



An  
Bord  
Pleanála

## Inspector's Report

### ABP-302009-18

<b>Development</b>	Permission for the construction of a single storey porch extension and two storey extension to the rear, new garden room and vehicular entrance.
<b>Location</b>	444 Nutgrove Avenue, Churchtown, Dublin 14
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D18A/0373
<b>Applicant(s)</b>	Colin & Jenny O'Neil
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Paul & Elaine Coghlan
<b>Observer(s)</b>	n/a
<b>Date of Site Inspection</b>	29 <sup>th</sup> August 2018
<b>Inspector</b>	Mary Crowley

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## **1.0 Site Location and Description**

1.1. The appeal site with a stated area of 0.022ha is proximate to the junction of Nutgrove Avenue and Beaumont Avenue. It contains a mid-terrace house with a south facing garden. It was noted on day of site inspection that cars currently park outside the site to the front of the property, in a communal hard standing area. Low rise walls and hedging form the boundaries to the front and rear of the property. 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. This an application for permission for the construction of a single storey porch extension to the front (area 3.2 sqm), construction of a new single and two storey extension to the rear of existing house, incorporating living/dining at ground floor level (area 28.2 sqm) and an additional bedroom with en-suite at first floor level (area 15.3 sqm); construction of single storey shed/garden room to end of rear garden (area 16 sqm); provision of a new vehicular parking space by the partial removal of existing wall to front of house; alterations to internal layout and all associated site works. The application was accompanied by a cover letter and Engineering Planning Report.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. DLRCC issued a notification of decision to grant permission subject to 12 no generally standard conditions as follows:

### **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. **Drainage Planning** – No objection subject to conditions relating to surface water and permeable hardstanding.

3.2.5. **Transportation Planning** – No objection subject to the following conditions:

- *No vehicular access shall be provided to 444 Nutgrove Avenue and the existing wall to the front boundary of the house shall be retained.*
- *The proposed shed/garden room shall be used for uses incidental to the main dwelling and shall not be used for human habitation.*
- *All necessary measures shall be taken by the Applicant to avoid conflict between construction activities/traffic and pedestrian/cyclist/vehicular movements on the landscaping area/public space and on Beaumont Avenue/Nutgrove Avenue during construction works.*

### 3.3. **Prescribed Bodies**

3.3.1. There are no further reports recorded on the planning file.

### 3.4. **Third Party Observations**

3.4.1. There is one observation recorded on the planning file from Paul & Elaine Coughlan. The issue raised relate to scale, size, height, proximity to boundary, visual impact, overshadowing, precedent, impact to services and legal interest.

## 4.0 **Planning History**

4.1. There is no evidence of any previous planning application or appeal at this location.

## 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

- 6.1.1. The third party appeal has been prepared and submitted by Paul & Elaine Coghlan, No 442 Nutgrove Avenue (adjoining dwelling to the west). The issues raised may be summarised as follows:

- The proposed 2 storey extension to the rear of the property by reason of its scale, size, height and proximity to the appellants property boundary is visually obtrusive and overbearing, will cause significant overshadowing and loss of sun light of their home and will significantly injure the residential and visual amenities of their home as they will be looking out at and living in the shadow of a large two story structure to the side of their house and rear garden.

- 6.1.2. The appeal was accompanied by a sun study and additional images (march equinox, September equinox similar).

### 6.2. Applicant Response

- 6.2.1. The first party response to the appeal has been prepared and submitted by the applicant Colin & Jenny O'Neil and may be summarised as follows:

- The appellant, a family of 5 have lived at the property since 2004 and now require additional space. The applicant states that they could have extended

the house within the limits of exempted development but decided to seek permission as they also wished to extend at first floor. Stated that the first floor extension is only marginally above that which is allowed as exempted development.

- Every effort was made to design an extension that had minimal impact on their neighbours garden.
- As is evident from the sunlight study provided with the application, the proposed development will not result in any appreciable or significant overshadowing of the neighbours property.
- Due to the set back of the first floor extension there will be no additional overshadowing effect on the appellants patio doors.
- The assertion that the vista from the kitchen window at 442 is negatively impacted is of no relevance as any development constructed in the appellants garden would have the same results.

### **6.3. Planning Authority Response**

6.3.1. DLRCC in their response to the appeal submitted the following comments as summarised:

- The BRE guidelines are not mandatory and should not be viewed as absolute targets. The guidelines need to be interpreted flexibly and that light or access to it is heavily influenced by orientation.
- In the appellants VSC calculations it appears that the applicants own extension has a greater impact on loss of light to the patio doors than the proposed extension.
- The applicant submitted their own shadow analysis which is a more detailed form of analysis of access to light than the 45 degree rule. The analysis showed that both adjoining neighbours would have good access to light / sun following construction of the extension in spring and summer and less so in winter which is not unexpected.
- The first floor extension has been set back 2m from both adjoining neighbour's ground floor and first floor.
- The Board is asked to dismiss the appeal

## 6.4. **Observations**

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

## 6.5. **Further Responses**

6.5.1. 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 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 Amenity
- Traffic Impact
- 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. Accordingly I am satisfied that the principle of an extension to an existing dwelling at this location is acceptable at this location.

## 9.0 **Residential Amenity**

9.1. I note the concerns raised by the appellant in relation to the scale, size, height and proximity of the proposed extension to the appellants property boundary and that the scheme will lead to overshadowing and loss of sun light to their home. In addition to



reconciling the need to meet the requirements of a young family (applicants are a family of 5), with the desire to maximise accommodation any extension or alterations at this location should maintain the visual amenities and architectural character of the parent building and wider area without compromising the residential amenities of adjoining properties in terms of privacy and access to daylight and sunlight.

- 9.2. 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. Further I am satisfied 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 residential area. Having regard to the scale and location of the proposed extension I do not consider that the scheme would if permitted, form an unduly overbearing or dominant element when viewed from the adjoining properties or surrounding areas. Furthermore 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 adjoining dwellings, that it will not result in any significant over shadowing of adjoining properties and that it will not result in any unreasonable loss of natural light or overlooking to neighbouring residential properties. I therefore consider the provision of this extension to be acceptable.

## **10.0 Traffic Impact**

- 10.1. As part of the scheme it is proposed to provide a new vehicular parking space by the partial removal of existing wall to front of house. As documented by the Transportation Planning Section and as observed on day of site inspection the appeal site does not have direct access to the roadway and between this terrace of dwellings and the roadway is an area of landscaping / public space formed by the large radius curve / bend between Beaumont Avenue and Nutgrove Avenue. This also forms the outer perimeter of the roundabout type junction between Beaumont Avenue and Nutgrove Avenue. It is likely that this public area was initially grass which was subsequently replaced with block paving as part of a junction / local area improvement. While this area is subject to car parking and a number of the adjacent properties have also opened up vehicular access of the area I agree with the Transportation Planning that this area was not originally intended to be used by

vehicles unlike the centre of the modified roundabout opposite the appeal site which allows car parking.

- 10.2. However I consider the proposed new vehicular parking space by the partial removal of existing wall to front of house is not incongruous and could not reasonably be construed as being visually intrusive. I do not consider that the extent of the opening along the frontage to be out of character with the area. I am also satisfied given the location of the appeal site that the proposed entrance would not conflict with traffic or pedestrian movements in the immediate 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.

## 11.0 Other Issues

- 11.1. **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. The scheme is not exempt from the payment of a Section 48 Development Contribution.
- 11.2. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development, a rear 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.
- 11.3. **EIA Screening** – Having regard to the nature and scale of the proposed development comprising a residential extension 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.

## 12.0 Recommendation

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

## 13.0 Reasons and Considerations

13.1. 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. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 14.0 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. The proposed shed/ garden room shall be used for uses incidental to the main dwelling and shall not be used for human habitation.

**Reason:** In the interest of residential amenity

3. 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.

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. 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.

6. 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

7. 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

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**Mary Crowley**

**Senior Planning Inspector**

**28<sup>th</sup> September 2018**