



An
Bord
Pleanála

Inspector's Report ABP-301972-18

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| Development | Permission for demolition of boiler house to rear and lean-to construction and construction of extension to front and side of house |
| Location | 41, Eden Road Upper, Glenageary, Dublin |
| Planning Authority | Dun Laoghaire Rathdown County Council |
| Planning Authority Reg. Ref. | D18A/0349 |
| Applicant(s) | Rocio Plazas & Daire Lawlor |
| Type of Application | Permission |
| Planning Authority Decision | Grant with conditions |
| Type of Appeal | Third Party |
| Appellant(s) | Gary O'Hare |
| Observer(s) | None |
| Date of Site Inspection | 21/08/2018 |
| Inspector | Mary Crowley |

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1.0 Site Location and Description

1.1. The appeal site with a stated area of 0.0415 ha is located on the north side of Eden Road Upper and comprises an end of terrace two storey house set back from the road with off street car parking to the front and a large private amenity space to the rear. The site is bound by an adjoining terraced house to the west, a detached dormer bungalow and the rear gardens of No 3 and 4 Magenta Place to the east and the rear garden of a dormer bungalow to the north. A set of photographs of the site and its environs taken during the course of the site inspection is attached.

2.0 Proposed Development

2.1. The planning application submitted to DLRCC on the 18th April 2018 sought permission for the following:

- demolition of boiler house to rear and lean-to construction at front house
- erection of a 27 sqm single storey extension to rear of house
- 7 sqm single storey extension to front and side of house
- new canopy at front door and
- widening of existing driveway to front of house accessing Eden Road Upper, along with all associated site works

3.0 Planning Authority Decision

3.1. Decision

3.1.1. DLRCC issued a notification of decision to grant permission subject to 8 generally standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The **Case Planner** recommended that permission be granted subject to conditions. The notification of decision to grant permission issued by DLRCC reflects this recommendation.

3.2.3. Other Technical Reports

3.2.4. **Transportation Planning** – No objection subject to condition relating to the proposed access construction works / activities.

3.2.5. **Drainage Planning** – No objection subject to a condition relating to surface water and permeable hardstanding.

3.3. **Prescribed Bodies**

3.3.1. There are no reports from 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 Gary O'Hare (appellant in this appeal). The issues raised relate to the impact of the proposed stove and flue, drainage and the mass form and detail of the scheme.

4.0 **Planning History**

4.1. There is no evidence of any previous planning appeal on this site. There was a previous planning application for a domestic extension on this site that may be summarised as follows:

Reg Ref D97B/0183 – Permission granted for a kitchen extension to the side of the dwelling subject to conditions.

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*.

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

6.2. The third party appeal has been prepared and submitted by Gary O'Hare, No 39 Eden Road Upper (adjoining property to the west). The issues raised may be summarised as follows:

6.3. **Amenity and Light** - The planning drawings do not indicate all the heights of the structures and in some cases are inaccurate. The proposed extension will have a dramatic effect on the amenity and light to No. 39. The proposed heights on and near to the boundary are substantially higher than the existing structures and should be reconsidered and significantly reduced.

6.4. **Drainage** - The proposed extension of 6 metres into the garden will build directly on top of an existing collective sewer passing along the back of the houses approximately 4.5 metres from the rear elevation. Concern is raised that the sewer may be disturbed and ruptured when uncovered and may be damaged during the construction period. Submitted that it is not generally recommended to construct buildings over sewers, it should be avoided as much as possible.

6.5. **Flue** – The terrace and our house has a history of bad circulation of smoke emitting from the existing fireplaces. The proposed position of the flue does not comply with standard practice and guidance, and poses a great threat to the amenity of the applicants' house No. 39 and the surrounding houses.

6.6. **Scale and Impact** - Requested that the proposal is altered in design, so as to allow for a reasonable extension, while at the same time minimising the impact it will have on the building's adjoining neighbour with regard to amenity and the other points raised. Submitted that these elements could include:

- Reducing the extension into the garden.
- Flat roof to extension.
- Specify a low profile roof.
- Forming the eastern party wall coping in size or coated aluminium to reduce height.
- Omit bulky concrete copy.

- Omit flue.

6.7. Applicant Response

6.7.1. The first party response has been prepared and submitted by John McLaughlin on behalf of the applicant and may be summarised as follows:

Design Approach - The extension has no windows to the boundaries or within 1 metre of a boundary. It is not proposed to use the roof of the extension as a balcony or roof garden. As noted in the decision by Dún Laoghaire-Rathdown County Council, there is considerable amenity space remaining in the garden after the proposed extension is made. There is no first floor extension proposed.

6.7.2. **Amenity and Light** - While there will be an increase in height along the boundary with No. 39, this increase in height is not significantly higher than the existing boiler house and planting that exists on site already. The addition of the extension, adjacent to rear wall of the existing house will not cause significant change to the light levels in No. 39's rear gardens.

6.7.3. **Drainage** – The design ensures that the pipe is above the foundation loads and that new points of access are provided to the drainage line in the applicants garden. The local authority's drainage department have approved this development and do not consider this to be unacceptable or outside normal development standards. It is common for domestic extensions to be built over drainage lines at the rear of properties as these drainage lines typically run within 4 metres of the rear wall of the property.

6.7.4. **Flue** - The flue complies with the requirements in the Building Regulations, Technical Guidance Document J 2014, Heat Producing Appliances. There is no new addition of solid burning flue for this house, rather a replacement. Submitted that this flue was included in the design, in lieu of a masonry chimney, at the request of the neighbour to mitigate any shadow from the chimney.

6.7.5. **Scale and Impact** - With regard to the individual points highlighted in the appeals letter the applicant submitted the following:

- The design has taken consideration of No. 39 by keeping to the lowest possible height along this side.

- A flat roof to the extension would make negligible difference to the impact on No. 39 as this does not change the 3 metre high level of the parapet wall along the boundary with No. 39.
- It is not intended to have a high upstand for the roof light. The specification of the rooflight will be determined at detail design stage.
- Applicant happy to look at alternatives to concrete parapet along the boundary wall with No. 39.
- The appellant's request for an over sailing roof detail here, in lieu of a parapet wall, is not relevant to this appeal as the north façade in question does not abut the neighbour's property but rather faces the applicants rear garden.
- Indicated a render to the extension wall along No. 39.

6.8. Planning Authority Response

6.8.1. DKRCC in their response to the appeal states that it is considered 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.

6.9. Observations

6.9.1. There are no observations recorded on the appeal file.

6.10. Further Responses

6.10.1. There are no further responses recorded on the appeal file.

7.0 Assessment

7.1. Having regard to the information presented by the parties to the appeal 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
- Scale & Design
- Residential Amenity

- Drainage
- Flue
- Traffic
- 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. Residential extensions and alterations to an existing dwelling for residential purposes is therefore considered a permissible use.

9.0 Scale & Design

9.1. I note the concerns raised by the appellant with regard to the scale and design of the proposed extension, particularly the rear element abutting the shared boundary together with the suggested amendments.

9.2. The proposed works to the front of the existing dwelling comprising a new canopy, larger window to the side extension and new side passageway with gate are acceptable and will not detract from either the parent building or the streetscape.

9.3. With regard to the new rear extension, I consider this single storey element to be relatively modest in size and that overall it respects the character, scale, and proportions of the parent dwelling while protecting the visual amenities of the area.

9.4. While the boiler house to be removed has a stated height of 2.57m and the height of the proposed extension is stated as 3m it is noted that the depth of the proposed extension (6m) is significantly longer than the existing boiler house. I refer to Cross Section Drawing No 204 and 212. It is further noted that the extension has no windows on the boundary wall towards the appellant.

9.5. While the extension is substantially larger than the existing boiler house I consider that the scale and location of the proposal within a compact urban area would not

form an unduly overbearing or dominant element when viewed from the adjoining properties or surrounding areas. Accordingly I consider the scheme to be acceptable in terms of design and scale and I do not recommend any amendments to the scheme in this regard. Matters pertaining to residential amenity are discussed separately below.

10.0 Residential Amenity

- 10.1. I note the concerns raised by the appellant that with regard to the impact of the scheme in terms of its residential impact to the adjoining property at No 39 Eden Road Upper (adjoining property to the west).
- 10.2. I have considered the scheme before the Board and I am satisfied that the design, scale, form and positioning of the proposed extension strikes a reasonable balance between the protection of the amenities and privacy of the appellants dwelling, that it will not result in any significant over shadowing of their property and that it will not result in any unreasonable loss of natural light or overlooking to the appellants residential property. I therefore consider the provision of this extension to be acceptable.

11.0 Drainage

- 11.1. I note the appellant's submission that this terrace is served by a collective sewer passing along the back of the houses approximately 4.5 metres from the rear elevation and that the proposed extension of 6 metres into the garden will build directly on top of the sewer. Concern is raised that the sewer may be disturbed and rupture when uncovered and may be damaged during the construction period.
- 11.2. While I agree with the appellant that it is not generally recommended to construct buildings over sewers, in urban areas where it cannot be avoided it is relatively common practise. Further it is noted that DLRCC Drainage Planning has no objection to the scheme subject to a condition relating to surface water and permeable hardstanding only.
- 11.3. I note from the applicants submission that they have engaged the services of a Structural Engineer who has opened up the manhole to inspect the drainage runs

and designed a drainage scheme that meets the requirements of domestic extensions and addresses the conditions of the site. It is stated that the design ensures that the pipe is above the foundation loads and that new points of access are provided to the drainage line in the applicant's garden. It is further stated that the Structural Engineer will be involved in the detail design and construction stages of this project

- 11.4. Having regard to the foregoing I am satisfied that this matter can be dealt with by way of suitably worded condition whereby drainage arrangements shall comply with the requirements of the planning authority for such works and services

12.0 Flue

- 12.1. The rear extension includes a new stove and associated metal flue located on the back (northern) wall approximately 6 metres into the garden and 4.5 metres in height. The appellant submits that this terrace of houses has a history of bad circulation of smoke emitting from the existing fireplaces. It is further submitted that the position of the flue does not comply with standard practice and guidance, and poses a great threat to the amenity of surrounding houses.
- 12.2. The applicant submits that there is no new addition of solid burning flue for this house, rather a replacement and that the flue complies with the requirements in the Building Regulations, Technical Guidance Document J 2014, Heat Producing Appliances.
- 12.3. While solid fuel burning stoves and associated flues are common place in urban environments I share the appellants concerns that depending on the localised conditions there can be incidences of poor circulation of smoke emitting from domestic fires. While I accept the applicants submission that the scheme will comply with the Building Regulations' I am concerned that compliance with the minimum standards may be insufficient in this context.
- 12.4. On balance I agree in part with the Case Planner that the provision of a flue positioned in excess of 5 metres from the first floor building line of the house is unlikely to give rise to serious negative impacts on the residential amenity of adjoining properties. However I am also of the view that in addition to distance that the height of the flue may be the most significant contributing factor to any poor

circulation. As pointed out by the appellant Guidance and good practice for the design of flues in residential buildings requires that the flues are brought up to a height which emits smoke at a substantial height above building elements and openable windows. For example the chimney termination position should be above the main ridge of the roof or adjacent outside obstructions (i.e. high trees or other buildings).

12.5. I do not consider this matter to be so significant as to warrant a refusal. I am satisfied that this matter can be dealt with by way of suitably worded condition whereby the applicant is required to agree the height of the flue prior to commencement of work on site.

13.0 Traffic

13.1.1. The application also includes proposals for the widening of the existing driveway from 2.8m to 3.5m to the front of house accessing Eden Road Upper along with all associated site works to include a removal a section of the existing front boundary wall. DLRCC Transportation Planning have no stated objection to these works. I do not consider that the proposed works will detract from the character or visual amenities of the area. 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. Should the Board be minded to grant permission it is recommended that the conditions outlined by DLRCC Transportation Planning Section be attached.

14.0 Other Issues

14.1. **Appropriate Assessment** - 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.

14.2. **EIA Screening** – Having regard to the nature and scale of the proposed development comprising a residential extension a 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.

14.3. **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 falls under the exemptions listed in the scheme. No Section 48 Development Contribution is applicable in this case.

15.0 Recommendation

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

16.0 Reasons and Considerations

16.1. Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and its zoning for residential purposes, 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. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

17.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. a) The footpath in front of the proposed widened vehicular entrance shall be dished and strengthened at the Applicant's own expense including any moving / adjustment of any water cocks / chamber covers and all to the satisfaction of the appropriate utility company and the Planning Authority. Details shall be agreed in writing with the DLRCC Road Maintenance & Roads Control Sections.
- b) The Applicants 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 traffic and pedestrian safety.

3. The height of the proposed flue shall be increased to a position above the main ridge of the parent roof or adjacent outside obstruction (i.e. high trees or other buildings). Details shall be agreed in writing with the Planning Authority prior to commencement of work on site.

Reason: In the interest of residential amenity

4. A suitably qualified Structural Engineer shall be appointed by the developer to oversee the site set-up and construction of the proposed development and to ensure that the drainage pipe to the rear of the existing dwelling shall be above the foundation loads and that new points of access are provided to the drainage line in the applicants garden. Details shall be agreed in writing with the Planning Authority prior to commencement of work on site.

Reason: In the interest of public health.

5. The existing dwelling and proposed extension shall jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential

amenity and in order to comply with the objectives of the current Development Plan for the area.

6. 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.

7. 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.

8. 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.

9. 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

Mary Crowley

Senior Planning Inspector

30th November 2018