



An
Bord
Pleanála

Inspector's Report ABP-302785-18

Development	Permission for extensions and alterations to an existing two storey semi-detached dwelling.
Location	9 Wynnsward Park, Clonskeagh, Dublin 14.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/0777
Applicant(s)	Jason & Laura Milne
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Doreen Carthy
Observer(s)	None
Date of Site Inspection	1 st December 2018
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site is located in Wynnsward Park, Clonskeagh approximately 4km south-east of Dublin city centre. Wynnsward Park is a cul de sac accessed off Clonskeagh Road (R113) comprising a mix of 1940s style and contemporary dwellings on its northern side. The southern side includes Wynnstay (protected structure), open space and approximately 6 no. detached dwellings.
- 1.2. No. 9 Wynnsward Park is a semi-detached 2-storey dwelling located midway on the northern side. The dwelling has a hipped roof with single storey flat-roof garage to the side. The garden depth to the rear is approximately 23.5m and the site area is given as 0.0549 hectare. The rear boundary of the site is shared with UCD.

2.0 Proposed Development

- 2.1. Planning permission is sought for extension and alterations to the existing dwelling to include the following:
 - Demolition of existing single storey garage, covered walkway and outhouses;
 - Construction of an infill porch, a single storey flat roof extension to the side and a part 2-storey/ part single storey flat roof extension to the rear;
 - Alterations to includes an increase in size to the existing 1st floor window;
 - Widening of existing vehicular entrance to 3500mm.
- 2.2. The proposal will result in an increased floor area to 215 sq.m. from 141 sq.m.

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 15 conditions.

3.1.2. Condition 2 requires the submission of a revised front elevation drawing showing the proposed side gate on the proposed brick façade. Under Condition 6, a proposed bay window to the rear is to be replaced by a non-projecting window.

3.2. Planning Authority Reports

3.2.1. The recommendation to grant permission in the Planner's Report reflects the decision of the Planning Authority. The following are the main points raised in the assessment of the proposal:

- Proposed demolition of single storey garage, covered walkway and outhouses to the side is considered acceptable. Infill porch is also visually acceptable.
- Front elevation drawing does not show the entrance to the side passage which is shown on plan drawings and on 3D images.
- There is precedent for the use of brick on front elevations along this street. Side extension is considered acceptable.
- 6.4m depth of the rear extension compares to approximate depth of 5.2m granted under D18B/0154 on shared boundary with No. 8 and 5m from shared boundary with No. 10.
- Full length bay window for new bedroom may lead to significant overlooking of the adjoining garden of No. 8.
- Solar study considered acceptable – no significant reduction in the amount of sunlight available to adjoining north facing rear gardens.
- Given set back of proposed 1st floor extension and width of rear gardens, it is considered that the extension will not appear overbearing from adjoining properties.
- There will be adequate rear open space remaining if extension was to be built.
- Proposed changes to front elevation, including increased window size above front door, are considered acceptable.
- No objection from Drainage and Transportation Departments.

4.0 Planning History

Dún Laoghaire Rathdown County Council Reg. Ref: D18B/0154

4.1. Permission granted in May 2018 for part demolition, alterations and extensions to No. 9 Wynnsward Park to include the following:

- Bay window infill extension to front (5 sq.m.).
- Demolition of existing canted bay window and its replacement with a square bay window to front.
- Demolition of existing side garage and store (18 sqm) and its replacement with a 2-storey extension (40.6 sqm).
- Single storey extension to rear (60 sqm) incorporating new feature roof light.
- Provision of 2 no. dormer windows on the rear elevation.

4.2. This proposal would have increased the floor area from 141 sq.m. to 246 sq.m.

Dún Laoghaire Rathdown County Council Reg. Ref: D10B/0110

4.3. Permission granted at No. 8 for demolition of existing 35 sq.m., single storey extension to rear and construction of new 35 sq.m. single storey extension to rear.

Dún Laoghaire Rathdown County Council Reg. Ref: D14A/0081 (PL06D.243378)

4.4. Permission granted at No. 6 & 6A for retention of a shed as-constructed in rear garden and permission for new shed in rear garden, and for alterations and rear extension (47.15 sq.m.) to the existing ground floor level apartment including the provision of a mono-pitched roof and associated external landscaping and drainage works.

4.5. An appeal on this case was declared invalid.

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. 10 Wynnsward Park, which adjoins the appeal site to the east. The grounds of appeal and main points raised in this submission are summarised as follows:

- Mass and scale of proposal will result in loss of amenity, light and sunlight to appellant's patio and garden areas.
- Total effect of redevelopment will be in size, appearance and finish, out of character with the houses at 8, 9, 10 & 11.
- There will be very significant overshadowing of No. 10 in summer mid-afternoons onwards.
- There will be loss of sunlight to western fruit beds and to eastern mature flower and shrub beds.
- No demolition detail, description or engineering cross sections have been provided, particularly in regard to the structural integrity of flat roof at No. 10.
- Drainage will result in run-off to adjacent gardens – front garden of No. 9 is significantly paved over.
- Developer should be instructed to conform and harmonise in all external finishes, geometric forms and profiles, materials, colour and texture with the four properties from No. 8 through to No. 11.
- There are no conditions to prevent overlooking from ground floor windows – screening arrangements should be included.
- Cognisance of the previous comments under D18B/0154 with respect to surface water drainage, infiltration tests and the report of the chartered engineer have not been taken.

- Full report of daylight and sunlight impacts to the front and rear of adjacent properties should be submitted for clarification and observation.
- Parapet extending 1m above existing gutter/ soffit/ fascia ridge line is an eyesore and should not be accepted.

6.2. Applicant Response

6.2.1. The applicant's architect responded to the third party appeal with the following points:

- Proposal sees an increase in floor area to 215 sq.m. and increase in building footprint by 74 sq.m. Plot ratio of 0.39 falls with recommended range in guidelines of 0.35-0.5.
- Proposal is reduced in size and scale when compared to development permitted under Reg. Ref: D18A/0154 (246.6 sq.m). This permission remains live.
- Proposal is similar in size and scale to developments already carried out at No's. 6, 8 & 11.
- Solar study submitted with the application demonstrates that there will be no overshadowing or loss of light to habitable rooms or rear gardens of adjoining dwellings.
- Conditions 5 & 6 adequately address the issue of overlooking.
- Remaining garden area is 241.5 sq.m.
- Proposed 1st floor extension is set back 2,663mm from shared boundary with No. 8 and 4,970mm from shared boundary with No. 10 – degree of separation is well within the rule of 1m setback per 3m of height.
- All finishes to front and side are in harmony with the existing elevation. Brick single storey element to the side is designed to prevent elongation and reinforce the proportions of the 2-storey element.
- Rear shape and proportional design reduces mass, and grounds and nestles the property into the site, while fully respecting the previously extended properties.

- Depth of proposed extension at 6.4m compares to the depth of 5.2m permitted under D18B/0154.
- Proposed extension will be set back from adjoining side boundaries and neighbouring properties also have rear extensions.
- Existing boundary treatments, along with the extensive setback, ensures that overlooking cannot occur. Overlooking is not deemed to occur from non-habitable areas and all ground floor openings on east elevation are designed and located more than 1m away from boundary.
- From a visual perspective, the proposed side extension will replace an existing structure of similar size and scale but with high architectural standard.
- Services infrastructure is not an obstacle to refurbishment of the property. Conditions 8, 10 & 11 adequately address surface water drainage and attenuation.

6.3. Planning Authority Response

- 6.3.1. It is considered that the grounds of appeal do not raise any new matter which would justify a change of attitude to the proposed development.

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;
- Drainage;
- 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.

- 7.2.2. It should be noted from the outset that there is a live permission on site (D18B/0154) for alterations and extensions to the dwelling that would increase the floor area from 141 sq.m. to 246 sq.m. The current proposal will increase the floor area to 215 sq.m.

7.3. Visual Impact

- 7.3.1. Planning permission is sought for extensions and alterations to an existing 1940s style semi-detached dwelling that will include replacement of the flat roof garage to the side with a similarly scaled flat roof structure accommodating a study room, toilet and utility. Other alterations to the front façade include replacement of a first floor window with a larger more vertical opening and infilling of the porch.
- 7.3.2. In general, the proposed alternations including new fenestration will render the dwelling more contemporary in appearance. I would have no objection to the new elements having regard to the presence of contemporary style dwellings within Wynnsward Park to the east and to the fact the main proportions of the dwelling will remain intact when viewed within the streetscape.
- 7.3.3. The appellant objected to the introduction of a brick finish to the front of the side extension; however, as pointed out by the Planning Authority, there is precedent for ground floor brick finishes to the western end of the road and I would be in agreement with the applicant that this helps to prevent an appearance of elongation and reinforces the proportions of the 2-storey element of the dwelling. I would also have no objection to the increased parapet height of the side extension having regard to the contrasting appearance of the brick finish compared to the adjoining garage.
- 7.3.4. Overall, I consider that the proposed alterations to the front, which take references from other buildings on the street, is an appropriate design solution for the site. In my opinion, there is a wide enough variation of architectural styles along the road to allow the proposed alteration of this dwelling, even within the context of the nearest dwellings of similar style.

7.3.5. It should be noted that the gate to the side is omitted from the front elevational drawing. A condition is attached to the Council's decision requiring the submission of a revised drawing to show this opening.

7.4. Impact on residential amenity

7.4.1. A third party appeal has been submitted by the resident of the adjoining property to the east. The main concern is that the mass and scale of proposal will result in loss of amenity, light and sunlight to the appellant's patio and garden areas.

7.4.2. From the outset, it should be noted that there is a single storey pitched roof extension to the rear/ side of the appellant's property constructed approximately 900mm from the side boundary. The proposed extension will project approximately 3m beyond the appellant's extension; however, the new structure is single storey along this boundary and the 2-storey element is set back approximately 5m. The single storey element is also set back 1145mm from this boundary. On the western side, the 2-storey extension is set back from the side boundary by approximately 2.5m.

7.4.3. In general, I would have no concerns that the proposed side and rear extension will adversely affect adjoining properties in terms of overbearing and overshadowing impacts. Rear gardens are to the north of these properties and the back elevation and nearest part of the garden to the dwelling will be in shadow for most of the year in any case. There may be some additional overshadowing of No. 10 in summer evenings; however, consideration should be given to the proposed setback of the extension and the substantial area of the rear gardens that will still receive sunlight.

7.4.4. The western elevation of the proposed extension will be broken down to some degree by the different materials at ground and first floor levels and I consider that these finishes, together with the presence of an existing extension to No. 8. and the proposed setback, will negate the potential for overbearing impacts on this property.

7.4.5. The Planning Authority has attached a condition requiring the replacement of the bay window serving Bedroom 1 with a non-projecting window. I would be in agreement that this will reduce the potential for overlooking of third party properties to the side. Side facing windows are proposed at first floor level to serve a landing and bathroom. These windows are to be fitted with obscure glass and I do not foresee

any issues with respect to overlooking or invasion of privacy from the first floor or indeed the ground floor of the proposed extension.

7.5. Drainage

- 7.5.1. The third party appellant is concerned that drainage will result in run-off to adjacent gardens. It is also highlighted that the front garden of No. 9 will be significantly paved over.
- 7.5.2. It is stated in the Development Plan that a minimum of one third of front garden areas should be maintained in grass or landscaped and that each driveway, parking and hardstanding area shall be constructed in accordance with SuDS and include measures to prevent drainage from the driveway entering onto the public.
- 7.5.3. I note that approximately one third or more of the front garden is to remain landscaped. Furthermore, the Drainage Department of the Council is satisfied with the proposal and I note that conditions have been attached stating that hardstandings are to be constructed in accordance with SuDS, with permeable asphalt/ paving stones required. I propose the attachment of a condition to any grant of permission requiring the applicant to comply with the drainage requirements of the Planning Authority for such works and services.

7.6. Appropriate Assessment

- 7.6.1. 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, 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 bay window to proposed Bedroom 1 shall be omitted and replaced with a non-projecting window.

Reason: In the interests of residential amenity.

3. Prior to commencement of development, a revised front elevation drawing showing the proposed side gate within the brick façade shall be submitted to the Planning Authority for written agreement.

Reason: In the interests of clarity.

4. The external finishes of the proposed extension shall harmonise with those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

5. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. The vehicular access, including width, footpath, grass verge, kerbing and drainage shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interests of amenity and of traffic and pedestrian safety.

8. 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

3rd December 2018