



An
Bord
Pleanála

Inspector's Report ABP302699-18

Development	Alterations and two-storey extension to side and two-storey extension to rear, widening of vehicular entrance and associated site works.
Location	18 Larkfield Park, Kimmage, Dublin 6W.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3515/18.
Applicants	Diarmuid and Jenny Tierney.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	First Party -v- Condition.
Appellants	Diarmuid and Jenny Tierney.
Observers	None.
Date of Site Inspection	21 st January, 2019.
Inspector	Paul Caprani.

Contents

1.0 Introduction	3
2.0 Site Location and Description	3
3.0 Proposed Development	4
4.0 Planning's Authority Decision	5
4.1. Decision	5
4.2. Documentation submitted with Planning Application.....	5
4.3. Internal Reports.....	5
5.0 Planning History.....	6
6.0 Grounds of Appeal.....	6
7.0 Appeal Responses.....	7
8.0 Observations.....	7
9.0 Development Plan Provisions	8
10.0 Planning Assessment.....	8
11.0 EIAR Screening Determination	12
12.0 Appropriate Assessment	12
13.0 Decision	13
14.0 Reasons and Considerations	13
15.0 Matters Considered.....	13

1.0 Introduction

ABP30269-18 relates to a first party appeal against Condition No. 3 attached to Dublin City Council's grant of planning permission for the alterations and extension to a two-storey dwellinghouse at 18 Larkfield Park, Kimmage, Dublin 6 West. Condition No. 3 requires that the first floor element of the extension shall project a maximum of 3.5 metres from the main rear elevation of the house. The grounds of appeal argue that the extension as proposed, at approximately 6.5 metres in length, is acceptable and will not result in any overbearing impact. Furthermore, it is argued that there is precedent in the local area for extensions of similar size and scale.

2.0 Site Location and Description

- 2.1. Larkfield Park is located in the mature inner suburban area of Kimmage approximately 4 kilometres south-west of Dublin City Centre. Larkfield Park forms part of the larger Larkfield Estate, an early garden city type suburban layout, dating from the early 1930s. Kimmage Road Lower runs perpendicular to Larkfield Park to the west of the subject site.
- 2.2. No. 18 is located on the southern side of the road and forms the western end of a terrace of four two-storey modest sized dwellings. A small passageway is located along the western boundary of the site separating it from No. 16 Larkfield Park to the west. The side passage has a depth of approximately 2.8 metres. The ground floor at the existing dwellinghouse incorporates a livingroom, diningroom, bathroom and kitchen. The front entrance to the house is located on the western side of the dwelling and is accessed via the side passageway. At first floor level three bedrooms are accessed off a small landing area, an en-suite bathroom is attached to Bedroom No. 1 to the front of the house.
- 2.3. The dwellings along Larkfield Park incorporate generous rear gardens between 25 and 30 metres in length. The rear garden of No. 18 backs onto the rear gardens of dwellings facing onto Larkfield Gardens to the west and south-west.

3.0 Proposed Development

3.1. Planning permission is sought for the following:

- An extension at ground floor level along the north-western side of the dwelling and an extension to the rear at ground floor level. The extension to the side of the dwellinghouse extends to a depth of approximately 1.7 metres to the main part of the dwelling. The side extension is stepped back by approximately 0.6 metres to the rear. This results in a residual passageway along the north-western boundary of the site of between 0.9 metres and 1.5 metres in depth. The extension to the rear extends to a maximum depth of 6.5 metres at ground floor level. The width of the ground floor extension also extends to approximately 6.5 metres. The ground floor extension along the south-eastern boundary adjacent to No. 20 is single-storey and incorporates a series of rooflights to naturally illuminate the proposed new kitchen area.
- The ground floor is to be reconfigured to provide a large kitchen/dining area to the rear of the dwelling at ground floor level. The proposed side extension at ground floor level adjacent to the north-western boundary of the site accommodates a toilet, a new stairwell and a utility room.
- At first floor level it is proposed to incorporate a new rear return which is also c.6.5 metres in length. The first-floor element however does not extend over the kitchen area and incorporates a width of approximately 4 metres. It is also proposed to construct a first-floor side extension above the proposed extended area at ground floor level. This area is to incorporate a bathroom, an en-suite bathroom and a new stairwell.
- In terms of fenestration arrangements at first floor level, a number of first floor windows are to face north-westwards towards the gable end of No. 16. These windows are to serve a bathroom and a stairwell and a study area located within the proposed extension to the rear. It is not proposed to increase the number of bedrooms at first floor level. The existing portion of the house to the front is to accommodate two larger bedrooms while bedroom no. 3, a hot press and a study area is to be located in the proposed first floor return to the rear.

- Lastly it is proposed to widen the existing vehicular entrance to 3.6 metres in width.

4.0 Planning's Authority Decision

4.1. Decision

4.1.1. Dublin City Council in its decision dated 5th September, 2018 issued notification to grant planning permission subject to 10 standard conditions.

4.1.2. Condition No. 3 requires that the development shall be revised as follows:

The first floor extension shall project a maximum of 3.5 metres from the main rear elevation of the house. The revised structure must not contain any habitable room windows on the north-western or south-eastern side elevations.

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, as such works shall be fully implemented prior to the occupation of the buildings.

Reason: *In the interest of orderly development and visual amenity.*

4.2. Documentation submitted with Planning Application

4.2.1. The planning application was accompanied by a planning application form, planning fee, public notices and drawing.

4.3. Internal Reports

4.3.1. A report from the Engineering Department, Drainage Division stated that there is no objection to the proposed development subject to standard conditions.

4.3.2. The planner's report sets out details of the site description and the planning policy as it relates to the site. In assessing the proposed development, the planner's report considers the side extension aligning with the front building line is acceptable as it provides a more balanced elevation than that which currently exists. However, there are concerns with regard to the extent of the first-floor projection at 6.3 metres from the rear building line. This is likely to have an overbearing effect on adjoining

properties. The extent of the first-floor extension is also likely to give rise to some form of overshadowing. It is noted that opaque windows are proposed on the western boundary and the windows are proposed to serve non-habitable rooms. It is considered that the extension should be reduced so as it extends no further than 3.5 metres at first floor level. It is noted that this will result in the loss of the study and the hot press. The proposed widening of the access and the car parking arrangements to the front of the development are considered acceptable. The report therefore recommended that planning permission be granted subject to 10 conditions.

4.3.3. Condition No. 3 requires that the development shall be revised as follows:

The first floor extension shall project a maximum of 3.5 metres from the main rear elevation of the house. The revised structure must not contain any habitable room windows on the north-western or south-eastern side elevations.

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, as such works shall be fully implemented prior to the occupation of the buildings.

Reason: In the interest of orderly development and visual amenity.

5.0 Planning History

There appears to be no planning history associated with the appeal site.

6.0 Grounds of Appeal

6.1. The decision was the subject of a first party appeal specifically in relation to Condition No. 3. The submission was submitted by George Morris Architect. The grounds of appeal are outlined below.

It is stated that the residents bought the property in 2013 and while they are delighted with the location they find the living accommodation to be far from compatible with today's living standards. It is stated that the first-floor extension incorporates Bedroom No. 3, a study and a hot press to house a heat exhaust pump and heating manifolds. The extension is set back 2.375 metres from the boundary

with No. 20 Larkfield Road and 1.5 metres from the boundary with No. 16 Larkfield Park.

The applicants have had a meeting with the adjoining owners in order to obtain their approval for the principle of development.

With regard to the extension being classed as overbearing, it is stated that the proposed first floor extension is set back in excess of 2 metres which is required for exempted development provisions. It is suggested that any future development of No. 20 in order to create three bedrooms and a bathroom would require a first-floor extension. With the existing tall hedging and trees along the boundary together with the setback incorporated at first floor level, it is considered that the extension would not appear overbearing.

In terms of overshadowing it is stated that the property at No. 20 is located to the south-east and would only be deprived of late evening sunlight. The owners at No. 16 have stated that they have no objection to the proposed extension to the rear.

With regard to precedent issues, the grounds of appeal make reference to a number of two-storey extensions to the rear of existing dwellings in the area including six cases in the immediate area (Larkfield Gardens, Grove and Park) for first floor extensions were granted. In two of these cases the extensions were 5 metres in length.

By way of conclusion it is stated that the proposed development is in accordance with the development plan guidelines for residential extensions. A first-floor extension projecting a maximum of 3.5 metres will give an increased floor area of 11.52 square metres which is less than that allowed for exempted development.

For these reasons the Board are requested to uphold the appeal before it.

7.0 Appeal Responses

It appears that Dublin City Council have not submitted a response to the grounds of appeal.

8.0 Observations

No observations were submitted.

9.0 Development Plan Provisions

- 9.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022. The subject site is zoned Z1 “to protect, provide and improve residential amenities”.
- 9.2. Section 16.10.12 of the development plan specifically relates to extensions and alterations to dwellings. It states that the design of residential extensions should have regard to the amenities of adjoining properties and in particular, the need for light and privacy. In addition, the form of the existing buildings should be followed as closely as possible, and the development should integrate with the existing building through the use of similar finishes and windows. Extensions should be subordinate in terms of scale to the main unit.
- 9.3. Applications for planning permissions to extend dwellings will only be granted where the planning authority is satisfied that:
- It will not have an adverse impact on the scale and character of the dwelling.
 - Will not adversely affect amenities adjoined by occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.
 - Appendix 17 of the development plan also sets out further details in relation to residential extensions and alterations to roof profiles.

10.0 Planning Assessment

- 10.1. I have read the entire contents of the file, visited the subject site and its surroundings and have had particular regard to the issues raised in the grounds of appeal. Having regard to the nature of the proposed development and the residential zoning pertaining to the site, I consider that a reassessment of the application and appeal before the Board on a de novo basis is not warranted or justified. I consider that the Board can restrict its deliberations to the sole issue raised in the grounds of appeal, namely whether or not the proposed extension at first floor level would result in a development which would have an overbearing and adverse impact on the residential amenities of adjoining sites. In relation to this issue the planner’s report states the following:

“The principle of extending the site at ground and first floor is acceptable. However, there are concerns regarding the extent of the first floor projection which is at 6.3 metres from the rear building line and this would likely present as overbearing to adjoining properties despite the setback from the north-western boundary. The extent of the extension will be likely to result in some overshadowing of adjoining properties due to the extent of its projection and it is not considered to be appropriate as it may also set an undesirable precedent for similar development in the area which can be particularly problematic with terraced dwellings”.

10.2. The report concludes that it is considered that the extension should be reduced such that it extends no further than 3.5 metres at first floor. This will result in the loss of the study and hot press however, will enable a generous sized bedroom to be constructed.

10.3. In response to this the grounds of appeal argue the following:

- That what is proposed in this instance is a hot press to house a heat exhaust pump and heating manifolds. The implication of this suggests that the retention of the hot press area is a very important element in the overall design of the extension.
- There are sufficient separation distances between the proposed first floor extension and adjacent dwellings to ensure that the size and scale of the extension will not have an overbearing impact.
- It is argued that the proposed development will not give rise to any excessive overshadowing of adjoining plots.
- Finally the appeal argues that there are numerous precedents in the area where first floor extensions of a similar size and scale have been permitted.

10.4. I propose to deal with each of these issues below.

10.5. With regard to the proposed heating system, it appears from general research that heat exhaust pumps and heating manifolds may take up a significant amount of space particularly the heating pumps. It would not be unreasonable to suggest that an area of c.2 square metres would be required to comfortably accommodate such a system. Notwithstanding this I would argue that if the Board are minded to reduce

the size of the first floor extension the proposal could be reconfigured so as to incorporate a hot press and heating system within the layout.

- 10.6. I would generally agree that the proposed first floor element of the extension would not have a significant overbearing impact on adjoining dwellings principally because of the setback involved between the first-floor extension and the adjoining dwellings. In the case of the contiguous dwelling to the south-east (No. 20) the applicant has endeavoured to incorporate a 2.3 metre setback from the adjoining boundary wall. This in my view is sufficient to ensure that the proposal would not have an unacceptable or overbearing impact on the adjoining dwelling at No. 20. Furthermore, as the appellant correctly points out in the grounds of appeal the applicant would be entitled to construct a first-floor extension under the exempted development regulations provided that such an extension at first floor level would be at least 2 metres from any party boundary.
- 10.7. The proposed first floor extension will have an even lesser impact in terms of overbearing on the adjacent dwelling to the north-west at No. 16 Larkfield Park. The separation distance between both dwellings is c.4 metres and furthermore there is extensive landscaping along this common boundary which in my opinion will ensure that the proposed rear extension will not have a significant or dominant effect on the adjoining dwelling at No. 16. It is clear from Google Maps that there are a number of dwellinghouses along this section of the roadway which have incorporated two-storey rear extensions notwithstanding the locations within a block of terraced dwellings. I am satisfied that the first-floor element of the proposed development would not have a significant or overbearing effect on adjoining dwellings.
- 10.8. With regard to the issue of overshadowing, the rear garden of the subject site and adjoining site are south to south-west facing, and as such enjoy significant levels of direct sunlight penetration throughout the day. The proposed extension to the rear of the house rises to a height of just less than 6.5 metres. The main part of the dwelling rises to a height of 7.9 metres. The proposed extension could somewhat exacerbate overshadowing of the rear garden of No. 16 Larkfield Park during the early morning period. However, I would reiterate that high hedging together with mature trees run along the common boundary between these two dwellings and as such the existing landscaping arrangements is likely to give rise to significant overshadowing of the rear garden of No. 16 during the early morning period. In my estimation the proposed

extension will not exacerbate to any material extent the overshadowing that will occur in the rear garden of No. 16.

- 10.9. With regard to the contiguous dwelling at No. 20, as already mentioned the rear garden of this dwelling has a somewhat fortuitous orientation in that it will receive large amounts of direct sunlight throughout the day and evening time. The Board will be aware from the site layout plans submitted that there is a large extension to the rear of No. 22 which is located along the common boundary between the two dwellings. This is likely to have a greater impact in terms of overshadowing than the proposal before the Board. I reiterate that the rear extension at No. 18 is setback over 2 metres from the common boundary which will have a positive effect in terms of reducing any potential overshadowing at No. 20. I acknowledge that some overshadowing to the rear garden adjacent to the rear of No. 20 will occur during the late evening times. However, I do not consider that the level of overshadowing would be so significant as to have a material impact which would justify either a refusal of planning permission for the proposed first storey extension or the requirement to reduce the length of the first floor structure. The gardens to the rear of the dwellings at Larkfield Park are long and a large portion of the rear garden will continue to enjoy direct sunlight throughout the day and thus will not be adversely affected by the extensions on either side.
- 10.10. With regard to the issue of precedent the applicant has referred to a number of developments in the local vicinity (Larkfield Gardens, Larkfield Grove and Larkfield Park) where both mid-terrace and end-of-terrace dwellinghouses were granted two-storey extensions which extended between four and five metres to the rear. What is proposed in this instance is an extension 6.3 metres in length to the rear which is in excess of the precedent decisions referred to.
- 10.11. Notwithstanding this point, I note that there are no specific policies, objectives or statements in the development plan which restricts the length of first floor extensions to the rear of dwellings. The development plan merely requires that applications for planning permission to extend dwellings would (a) not have an adverse impact on the scale and character of the dwelling and (b) would not adversely affect the amenities enjoyed by the occupants of adjacent dwellings in terms of privacy, access to daylight and sunlight.

10.12. I would agree with the Planning Authority that the fenestrations arrangements at first floor level are designed to ensure that the proposal does not impact on terms of privacy. I have also argued that the ancillary nature of the extension to the rear together with the separation distances between common boundaries would result in an extension which would not have an adverse impact on the scale and character of the existing dwelling nor would it adversely impact on adjoining amenity in terms of access to daylight and sunlight.

10.13. Finally, in relation to this issue would reiterate that the rear gardens of the dwellings on Larkfield Park are generous in size and scale and command an orientation that allows for good sunlight penetration. I therefore do not consider that the extension of the size and scale proposed will have any significant adverse impact on the amenities of the area.

10.14. By way of conclusion I consider that the proposed development, notwithstanding its size and scale, will have an acceptable impact on adjoining residential amenity and would not result in a significant diminution of amenity for the occupants of surrounding dwellings. Furthermore, I consider that a reasonable balance must be achieved in protecting adjoining amenity while allowing for extensions to dwellinghouses which can cater and facilitate for changing family needs and circumstances as such needs arise. Arising from my assessment above therefore I would recommend that the Board omit Condition No. 3 of Dublin City Council's decision.

11.0 EIAR Screening Determination

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations and as such no EIA or screening for EIA is required.

12.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the 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.

13.0 Decision

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act 2000 to remove Condition No. 3 and the reason therefore.

14.0 Reasons and Considerations

Having regard to the pattern of development in the vicinity of the appeal site together with the extensive rear gardens of the dwellings on Larkfield Park and the limited scale of the proposed development it is considered that the development as proposed in accordance with the plans and particulars lodged with the planning authority would be compatible with the established streetscape character at this location, would not seriously injure the visual or residential amenities of the area and would be in accordance with the proper planning and sustainable development of the area. It is therefore considered that the modifications required as set out in Condition No. 3 would not be justified or warranted in this instance.

15.0 Matters Considered

In making its decision the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Paul Caprani,
Senior Planning Inspector.

11th March, 2019.

