



An
Bord
Pleanála

Inspector's Report ABP-302341-18

Development	Demolition of existing rear wall and extending further to the rear on ground, first floor and attic floor.
Location	22 Cherbury Gardens, Booterstown, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/0391
Applicant(s)	Fiona & Brian Doran
Type of Application	Permission
Planning Authority Decision	Dún Laoghaire Rathdown County Council
Type of Appeal	Third Party
Appellant(s)	Ronan O'Dwyer
Observer(s)	None
Date of Site Inspection	17 th November 2018
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site is located on Cherbury Gardens in Booterstown approximately 6km south-east of Dublin city centre and 4km west of Dún Laoghaire. Cherbury Gardens is a cul de sac accessed off Booterstown Avenue containing approximately 20 no. 2-storey semi-detached and detached dwellings of similar design comprising hipped roofs, double height bay windows and brick and dash finishes.
- 1.2. No. 22 is the detached end dwelling situated on the southern side of the cul de sac turning circle. The stated area of the dwelling is 164 sq.m. and the site area is given as 0.0882 hectare. The site is bounded to the east by the Clonfadda Wood development and to the south-west by Beech Lawn. The Order of St. Camillus occupy the property directly south of the appeal site.

2.0 Proposed Development

- 2.1. Planning permission is sought for modifications to Reg. Ref: D17A/1056 to consist of the following:
 - Demolition of existing rear wall and extending further to rear at ground, 1st floor and attic floor;
 - Increase of ridge level on the roof and dormer roof.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dún Laoghaire Rathdown County Council issued notification of decision to grant permission subject to six conditions.

3.2. Planning Authority Reports

- 3.2.1. The recommendation to grant permission in the final Planner's Report reflects the decision of the Planning Authority. The main points raised under the assessment of the proposal are as follows:
 - Full extent of demolition works may be inadequately described in site notices.

- Proposed modifications will not unreasonably compromise the amenity of surrounding properties by reason of overbearing or overshadowing.
- New 1st floor window opening on rear façade will have opaque glazing and is considered acceptable.
- Planning Authority satisfied with the relatively minor increase in length of the proposed side extension.
- Window to Bedroom 3 will not give rise to undue overlooking.
- Relatively minor increase in the length of the ground floor extension will not unreasonably compromise the amenity of adjoining properties.
- Increases to rear will not be clearly visible from the public realm.
- Pitch and design of the roof are in keeping with the character of the existing dwelling.
- Views of proposed roof profile will be masked by the location at the end of the cul de sac.
- Overall width and height of the proposed dormer as permitted will remain unchanged but will be sited c. 1m further south-west and 300mm higher.
- Proposed dormer will not represent a visually prominent feature and will fit harmoniously with the existing dwelling.

3.2.2. The applicant was requested to submit further information details to clarify whether or not the roof will be demolished and to show the existing dwelling and all walls/ structures to be demolished.

3.2.3. The Planning Authority acknowledged that the further information response shows the full extent of demolition. The demolition of the existing roof to facilitate the modifications was considered acceptable.

3.2.4. Two third party observations were received from the residents of no's. 22 & 23 Clonfadda Wood.

4.0 Planning History

Dún Laoghaire Rathdown County Council Reg. Ref: D17A/1056

- 4.1. Permission granted in February 2018 for demolition of existing porch, garage, single storey extension to side, roof and store/wc to rear to existing detached 2-storey dwelling; the subsequent construction of new 2-storey extensions to the sides, single storey extension to the rear; new roof with an increased ridge height, new dormer and roof light to the rear elevation; replacement / modification of existing windows and doors including new bay window to the front; widening of existing vehicular entrance and all associated site works.

5.0 Policy Context

5.1. Dún Laoghaire Rathdown County Development Plan, 2016-2022

- 5.1.1. The site is zoned 'A' with the stated objective '*to protect and/ or improve residential amenity.*'
- 5.1.2. The principles of residential development are set out in Section 8 of the Development Plan. Section 8.2.3.4(i) relates to extensions to dwellings.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third party appeal against the Council's decision was submitted by the resident of no. 23 Clonfadda Wood, which adjoins the appeal site to the east. The grounds of appeal and main points raised in this submission are summarised as follows:
 - When looked at in conjunction with the previous application, proposal is an unacceptable increase in roof height and length of adjacent side wall.
 - Proposal will lead to unacceptable overshadowing and obstruction of views.
 - Dwelling is located to the south-west of the amenity space of appellant's dwelling.

- Increase in wall length by 13%, with further proposed increase in roof height (additional 35% above already existing), further overshadows and increases the area of wall immediately adjacent to appellant's property.
- Proposal obscures views of trees and greenery looking south-west past the rear of no. 22.
- Extent of proposed increase is out of keeping with neighbouring properties on Cherbury Gardens.

6.2. Applicant Response

6.2.1. The applicant's response to the third party appeal includes shadow diagrams for the existing dwelling, the permitted and proposed extensions, with and without mature tree planting on site.

6.2.2. The following is a summary of the points contained in the applicant's response:

- Increase in roof height allows attic to have a 2.4m habitable headroom height.
- Ridge height of adjacent no. 20 Cherbury Gardens was increased (Reg. Ref: D98B/0794).
- Reg. Ref: D98B/0794 also permitted a first floor extension 3.3m beyond original rear wall and extension at no. 12 projects 6.1m beyond original rear wall.
- Overshadowing effects from trees along the boundary will contribute considerably to local shading.
- Shadow report concludes that *"there will be no additional shading from the current proposed development over the planning approved scheme so there will be no impact. There is some additional shading from the current proposed development over the existing dwelling but this only occurs late in the day and would not reduce the available sunlight on the ground below 0.8 times its former value as recommended in the BRE guidelines so impact will be negligible."*
- Views from rear of 23 Clonfadda Wood will remain unchanged because of large mature trees along boundary.

6.3. **Planning Authority Response**

6.3.1. The Planning Authority consider that the grounds of appeal do not raise any new matter which would justify a change of attitude to the proposed development.

6.4. **Further responses**

6.4.1. The appellant submitted the following comments on the first party appeal response:

- Submission understates entirely the cumulative impact on appellant's garden and house from overshadowing and obstruction of views.
- Shadow diagrams look at ground shadow only.
- Shadow of proposed development will traverse appellant's property at the times when they would be using their homes most for gardening, barbeques and evening meals.
- If both D17A/1056 and D18A/0391 were submitted as one application originally, it would most probably have been rejected due to impact.
- Image appended to submission showing how the proposed side extension will be significantly lengthened.
- Other house extensions would have significantly less of an impact on neighbouring properties.
- Mature trees presently border the north-west of appellant's property and do not screen the area being developed.
- Proposal increases the tunnel effect looking south-west from appellant's garden.

6.4.2. The Planning Authority had no comment to make on the appeal response.

7.0 **Assessment**

7.1. I consider that the key issues in determining this appeal are as follows:

- Development principle;
- Visual impact;

- Impact on residential amenity;
- Appropriate Assessment.

7.2. Development Principle

- 7.2.1. The appeal site is zoned 'A' with the stated objective *“to protect and/ or improve residential amenity.”* The construction of an extension to a dwelling would therefore be acceptable in principle subject to an assessment of the impact of the proposal on residential amenity and compliance with other relevant Development Plan policies and objectives.

7.3. Visual Impact

- 7.3.1. Planning permission was granted under Reg. Ref: D17A/1056 in February 2018 for demolition of the garage, porch, single storey side extension, roof and rear store to the existing 2-storey detached dwelling, and for reconstruction works to include new 2-storey extensions to the sides, a single storey extension to the rear, new roof with increased ridge height and new dormer and rooflight to the rear elevation.
- 7.3.2. The current proposal seeks modifications to this permission to include demolition of the existing rear wall to allow for an approximate 1m increased extension at ground, first floor and attic levels. The proposal will also see the ground floor extension increased in length by 800mm and roof ridges increased in height by 350mm. The dormer structure will therefore be repositioned slightly upwards and towards the rear of the site.
- 7.3.3. In my opinion, the visual impacts of the proposed amendments will be imperceptible when viewed within the streetscape. Most of the alterations will take place towards the rear of the dwelling, with only the 350mm increase in ridge levels visible from the front. This equates to little more than a 10% increase in the roof slope. The dwelling is at the end of the cul de sac in a concealed location and the proposals will not give rise to any obtrusive impacts when viewed from its surroundings.

7.4. Impact on Residential Amenity

- 7.4.1. The purpose of the proposed modifications is to facilitate greater headroom within the proposed attic so as to qualify for habitable room status. In my opinion, the

habitable attic room will improve residential amenities for future residents by allowing for increased usage of this space. As it stands, the permitted attic could only be used for storage or other ancillary purposes.

- 7.4.2. In terms of impact on adjoining residential amenity, I would have no concerns that the proposal will give rise to additional overshadowing, overlooking or overbearing impacts on the adjoining property at no. 22 Cherbury Garden. However, the third party appellant, who resides at no. 23 Clonfadda Wood, has concerns that the proposal, in conjunction with the permitted development, will result in unacceptable overshadowing and obstruction of views.
- 7.4.3. The additional extensions to the rear will be situated to the south-west of the appellant's property. In response to the third party appeal, the applicant has prepared a shadow analysis that compares the existing, permitted and proposed development scenarios. It is illustrated that the proposed development will not overshadowing surrounding properties to a significant degree over and above the permitted situation. I note that the increased length of the extension would be more visible from the appellant's neighbour to the south; however, the upper floors of the extension will be west-north-west of this dwelling and therefore the 1m increase in extension length will rarely interfere with the sunlight access to this property. The 1m increase is at more of an oblique angle to the appellant's property.
- 7.4.4. With regard to the proposed roof alterations, it should be noted that the increase in roof height will occur in the centre of the building, which is set back further from properties to the east/ north-east. I do not consider that the revised position of the proposed dormer, or the new window ope at first floor level will result in undue overlooking of adjoining properties.
- 7.4.5. Overall, I would have no significant concerns regarding the impact of the proposed additional extension on adjoining properties. On balance, the proposals are of a minor nature and will improve the usable floor space of the dwelling for future residents without impacting negatively on surroundings.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise.

8.0 **Recommendation**

- 8.1. It is considered that the proposed development should be granted for the reasons and considerations hereunder and subject to the conditions below.

9.0 **Reasons and Considerations**

Having regard to the zoning objective for the site and pattern of development in the area, together with the design, scale and layout, it is considered that, subject to compliance with conditions below, the proposed extension would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity. The proposed development would, therefore, 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, and by further plans and particulars received by the Planning Authority on the 29th day of June 2018, 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. Save for the amendments granted on foot of this permission, the development shall otherwise be carried out in accordance with the terms and conditions of planning permission Reg. Ref: D17A/1056.

Reason: In the interest of clarity.

3. 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.

Donal Donnelly
Planning Inspector

18th November 2018