



An
Bord
Pleanála

Inspector's Report ABP-302765-18.

Development	First floor pitched roof extension with roof lights.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D18B/0351.
Applicant(s)	Morgan Crowe.
Type of Application	Permission.
Planning Authority Decision	Grant Permission subject to conditions.
Appellant(s)	Morgan Crowe.
Type of Appeal	First Party versus condition.
Observer(s)	None.
Date of Site Inspection	1 December 2018.
Inspector	Stephen Rhys Thomas.

1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.0539 hectares is located along the east side of Sorrento Road in Dalkey, County Dublin. The Dublin to Wexford rail line is located in a deep cutting to the south west of the site. The detached dwelling known as 'The Gables' is centrally located on the site, with a modern two-three storey house to the north west and a mid 20th century two storey house to the south east, known as 'Woodberry'.
- 1.2. The plots associated with each house along this stretch of Sorrento Road are comparatively large, but effected greatly by the steeply sloping nature of the topography in the area. This has resulted in some split-level houses and rear gardens that are cut into the rock face behind. The gardens associated with appeal site and 'Woodberry' are similar insofar as the rear gardens are steeply sloping and cut into the rock face. 'The Gables' is a split-level dwelling with a large roof terrace to the south east side of the site and level with the eaves of 'Woodberry'. Thus, the main usable private amenity area associated with the appeal site is set significantly higher than the dwelling 'Woodberry' and marginally higher than the garden levels of same. The properties are separated by a low balustrade wall between dwellings; a trellis and vigorous griselinia hedge separate back gardens.

2.0 Proposed Development

- 2.1. Permission is sought for:
- A pitched roof extension to the south elevation.
 - Inclusion of roof lights to new pitched roof and new roof light to north elevation.
 - Internal amendments.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to 7 conditions, most are standard and technical in nature, however condition 4 is the most relevant and summarised below:

The window on the east side of the south elevation of the proposed extension shall be omitted and a solid wall provided in its place. Prior to the commencement of development the Applicant shall submit for the written agreement of the Planning Authority revised plan and elevation drawings complying with this requirement.

REASON: In the interest of residential amenity.

3.2. Planning Authority Reports

3.2.1 Planning Report

The basis of the planning authority decision includes:

Presentation of the County Development Plan standards with regards to extensions.

Identification of the area of the site and that the proposed extension is acceptable.

The design and scale of the extension is acceptable, however, side extension glazing could present overlooking of the neighbouring property, omit east window by condition. The report includes an AA screening assessment that concludes no requirement for AA. There is no reference to a request for additional information and the recommendation was to grant permission subject to seven conditions.

3.3. Other Technical Reports

3.3.1 Drainage Report – a standard condition regarding SuDS is recommended.

3.4. Third Party Observations

There are no third party observations.

4.0 **Planning History**

4.1. Subject site

None.

4.2. Adjoining site

Planning authority reference D05B/0530 and ABP reference PL06D.200844.

Retention of alterations to dwelling including insertion of windows to north west elevation and roof lights at 'Xanadu', Sorrento Road, Dalkey.

Planning authority reference D02B/0656 and ABP reference PL06D.200844. three storey extension at 'Xanadu', Sorrento Road, Dalkey.

5.0 **Policy Context**

5.1. Development Plan

Dun Laoghaire-Rathdown County Development Plan 2016-2022

The site is subject to Land Use Zoning objective 'A' To protect and/or improve residential amenity.

Relevant policies and objectives:

Section 8.2.3.4 Additional Accommodation in Existing Built-up Areas

(i) Extensions to Dwellings

Ground Floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.

Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and impacts on residential amenity. First floor side extensions built over existing structures and matching

existing dwelling design and height will generally be acceptable, though in certain cases a set-back of an extension's front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing.

5.2. Natural Heritage Designations

None relevant to this suburban site.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- The appellant highlights that the subject dwelling already has south east facing windows and that there are no traces of overlooking of 'Woodberry'. There are no windows on the side elevation of 'Woodberry' and the properties are separated by a mature hedge and trellis.
- To retain the proposed south east window would improve solar gain and ensure the architectural integrity of the extension.

The appellant includes photographs of the existing side elevation window.

6.2. Planning Authority Response

The Planning Authority has no further comment.

6.3. Observations

There are no observations with reference to this appeal.

7.0 **Assessment**

7.1. Having regard to the nature and scale of the development and the specific issue arising, that being a first party appeal against Condition number 4 of the planning authority decision, I am of the opinion that the determination of the application as if it had been made to the Board in the first instance is not warranted. In that regard, I note the provisions of section 139 of the Planning & Development Act 2000 (as amended). This assessment will therefore be confined to the specific appeal of Condition number 4 of the planning authority decision.

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

- Residential amenity
- Appropriate Assessment

7.2. Residential amenity

7.3. The subject condition required the removal of windows serving a sun room at first floor level on the south east elevation and replace with a solid wall. Based on the Planner's Report on file and also based on the reason given for the subject condition in the planning authority's decision, the planning authority's decision related only to residential amenity. The planning authority's only concern is that oblique views would result in overlooking of the garden associated with the neighbouring property 'Woodberry'. All other aspects of the applicant's development proposal were considered acceptable by the planning authority.

7.4. There is an existing series of windows set back a significant distance from a low parapet wall, these windows and indeed the roof terrace permit views south eastwards towards the hipped roof and chimneys of 'Woodberry' and limited views to the garden beyond. Oblique views are already possible towards the rear garden of

'Woodberry', however, such views are no more than would be experienced from the windows proposed on the north eastern elevation of the sun room.

- 7.5. The configuration of the private amenity space associated with 'The Gables' is of relevance. The garden slopes very steeply away from the road to an exposed rock face. This results in the split-level nature of the house and the provision of a first floor roof terrace and steeply sloped rear garden. Similar characteristics of design are present at 'Woodberry' too. As it stands, there are some opportunities to overlook the rear garden of 'Woodberry', such limited views are possible from most of the roof terrace. Further back on the terrace, the existence of a tall and vigorous Griselinia hedge, a timber trellis and planted pots; all result in the potential for views being increasingly limited.
- 7.6. Views, such as they are, towards the rear garden of 'Woodberry' are already gained from the first floor garden terrace. I do not anticipate that the provision of side elevation windows to the sun room will result in undue overlooking of the gardens associated with 'Woodberry', for a variety reasons. Firstly, the proposed south eastern elevation windows will be set 1.25 metres off the existing boundary between properties. Secondly, the perpendicular views from these windows will be towards the chimneys and hipped roof profile of 'Woodberry' to the south east. Finally, the oblique views from the side elevation are no more intrusive than those views that will be possible from the rear (north east) elevation windows. In any case, oblique views or not, I am not concerned about the residential amenities associated with 'Woodberry', simply because I do not think that the impact will be perceptible to any great degree.
- 7.7. There is no third party appeal in relation to the planning authority decision and there were no objections or observations made to the planning authority during the application period. The current limited opportunities to look out across the rear garden of 'Woodberry' will not be made worse by the proposed development, and are certainly no worse than a conventional rearward facing window at more or less the same position. The current land use zoning seeks to protect and/or improve

residential amenity. I am satisfied that the side elevation windows are appropriate, will have positive solar gain advantages for the occupants of 'The Gables' and will not inconvenience or injure the residential amenities as currently enjoyed by the residents of 'Woodberry' to the south east.

7.8. Appropriate Assessment.

7.9. Having regard to the nature and scale of the proposed development and nature of the receiving environment, 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.

8.0 **Recommendation**

8.1. I recommend that the Board consider the appeal in the context of section 139 of the Planning & Development Act 2000 (as amended). I further recommend that the Board direct the planning authority to remove Condition No. 4.

9.0 **REASONS AND CONSIDERATIONS**

Having regard to the design of the sun room, the proposed position and orientation of the south eastern window and the limited opportunities for any impact upon residential amenities associated with neighbouring properties, and also having regard to the residential amenity being provided for by the proposed development, it is considered that the proposed sun room window will not adversely impact on the residential amenities of the area, would not set an undesirable precedent and would be in accordance with the proper planning and sustainable development of the area.

Stephen Rhys Thomas
Planning Inspector

3 December 2018