



An
Bord
Pleanála

Inspector's Report ABP-302062-18

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| Development | Two-storey side extension to existing two-storey house. |
| Location | 15 Balally Avenue, Dundrum, Dublin 14. |
| Planning Authority | Dun Laoighaire Rathdown County Council |
| Planning Authority Reg. Ref. | D18B/0195 |
| Applicant(s) | Graham & Karen Fitzell |
| Type of Application | Permission |
| Planning Authority Decision | Grant |
| Type of Appeal | First Party V Condition no. 2 |
| Appellant(s) | As above |
| Observer(s) | None |
| Date of Site Inspection | 29 th August 2018 |
| Inspector | Kenneth Moloney |

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1.0 Site Location and Description

- 1.1. The subject site is a semi-detached two storey house situated in a relatively large suburban housing estate in Dundrum, Dublin 14.
- 1.2. The side of the two-storey property is adjoined by a public laneway that measures approximately 4m in width.
- 1.3. The local topography rises gently from the public road to the front of the house to the rear of the site.
- 1.4. There is an external side entrance to the side of the property and this entrance is situated between the western gable wall of the two-storey house and the laneway.
- 1.5. The property has a single storey extension to the rear.
- 1.6. There is an ESB substation which is effectively a two-storey structure located adjoining the rear boundary wall of the subject property.

2.0 Proposed Development

- 2.1. Planning permission is sought for a two-storey extension to the side of an existing house.
- 2.2. The floor area of the proposed extension is 70 sq. metres and the proposed floor plan comprises of living room, toilet and utility room at ground floor level and bedroom, bedroom extension at first floor level.
- 2.3. The proposal involves partially extending the front building line of the existing two-storey house by approximately 1.4 metres.
- 2.4. The proposal involves extending the existing ridge line to create a gable end roof adjacent to the existing laneway.

3.0 Planning Authority Decision

- 3.1. Dun Laoighaire County Council decided to **grant** planning permission subject to 13 no. conditions. The conditions are generally standard and condition no. 2 is relevant. Condition no. 2 states;

Prior to the commencement of development on site revised floor plans and elevations shall be submitted, for the written agreement of the Planning Authority, which clearly show the proposed side extension set back from the common boundary with the adjoining public laneway by a minimum of 0.9m. Reason: To allow the openness of the laneway be maintained.

3.2. Planning Authority Reports

- 3.2.1. The main issues raised in the planner's report are as follows;

Area Planner

- The proposed gable end roof is different than the existing hipped roof profile. There are precedents for this type of roof profile.
- The gable roof profile is acceptable given the property adjoins a laneway.
- The proposed high level windows are welcome in terms of passive surveillance.
- The existing extension is not set back from the common boundary. This is a concern. The front extension is set back by 1m.
- It is reasonable to apply a condition setting back the condition by 0.9m to enable openness.
- The proposal addresses design issues associated with a previously refused application (D07A/1131). In addition a number of new infill applications, gable end roof profile, have been granted permission since permission was refused for D07A/1131.

- The doorway from the garden to the laneway is acceptable. A condition shall be attached requiring an inward opening gate.
- It is considered that the proposal will not have a detrimental impact on neighbouring residential amenities.

3.3. **Internal Reports;**

- Surface Water Drainage; - No objections subject to conditions.

3.4. **Third Party Observations**

- No third party submissions.

4.0 **Planning History**

L.A. Ref. D07A/1131 – Permission **refused** for a two-storey extension to the side of house. The refusal reason outlined that the proposed roof profile and gable projection to the front elevation will detract from the visual character of the area and would be out of character with the established pattern of development in the area.

5.0 **Policy Context**

5.1. **Development Plan**

The operational Development Plan is the Dun Laoghaire-Rathdown County Development Plan, 2016 – 2022.

Section 8.2.3.4 of the County Development Plan sets out guidance in relation to

- Extensions to Dwellings

6.0 The Appeal

6.1. The following is the summary of a first-party appeal submitted by the applicants;

Openness of the laneway

- No trees on the laneway to cast a shadow.
- The proposed gable wall will create little shadow as it faces south-east.
- The gable wall will be painted a light grey or white.
- There is a street lamp on the laneway to the rear of the appeal site to ensure adequate lighting at night.
- The laneway is 66m long. The proposed gable wall running along the boundary wall is 6.515m long.
- Based on precedents the proposed gable wall will not overbear the laneway.
- The windows onto the laneway, as noted in the planner's report are a positive element in providing passive surveillance onto the laneway.
- The proposed surveillance onto the laneway together with the benefit of the additional floor space outweighs the benefit of a 0.9m setback.

Precedent

- L.A. Ref. 02/2304 – this built development has a two-storey gable to the side of the house as part of the boundary wall onto the public laneway. It is not considered that this gable wall is overbearing. The length of this gable wall is 9.767m compared to 6.515m in the current case. The heights of the gable walls are the same.
- L.A. Ref. 16/1351 – A condition required that the gable wall be placed inside a boundary wall adjacent to a laneway. The length of this gable wall is 10.305m whereas in the current case the length of the gable wall is 6.515m.

Condition no. 2 renders the proposed development unviable

- Condition no. 2 would require the development to be redesigned.
- The proposed living room would not work allowing the revised dimensions.
- The bathroom and utility room would have to be compromised.
- The upstairs accommodation would have to be redesigned.
- The proposed two-storey extension would not create a terraced effect as is the case with some proposals.
- The implementation of condition no. 2 would make the extension too narrow and detrimental to the quality of space.

Previous Planning Application

- In a previous application for a double height and side extension permission was refused. However there was no mention made to the proximity of a boundary wall.

Pre-planning

- There was no mention at pre-planning meeting that the gable wall would present an issue with the laneway.

7.0 Responses

The local authority submitted a response stating that the grounds of appeal have not raised any new issues.

8.0 Assessment

The main issues for consideration are as follows;

- Principle of Development
- Impact on Established Residential Amenities

- Impact on Laneway

8.1. **Principle of Development**

- 8.1.1. The appeal site is zoned Objective A '*to protect and-or improve residential amenity*'. The established use on the appeal site is residential comprising of a two-storey semi-detached dwelling.
- 8.1.2. The character of the immediate area is suburban housing and many houses have existing extensions. Overall the principle of a proposed two-storey extension, largely to the side, of an existing two-storey house is acceptable provided that the amenities of the local area are protected.

8.2. **Impact on Residential Amenity**

- 8.2.1. The proposed extension is located to the side of the existing house, i.e. no. 51 Balally Avenue and situated adjacent to an existing public laneway.
- 8.2.2. On the opposite side of the laneway there is an existing two-storey semi-detached house, i.e. no. 53 Balally Avenue. The side annex and extension to this house is set back from the common boundary line with the laneway.
- 8.2.3. Although the proposed extension includes windows facing onto the laneway. The rooms associated with the windows are not habitable rooms and as such overlooking is not considered a significant issue. Furthermore the windows at ground floor level are high level windows and as such no overlooking would occur. The windows at first floor level will serve an ensuite and a dressing room. I would recommend that should the Board favour granting permission that these windows at first floor level shall be finished in obscure glazing to prevent any potential or perceived overlooking of no. 53 Balally Avenue.

- 8.2.4. I would consider that the proposed extension would not give rise to overshadowing on any established residential amenities having regard to the orientation of the proposed development relative to no. 53 Balally Avenue
- 8.2.5. In terms of visual impact the proposed gable ended roof would have a greater visual impact from the adjoining laneway than the existing hipped roof. However, I would consider that the proposed fenestration treatment would mitigate the bulkiness of this gable wall as viewed from the existing laneway.
- 8.2.6. Overall though I would consider that the proposed development would not seriously injure any established residential amenities having regard to the location of the proposed development relative to established residential amenities.

8.3. **Impact on Laneway**

- 8.3.1. In considering the impact of the proposed development on the existing laneway I would firstly note the scale of the proposed development. The width of the proposed extension, as it adjoins the common boundary line, is approximately 7.790 metres. The maximum height of the proposed gable elevation is approximately 7.9m above ground level. Section 8.2.3.4 of the County Development Plan sets out guidance for extensions and it is advised that extensions onto public footpaths will be required to set back within the existing boundary of the site. The proposed development is located within the boundary line of the appeal site and I would consider that the proposed development is therefore consistent with Section 8.2.3.4 of the County Development Plan.
- 8.3.2. I noted from a visual observation of the local area that no. 23 Balally Close, situated to the west of the appeal site and at the other end of the laneway relative to the appeal site. This property has a single storey side extension and gable elevation adjoining the laneway and, in my view, there is no adverse impact on the laneway. The Local Authority planner's report outlines that there is a precedent for a gable roof profile extension at no. 53 Balally which was recently approved under L.A. Ref.

15B/0408 and as such the proposed gable roof extension in the current application is acceptable. I would also note that the appellants, in their submission, submits examples of gable roof extensions fronting onto public laneways.

- 8.3.3. I would conclude that the public laneway is relatively wide and long and that the proposed extension would be acceptable given the size of the laneway. I would recommend that condition no. 2 shall be omitted, should the Board favour granting permission.

9.0 Recommendation

- 9.1. I have read the submissions on the file, visited the site, had due regard to the County Development Plan, and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

REASONS AND CONSIDERATIONS

Having regard to the zoning objective of the appeal site in the Dun Laoighaire-Rathdown County Development Plan, 2016 – 2022, and the extent of the proposed development, it is considered that subject to compliance with conditions set out below, the proposed development would not seriously injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area

10.0 Conditions

1. The development shall be 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 points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The first floor gable windows in the proposed extension shall be finished in obscure glazing.

Reason: To protect the adjoining residential amenities.

3. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

4. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

5. The house to be used as a single dwelling unit.

Reason: In the interest of clarity.

6. That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

7. The construction of the development shall be managed in accordance with a Construction Management Plan which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of amenities and public safety.

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 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.

Kenneth Moloney
Planning Inspector
4th September 2018