



An  
Bord  
Pleanála

## Inspector's Report ABP-302771-18

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<b>Development</b>	Permission for extension over garage to side to include Dutch gable with roof light to side.
<b>Location</b>	21, Abbey Park, Monkstown, Co. Dublin
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D18A/0737
<b>Applicant(s)</b>	Michael & Debbie Gallagher
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Michael & Debbie Gallagher
<b>Observer(s)</b>	David Miller & Phil Burns

**Date of Site Inspection**

7<sup>th</sup> December 2018

**Inspector**

Sarah Moran

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## 1.0 Site Location and Description

1.1. The site is a two storey semi-detached house with a flat roof single storey garage to the side and a single storey lean-to structure to the rear. The stated area is 0.444 ha. There are similar properties to the immediate north and south of the site. The house to the immediate south has an existing single storey extension to the side / rear. The site is bound to the rear by a public open space known as the 'Soldiers and Sailors Field'.

## 2.0 Proposed Development

2.1. The proposed development involves the following amendments to the existing house:

- Single storey extension to the front elevation with front porch and bay window.
- Widening of existing vehicular entrance to 3.5 m. New hardstanding area to front of house. Low profile bike and bin store in the front garden.
- First floor extension over existing garage to the side of the house with a hipped Dutch gable with roof light.
- Single storey extension to the rear, across the width of the entire house with a mono-pitch roof.
- Conversion of garage to additional residential accommodation.
- Attic conversion to a non-habitable office with dormer window to rear.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The planning authority refused permission for 3 reasons relating to the following issues:

- Ground floor extension would have a serious negative impact on the residential amenity of the property to the north due to its length and proximity to the northern

site boundary and would appear overbearing when viewed from the rear garden of the adjoining property.

- The dormer structure by reason of its design, width and position would appear over dominant and visually obtrusive in the rear roof slope and therefore contravene development plan section 8.2.3.4. Development would be out of character with the surrounding area. Undesirable precedent for similarly scaled developments.
- The first floor side extension and modifications to the roof profile due to their design and lack of an appropriate front setback would be visually incongruous and potentially set an undesirable precedent. They may lead to a ‘terracing’ effect within the streetscape and would therefore be contrary to development plan section 8.2.3.4.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

Report by the Senior Executive Planner dated 20<sup>th</sup> September 2018. Recommends refusal for the reasons outlined above.

#### **3.2.2. Other Technical Reports**

Transportation Planning 10<sup>th</sup> September 2018. No objection subject to conditions.

Drainage Planning 29<sup>th</sup> August 2018. No objection subject to conditions.

### **4.0 Planning History**

4.1. None on file.

### **5.0 Policy Context**

#### **5.1. Dun 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. Chapter 8 Principles of Development:

- Section 8.2 Development Management
- Section 8.2.3 Residential Development
- Section 8.2.3.4 Additional Accommodation in Existing Built- up Areas
- Section 8.2.3.4 (i) Extensions to Dwellings
- Section 8.2.3.4.9 Vehicular Entrances and Hardstanding Areas.

## 5.2. Natural Heritage Designations

- 5.2.1. Having regard to the nature and scale of the proposed development and to its location relative to relevant Natura 2000 sites, 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. The main points made may be summarised as follows:
- The planning authority considered the proposed development to be acceptable in principle.
  - Many properties in Abbey Park have built extensions. Specific examples at nos. 10 and 13 Abbey Park (Reg. Ref. D16B/0053 and D17A/0158 respectively) are cited as precedents. It is submitted that extensions to other properties in Abbey Park have not depreciated from property values in the area.
  - The development site and the adjoining residential properties to the north and south enjoy very long rear gardens with a playing field to the rear. The site can comfortably accommodate residential extensions and still retain a significant quantum and quality of private open space.
  - It is submitted that the proposed development is in accordance with development plan section 8.2.3.4(i) policy on extensions to dwellings.

- The applicant would be able to build up to 40 sq.m. to the rear of the site as exempted development. They could build up to the shared boundaries either to the north or south of the site and could build a ground floor extension that is higher than the subject proposal. The proposed extension is 2.3m longer than that which would be exempt. The applicant could also build a partial first floor extension as exempted development. The Board is requested to consider whether this additional length would have the impacts stated by the planning authority. The exempted development provisions also apply to adjoining properties.
- The Transportation Planning and Drainage Planning sections of the planning authority did not have any objections to the development subject to conditions.
- The planning authority did not offer the applicant an opportunity to revise the development to address their concerns by way of a Further Information Request. This is unreasonable.
- The appeal is accompanied by a revised design. It is submitted that this proposal addresses the concerns raised by the planning authority. The Board is requested to take the revised design into account in its consideration of the appeal. The following amendments are proposed:
  - The 2 storey side extension is set back from the shared boundary by 0.5m.
  - The rear extension is reduced in depth from 7.2m to 5.9m.
  - The attic conversion is reduced in floor area to 23 sq.m.
  - The dormer window to the rear is reduced in size and width.

## 6.2. Planning Authority Response to First Party Appeal

- 6.2.1. The planning authority notes the revised plans and elevations submitted with the appeal and considers these to be 'significant material changes' that require full assessment. There is no further comment.

### 6.3. Observations

6.3.1. An observation has been received from David Miller and Phil Burns, residents of nos. 20 and 22 Abbey Park, the adjoining properties to the north and south of the subject site. The observation is made in support of the planning authority's refusal of permission. The main points made may be summarised as follows:

- The proposed extension would result in overdevelopment of the site. Its scale is out of keeping with existing houses in Abbey Park and the development is not in accordance with the established character of the area.
- There is no precedent for dormer extensions or extension over a side garage to the rear of any of the line of houses at nos. 19-27 Abbey Park. The second storey hipped roof extension will change the appearance of the semi-detached houses into a row of terraced houses.
- The development would seriously injure the residential amenities of the immediately adjoining properties by way of overlooking and overshadowing and would have an overbearing effect.
- The development would be visually obtrusive when viewed from adjacent properties.
- Adverse impacts on the privacy of adjoining rear gardens.

### 7.0 Assessment

7.1. The proposed development is acceptable in principle with regard to the residential zoning of the site. The individual elements of the development may be considered separately as follows.

#### 7.2. Vehicular Entrance

7.2.1. The proposed vehicular entrance is acceptable subject to the requirements of the planning authority.

#### 7.3. Changes to Front Elevation

7.3.1. The site is not a protected structure nor is it located in an area where any special architectural designations apply. It is considered that the proposed changes to the



front elevation will not detract from the visual amenities of the area and are acceptable.

#### 7.4. Side Extension

- 7.4.1. The existing garage at the side of the house is attached to the garage of the adjoining property. Its conversion to existing residential accommodation is acceptable. The first floor extension within the same footprint will not have any detrimental effect on existing residential amenities. The policy set out on 'terracing' of semi-detached properties as set out in development plan section 8.2.3.4 is noted. The revised proposal submitted with the grounds of appeal sets back the side elevation of the entire house such that it is not attached to the adjoining property. This arrangement is similar to that permitted under D17A/0158 across the road and is satisfactory. The amended proposal may be required by condition.

#### 7.5. Attic Conversion

- 7.5.1. The proposed dormer attic conversion is similar to those permitted elsewhere and is acceptable. The revised proposal is in line with the amended roof line. It is considered that the design will not have any significant adverse impact on the visual or residential amenities of the area.

#### 7.6. Rear Extension

- 7.6.1. The proposed rear extension has a depth of c. 6.9m and does not substantially extend beyond the lean to extension to the rear of the house to the immediate south of the site. The structure has a ridge height of c. 4.2m. As submitted with the grounds of appeal, the rear gardens of the houses on this side of Abbey Park are large and overlook a public open space. It is accepted that the proposed structure has the potential to result in an adverse impact on the residential property to the immediate north by way of overshadowing and visual obtrusion. The revised proposal, which is reduced in depth and height, is acceptable.

#### 7.7. Conclusion

- 7.7.1. The subject site is a currently unoccupied house in an established residential area. The proposed development will result in the renovation of the property to meet modern living standards and is acceptable in principle. I am satisfied that the proposed extensions, subject to the amendments discussed above, which may be

required by condition, would not have any significant undue impact on the visual or residential amenities of the area such as would warrant a refusal of permission. The comments of the planning authority regarding the material changes to the development are noted. The amendments proposed with the grounds of appeal are a moderate reduction in the overall scale of the extension. They are not, to my view, material such as would warrant a requirement for revised notices.

## 8.0 Recommendation

8.1. Permission is recommended subject to the conditions set out below.

## 9.0 Reasons and Considerations

9.1. Having regard to the zoning objective for the area as set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022, the established pattern of development in the area and the nature, scale and design of the proposed amendments it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would therefore be generally in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 16<sup>th</sup> day of October, 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. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. The development shall comply with the requirements of the Transportation Planning Department of Dun Laoghaire Rathdown County Council as set out in its report on file dated 10<sup>th</sup> September 2018.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

4. The arrangements for the disposal of surface water shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the [residential] amenities of property in the vicinity.

6. 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.

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Sarah Moran

Senior Planning Inspector

9<sup>th</sup> December 2018