



An
Bord
Pleanála

Inspector's Report ABP-302337-18

Development	Construction of a two storey extension and conversion of existing garage.
Location	39 Nutgrove Park, Farrenboley, Dublin 14.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/0497
Applicant(s)	Colm and Mairin O'Donnell
Type of Application	First Party Appeal
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Colm and Mairin O'Donnell
Observer(s)	Richard Casey and Niamh Fahey
Date of Site Inspection	18/11/2018
Inspector	Lorraine Dockery

1.0 Site Location and Description

- 1.1. The subject site is located within the mature residential area of Clonskeagh, Dublin 14. It is a semi-detached, two storey property with stated site area of 0.04 hectares.

2.0 Proposed Development

- 2.1. The proposal, as per the submitted public notices comprises the (1) construction of a two storey extension to the rear with associated roof light (2) the conversion of the existing garage and a first floor extension above the garage (3) modifications of the existing roof and associated 3 no. proposed new roof lights (4) the widening of the front vehicular entrance with new entrance gates, together with all ancillary site and landscaping works.
- 2.2. The gross floor space of the proposed works is stated as being 76 square metres.

3.0 Planning Authority Decision

- 3.1. Grant permission with conditions

Condition No. 2

Prior to the commencement of development, the applicant shall submit revised plans and elevations for the written agreement of the planning authority setting the proposed extension at ground floor level 1 metre off the northern boundary shared with 40 Nutgrove Park.

Reason: In the interest of protecting adjoining residential amenities

3.2. Planning Authority Reports

Planner's Report

- 3.2.1. Concerns expressed regarding impact of development on neighbouring property at 40 Nutgrove Park, in terms of residential amenity- recommended condition No. 2 be

attached. Otherwise, consistent with provisions of operative County Development Plan.

Other Departments

Drainage Dept: No objections, subject to conditions

Transportation Dept: No objections, subject to conditions

4.0 **Planning History**

Subject site:

None

Neighbouring Properties

PL06D.246272

Permission GRANTED on appeal for ground and first floor rear extension, part conversion of existing garage, internal alterations and ancillary works at No. 40 Nutgrove Park (observer's property)

5.0 **Policy Context**

5.1. The Dún Laoghaire-Rathdown County Development Plan 2016-2022 is the operative County Development Plan for the area.

Zoning:

'Objective A' which seeks to 'protect and/or improve residential amenity'

Section 8.2.3.4(i) Extensions to Dwellings

6.0 **The Appeal**

6.1. The grounds of appeal, lodged on behalf of the first party may be broadly summarised as follows:

- Section 139 appeal against Condition No. 2 only
- Concerns that overshadowing/loss of light has been addressed in scientific manner in Sunlight and Daylight Access Impact Assessment- considers that

the submitted ARC report confirms that the proposed rear extension will not give rise to any negative impact on the residential amenity of No. 40 Nutgrove Park

- Planning precedent exists for extensions and converted garages in general area- cites a number of examples including application at No. 40 Nutgrove Park (observer's property)
- Condition No. 2 results in land becoming unusable; construction/maintenance issues taken into consideration in design of proposal
- Development Plan does not require rear extensions to be offset off boundary wall

6.2. Planning Authority Response

6.2.1. Nothing further to add

6.3. Observations

6.3.1. An observation was received on behalf of Richard Casey and Niamh Fahey and the pertinent planning issues raised therein are as follows:

- Requests An Bord Pleanála to uphold Condition No. 2
- Concerns regarding scale of extension to rear, depth of its projection and its overbearing nature
- Design, scale and proximity to their boundary fails to respect architectural form, quality and massing of adjoining properties- tunnelling effects
- Impacts on residential amenity- depth of projection and height will have overbearing and overshadowing impacts- Condition No. 2 does ameliorate to some extent these impacts

7.0 Assessment

- 7.1. I have examined all the documentation before me, including *inter alia*, the Planner's Report of the Planning Authority, the appeal submission, the observer's submission and I have visited the site and its environs. This is an appeal against Condition No. 2 of the decision to grant permission, which issued from the planning authority. In this regard, I consider it is appropriate that the appeal should be confined to Condition No. 2 only and I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted and that it would be appropriate to use the provisions of Section 139 of the 2000 Act in this case.
- 7.2. Condition No. 2 states that prior to the commencement of development, the applicant shall submit revised plans and elevations for the written agreement of the planning authority setting the proposed extension at ground floor level 1 metre off the northern boundary shared with 40 Nutgrove Park. Reason: In the interest of protecting adjoining residential amenities
- 7.3. The submitted Sunlight and Daylight Access Impact Assessment is noted, which was submitted to the planning authority at application stage. The contents thereof are considered reasonable and robust. I note that the design of the ground floor element of the proposed extension is such that it is marginally setback from the northern boundary for a length of approximately 4.8 metres from the original rear elevation of the property. It then further steps back to approximately 1.3 metres from the northern boundary for the remaining element at ground floor. I note the existing pattern of development in the general area whereby extensions have been constructed along or close to the boundaries of properties. This includes an extension which has been constructed to the rear of No. 38 Nutgrove Park, close to their northern boundary with the development site, together with the relatively substantial two-storey extension, which has been constructed to the side and rear of No. 40 Nutgrove Park, the observer's property. This was permitted under PL06D.246272, with an extensive element constructed along their northern boundary. I note the height and flat roof design of the proposed single storey element, which does not exceed 3.5 metres above ground level. Having regard to

the height, scale and design of the element of proposed extension in question, and given the extent of development permitted and constructed on their site, I do not accept the argument put forward by the observers with regards potential tunnelling effect as a result of this relatively modest single storey element of the overall proposal before me.

- 7.4. Having regard to all of the above, I am of the opinion that the proposed development would not unduly impinge upon the residential amenity, in terms of overlooking, overshadowing or loss of light, of any property including No. 40 Nutgrove Park, to such an extent as to warrant the attaching of Condition No. 2 to the grant of permission.

8.0 Appropriate Assessment

- 8.1. The subject site is located in an established residential area and is not located adjacent to nor in close proximity to any European sites, as defined in Section 177R of the Habitats Directive. Having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or proximity 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.

9.0 Recommendation

- 9.1. Having regard to the pattern of development in the vicinity, and to the scale and design of the proposed development, it is considered that the extension as originally proposed would not seriously injure the visual or residential amenities of the area and would not conflict, in a material way, with the provisions of the Dun Laoghaire Rathdown County Development Plan 2016 - 2022.
- 9.2. I therefore recommend that the said Council be directed under subsection (1) of Section 139 of the Planning and Development Act, 2000 to REMOVE Condition No. 2

Lorraine Dockery
Senior Planning Inspector

18th November 2018