



An
Bord
Pleanála

Inspector's Report ABP-302014-18

Development	Two Storey Extension to the rear of house.
Location	13 O' Rourke Park, Sallynoggin, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/0346
Applicant(s)	Jonathan & Mia O'Neill
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Jonathan & Mia O'Neill
Observer(s)	n/a
Date of Site Inspection	29 th August 2018
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.0256 ha is located in a well-established residential area characterised by two storey terraced houses with pitched roofs. The site is occupied by a two storey dwelling with pitched roof and a small single storey rear extension. There is also a detached structure in the rear open space that appears to be used as a separate residential unit. 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 is an application for permission for a two storey extension to the rear of the existing house, a dormer structure to the rear of the existing roof, a single storey family unit to the rear of the existing house and all associated site works. The stated floor area of the existing dwelling is 105 sqm. The stated area of the proposed extension is 77sqm.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. DLRCC refused permission for the following reason:

It is considered that the proposed development, namely the proposed single-storey and two-storey rear extensions, and the proposed roof dormer, and roof terrace/patio, by reason of their size, design and layout, and the overly large size, bulk and prominent position and design; would be overbearing, jarring, incongruous, and visually obtrusive when viewed from the rear of the adjoining properties, would result in overshadowing on the adjoining property (No. 12) to the southwest, and would have an overlooking impacts on the surrounding properties. The proposed extensions would also be overly visually dominant on the existing dwelling and would detract from the visual amenity of the area. It is also considered that the proposed development would overdevelop the site and would materially contravene the County Development Plan with regard to rear private open space, and by reason of

the inadequate remaining provision of rear private open space. It is considered that the proposed development would contravene Section 8.2.3.4 (iii) of the Dun Laoghaire-Rathdown County Development Plan, 2016-2022 in relation to 'Family Member/ Granny' Flat extensions, due to its overly large size and its layout and relationship to the main house. The proposal overall would help set an undesirable precedent for similar type development in the area. The proposed development would, therefore, seriously injure the amenities and depreciate the value of property in the vicinity and be contrary to the proper planning and sustainable development of the area

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The **Case Planner** recommended that permission be refused for a single reason. The notification of decision to refuse permission issued by DLRCC reflects this recommendation.

3.2.3. Other Technical Reports

3.2.4. **Drainage Planning** – No objection subject to a condition relating to permeable hardstanding.

3.2.5. **Transportation Planning** – No objection subject to condition relating to construction works / activities.

3.3. Prescribed Bodies

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

3.4. Third Party Observations

3.4.1. There are no observations recorded on the planning file.

4.0 Planning History

4.1. There is no evidence of any previous planning application or 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*.

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 first party appeal has been prepared and submitted by the applicants Jonathan & Mia O'Neill and may be summarised as follows:

- No objections were lodged with the Council
- The extension were designed with the applicants neighbours in mind
- There are no issues of overlooking or loss of light
- The extension is required to provide the applicants family with a more useable space that better suits their family dynamic comprising the applicants, their two children (age 9 and 19) and their grandparents.
- The applicant was in rental accommodation from 2002 to 2015 and on the housing list from 2004 – 2014. In 2015 the applicants moved home to care for an ill parent and assist financially.
- In that time the property market has spun out of control and the applicants are no longer able to find suitable accommodation at an affordable price let alone but a property. Thus the reason for the extension in order to provide ground floor accommodation for the grandparents to the rear of the property and three bedrooms in the main house for the applicants family.

- The roof dormer would be for use as a home office and would be set back further with opaque parapet to avoid overlooking. No balcony or veranda is being installed.
- Precedent in this area was set almost 20 year ago with a number of three storey extensions and large roof dormers constructed proximate to the appeal site.

6.2. **Planning Authority Response**

- 6.2.1. DLRCC 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.

6.3. **Observations**

- 6.3.1. There are no observations recorded on the appeal file.

6.4. **Further Responses**

- 6.4.1. 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
- 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.

- 8.2. I am also satisfied that the applicant has demonstrated a valid case for a development of this scale, that it is not a separate detached dwelling unit and that there is no evidence of any permanent subdivision of either the rear garden / courtyard or the overall development into two separate residential units.

9.0 Residential Amenity

- 9.1. DLRCC in their reason for refusal state that the scheme by reason of its size, design and layout, and the overly large size, bulk and prominent position and design; would be overbearing, jarring, incongruous, and visually obtrusive when viewed from the rear of the adjoining properties, would result in overshadowing on the adjoining property (No. 12) to the southwest, and would have an overlooking impacts on the surrounding properties.
- 9.2. Overall I am generally satisfied that on balance the design, form and positioning of the proposed rear extension strikes a reasonable balance between the protection of the amenities and privacy of the adjoining dwellings, will not result in any significant over shadowing of adjoining properties and will not result in an unreasonable loss of natural light or overlooking to neighbouring residential properties. However I am concerned with regard to the proposed rear dormer and associated balcony area and steel guarding. I consider this element of the scheme to be incongruent with the parent building and to permit same would compromise the residential amenities of adjoining properties. It is therefore recommended that should the Board be minded to grant permission that this element of the scheme be omitted and that access to the rear flat roof be restricted for the purposes of maintenance works only.
- 9.3. While the remaining amenity area in the form of a courtyard proposed to serve this development is undoubtedly compact in its form and layout it was evident on day of site inspection that the main dwelling did not appear in any way disadvantaged in

terms of qualitative amenity value. I am satisfied that the scheme proposed will ensure that an adequate proportion of private open space is retained and that the scheme successfully reconciles the amenity requirements of the owner with the requirement to facilitate modern living and maximize accommodation. Overall I am satisfied that the proposal to extend the existing dwelling will not result in any significant loss of amenity value to the main dwelling.

10.0 Other Issues

- 10.1. **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.
- 10.2. **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.
- 10.3. **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 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.

11.0 Recommendation

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

12.0 Reasons and Considerations

12.1. 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 as amended 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.

13.0 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 proposed rear dormer and associated balcony area and steel guarding shall be omitted.
 - b) Access to the rear flat roof shall be restricted for the purposes of maintenance works only. The flat roof area shall not be used as a garden / terrace.

Reason: In the interest of residential amenity.

3. 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.

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 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

28th September 2018