I am satisfied that this matter can be dealt with by way of suitably worded condition whereby all works shall comply with the requirements of the planning authority for such works and services.
- 13.2. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development, 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.
- 13.3. **EIA Screening** – Having regard to the nature and scale of the proposed development comprising a residential extension and the relocation of an existing vehicular site entrance in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.
- 13.4. **Development Contributions** – Dun-laoghaire Rathdown County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended) and is in place since 14th December 2015. Section 10 Exemptions and Reduction of the scheme states that the first 40 square metres of any residential extension, shall be exempt from the contribution scheme. Accordingly, the proposed development does not fall under the exemptions listed in either scheme and it is recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

14.0 Recommendation

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

15.0 Reasons and Considerations

15.1. Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, to the location of the site in an established residential area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

16.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 2nd May 2018, 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 Developer shall
 - a) ensure that the footpath including the grass verge in front of the proposed relocated vehicular entrance shall be dished and strengthened at their own expense including any moving / adjustment of any manhole /chamber covers and all to the

satisfaction of the appropriate utility company and Planning Authority and shall

b) also reinstate and strengthen the footpath/dishing/grass verge in front of the existing vehicular entrance at their own expense and all to the satisfaction of the Planning Authority.

c) block up the existing vehicular entrance at their own expense.

With regards to: a) the dishing and strengthening of the footpath including the grass verge in front of the proposed relocated vehicular entrance and b) the reinstating and strengthening of the footpath/dishing/grass verge in front of the existing vehicular entrance, the Developer shall contact the Road Maintenance & Roads Control Sections to ascertain the required specifications for such works and any required permits.

Reason: In the interest of the proper planning and sustainable development of the area.

3. The Developer shall ensure that any proposed new driveway/parking area shall be constructed with sustainable drainage systems (SuDS) and to the satisfaction of the Planning Authority. The Applicant shall ensure that drainage from the proposed relocated driveway/parking area will not enter onto Adelaide Road.

Reason: In the interest of the proper planning and sustainable development of the area.

4. The external finishes of the proposed extension, including roof tiles/slates, shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity

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

Reason: In the interest of public health.

6. The site and building works required to implement the development shall

be carried out only between the hours of 0800 to 1800 Monday to Fridays, 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 adjoining property in the vicinity

7. 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

8. The Developer shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining property(s) as a result of the site construction works and repair any damage to the public road arising from carrying out the works.

Reason: In the interest of the proper planning and sustainable development of the area.

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

10. 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 the 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

Mary Crowley

Senior Planning Inspector

26th September 2018