



An
Bord
Pleanála

Inspector's Report

ABP-302897-18

Development	Permission for house extension.
Location	26 Glenvar Park, Blackrock, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown Co. Co.
Planning Authority Reg. Ref.	D18A/0420
Applicant(s)	Aidan Farrell and Susannah McAleese
Type of Application	Permission
Planning Authority Decision	To Grant Permission
Type of Appeal	Third Party
Appellant(s)	Aidan and Catherine Guinan
Observer(s)	David Gill and Ulrike Ascher
Date of Site Inspection	28.01.2019
Inspector	Erika Casey

1.0 Site Location and Description

1.1. The subject site with an area of 0.0995ha is located on the western side of Glenvar Park and currently accommodates a two storey, detached dwelling with pitched roof and a floor area of c. 133 sq. metres. There is a single storey garage structure attached to the northern side of the dwelling, set back from the front building line. Access to the site is via a vehicular entrance from Glenvar Park, with off street parking provided to the front. The dwelling is served by a large rear garden. Development in the vicinity is of similar low density, suburban housing.

2.0 Proposed Development

2.1. The proposed development comprises:

- Partial demolition of the existing dwelling including majority of the side walls, the chimney and part of the rear wall. Demolition of existing semi-detached garage.
- Construction of a two storey extension on the southern and northern elevation. Part single storey and part two storey extension to the rear of the existing dwelling. The proposed extensions will have a gross floor area of 127.5 sq. metres.
- Alterations to the front elevation to include the provision of a ground floor bay window with pitched roof, provision of velux roof lights (on the rear western and southern sides of the roof), solar panels (on the south facing slope of the roof) and new chimney.
- Interior alterations and associated landscape works.
- Widening of the front vehicular access to 3.3 metres.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 To Grant Permission subject to conditions. All conditions are standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports (22.06.2018 and 02.10.2018)

- Having regard to the scale and form of the proposed double storey side extensions and their location relative to adjoining properties, the Planning Authority is satisfied that the proposed development will not adversely impact on the amenities of adjacent properties by reasons of overbearing or overshadowing.
- The proposed double storey rear extension and single storey rear extension will not unreasonably compromise the amenities of no.s 24 and 28. The proposal will not result in undue overlooking to properties to the north and south.
- The extension to the roof is considered to be in keeping with the character of the surrounding area.

3.2.2. Other Technical Reports

Drainage Planning (30.05.2018): No objection subject to conditions.

Transportation Planning (08.06.2018): No objection subject to condition.

3.3. Prescribed Bodies

- No submissions received.

3.4. Third Party Observations

3.4.1 2 no. third party observations were made. Issues raised are similar to those in the third party appeal and observation which are summarised in section 6 below.

4.0 Planning History

Planning Authority Reference D00B/0276

4.1 Permission granted in May 2000 for the construction of a single storey extension with a total area of 27 sq. metres to the side and rear of the existing dwelling.

Adjacent Site – No. 28 Glenvar Park – Planning Authority Reference D11A/0509

4.2 Permission granted in December 2011 for demolition works to the existing dwelling, including the existing garage to the rear, the construction of a part two storey/part single storey extension to the side and rear of the existing dwelling with new

chimneys, new dormer to the rear and roof lights, alterations to existing dwelling elevations, the relocation of existing vehicular entrance and all associated works.

**Adjacent Site – No. 24 Glenvar Park – Planning Authority Reference
D10A/07010**

4.3 Permission granted in February 2011 for the demolition of the existing single storey sun room to the rear, construction of a new single storey extension to the rear and side of the house, conversion of the existing garage to habitable use, replacement windows, new glazed porch and widening of existing vehicular entrance.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan is the Dun Laoghaire County Development Plan 2016 – 2022.

5.1.2 The subject site is zoned A: *“To protect and/or improve residential amenity.”* The principle of a residential extension is acceptable under this zoning objective.

5.1.3 **Section 8.2.3.4** of the Plan addresses additional accommodation in existing built up areas. This notes the following key points:

- 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. External finishes shall normally be in harmony with existing.
- In determining first floor extensions the Planning Authority will have regard to factors such as:
 - Overshadowing, overbearing and overlooking -along with proximity, height and length along mutual boundaries.
 - Remaining rear private open space, its orientation and usability.
 - Degree of set-back from mutual side boundaries.

- Criteria to consider where roof alterations are proposed include the character and size of the structure; its position on the streetscape and proximity to adjacent structures; existing roof variations on the streetscape; distance/contrast/visibility of proposed roof end; harmony with the rest of the structure, adjacent structures and prominence.

5.2. **Natural Heritage Designations**

5.2.1 The nearest Natura 2000 sites are the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC located c. 0.8km to the east of the site.

5.3 **EIAR Screening**

5.3.1 Having regard to nature of the development comprising a domestic extension and the urban location of the site there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required

6.0 **The Appeal**

6.1. **Grounds of Appeal**

Aidan and Catherine Guinan, 28 Glenvar Park

- Consider that the development will seriously injure the amenities of no. 28 Glenvar Park and is thus contrary to the zoning objective and Policy RES 4 of the Development Plan. Development contravenes ministerial guidelines.
- The extension is an almost 100% increase in floor area and is a substantial addition to the property. Object to the scale of the extension, particularly the two storey rear element and that it will be overbearing, visually obtrusive and result in overlooking and loss of privacy. Consider the extension to be an overdevelopment of the site and object to its height, scale and mass. Inadequate separation distance to no. 28 provided. Existing dwellings on the street have a separation distance of 2.5 metres between first floor level and the separating boundary wall.

- Note precedent decision under Planning Authority Reference D11A/0509 where condition was imposed to reduce the depth of first floor extension to the rear of the development by 1.9 metres to a maximum depth of 5 metres.
- Concerns regarding overshadowing and loss of natural light to the rear garden. The development will block light to the side window at the front of no. 28 and the rear roof light.
- Consider the extension, particularly the first floor element would have a negative impact on the streetscape and disrupt the existing uniform pattern. The alterations to the front elevation would have a serious negative impact on the streetscape. The development would set an undesirable precedent.
- State that the statutory notices do not provide satisfactory information in respect to demolition.
- Concerns regarding construction stage impacts, particularly demotion works.

6.2. Applicant Response

- No windows are proposed at either the ground or first floor of the side elevation facing the appellant's property. The two roof lights are positioned on the other side of the proposed two storey extension. Any overlooking will be from the rear elevation and overlooking already occurs from the first floor of the existing house.
- Shadow study indicates that the existing house already casts shadows to no. 28. The shadow projections with the proposed extension indicate that the extent of shadows cast will not be appreciably greater than those that occur at present. Other than in the afternoon at the equinoxes and in December, there will be no increased shadows cast over the existing roof light on the single storey extension to the rear of no. 28.
- The representations submitted by the appellant to demonstrate the overbearing impact are crude and inaccurate. Sketch perspectives submitted to demonstrate a more accurate representation of the development.
- The northern side of the extension is 3.7 metres from the two storey southern elevation of the appellant's dwelling. Consider this is an adequate separation distance and will not result in overshadowing.

- Consider that the extent of the extension is not excessive and is consistent with extensions that have been granted in the vicinity. Note that the appellant's property under application reference D11A/0509 was granted an extension of 176 sq. metres or a 118% increase on the existing house.
- It is not accepted that the existing pattern on the street is as uniform as claimed by the appellants. Note amendments permitted to the front elevation of the appellant's dwelling and that the development will be keeping with the prevailing character of the street.
- Note that the length of proposed first floor extension is 5.35 metres from the rear wall of the original house. Given the relationship of the properties, the end wall of the proposed extension is approximately 250mm behind that of the first floor extension on the appellant's house. In this context, it is considered that proposed first floor extension is not excessive.

6.3. **Planning Authority Response**

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

6.4. **Observations**

David Gill and Ulrike Ascher, 24 Glenvar Park, Blackrock, Co. Dublin

- Request that prior to commencement of development, that the boundary line of the side extension needs to be clearly set out and identified.
- Consider first floor extension should be set back a minimum of 2 metres from the party boundary.
- The roof light at attic level should be positioned so as not to create any possible overlooking of no. 24.
- Concern regarding potential damage to existing tree on the public pavement.
- Request adequate measures are taken to protect existing foundations and that appropriate weather proofing is carried out to the internal party wall.

6.5. Further Responses

Aidan and Catherine Guinan, 28 Glenvar Park (20.12.2018)

- The proposed development should be re-advertised as the development involves substantial demolition.
- The development will substantially block light to the side window in the dining room of no. 28.
- The extension will substantially overlook the rear garden of no. 28 and the applicant's illustrations indicate the unacceptable scale, bulk and mass of the extension.
- The proposal to extend the dwelling to the north and south is materially different to any other house on the street. The sense of streetscape designed in the 1930's will be lost for good.

Dun Laogharie Rathdown Co. Co. (19.12.2018)

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

7.0 Assessment

7.1 Introduction

7.1.1 The main issues are those raised in the grounds of appeal and observation and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Impact on Residential Amenity.
- Visual Impact.
- Other Issues.
- Appropriate Assessment.

7.2 Impact on Residential Amenity

- 7.2.1 Significant concerns are raised regarding the impact of the development to the residential amenities of no. 28 and that the development will be overbearing, visually obtrusive and result in overlooking and loss of privacy.
- 7.2.2 To the rear and side, it is proposed to construct a part two storey, part single storey extension. To the north, the 2 storey element is set back from the boundary with no. 28 at first floor level by a distance varying from 985mm to 2030mm. The 2 storey extension floor element will have a pitched roof profile and a maximum height of c. 7.9 metres. The single storey element abuts the boundary with no. 28 for c. 4.35 metres.
- 7.2.3 There is an existing single storey extension located to the rear of no. 28 which extends beyond the rear building line of the proposed extension to no. 26. This rear extension includes a substantial high boundary wall adjacent to the subject site. Having regard to the scale and form of the development, which steps down to a single storey element for the extent of the rear extension, and the separation distances proposed which provides for a greater set back of the first floor element, I am satisfied that the development will not have any overbearing impacts to no. 28.
- 7.2.4 With regard to overlooking, I note that no fenestration is proposed on the northern elevation of the proposed extension. There will be a new window serving the proposed bedroom accommodation at first floor level. This arrangement is typical in suburban situations and I consider that any overlooking will be oblique and limited due to the fact that the windows serve bedrooms.
- 7.2.5 It is contended that the development will cause overshadowing, particularly to the existing roof light over the kitchen and the side window on the southern elevation of no. 28. I note the visualisations submitted by the appellant and note that these are not verified views and their accuracy is questionable. The applicant has submitted a shadow study to indicate to overshadowing impacts associated with the development. This clearly demonstrates that the existing dwelling already casts shadow to the adjacent property to the north. The proposed extension will not have any further material impact on the extent of shadowing currently experienced. I am satisfied that the development will not adversely impact the adjacent property with regard to overshadowing or loss of sunlight and daylight.

7.2.6 It is stated by the appellant that the development will result in the overdevelopment of the site, that the extension is not subordinate to the dwelling and represents a 95% increase to the existing dwelling. Whilst the extension is large, I note that the existing dwelling is detached and located on a large site with generous front and rear gardens. I am satisfied that having regard to other precedent decisions in the vicinity, notably the adjacent dwelling no. 28 which was substantially extended under Planning Authority Reference D11A/0509, that the subject site has adequate capacity to absorb a development of this scale without any significant adverse impacts on the residential amenities of adjacent properties.

7.2.7 With regard to the appellant's comments regarding condition 2 imposed under D11A/0509 which reduced the depth of the rear extension to a maximum of 5 metres, I concur with the comments of the applicants that each application must be considered on its own merits having regard to its context. This previous condition does not in my view set a precedent. I note that the length of the proposed extension is c. 5.35 metres from the rear wall of the original house and will be set back from the rear building line of no. 28. The building line of the proposed extension is actually set back from that of the rear extension to no. 28. In this context, the depth and scale of the extension is considered acceptable.

7.2.8 With regard to no. 24 to the south, the two storey extension to the side will be set back c. 1.35m from this boundary. There is no fenestration on the southern elevation. Having regard to the separation distances and relationship to the existing property to the south, no adverse impacts to the amenities of this property will occur.

7.2.9 In conclusion, I am satisfied that the development has been appropriately designed and that the scale, height and mass of the extensions will not result in any significant adverse impacts to the amenities of adjacent properties. In this regard, I consider the development consistent with the zoning objectives and relevant policies and objectives set out in the Development Plan regarding such development.

7.3 **Visual Impact**

7.3.1 Concerns are raised by the appellants that the proposed amendments to the front elevation would have a negative impact on the streetscape and disrupt the uniform pattern of development.

7.3.2 Glenvar Park comprises a number of detached dwelling houses of varying character. Whilst of a similar architectural style, many of have undergone renovation with alterations and revisions to their front elevations. The appellant's property to the north at no. 28 was substantially modified on foot of a permission granted in 2011 under Planning Authority Reference D11A/0509. There are no protected structures in the vicinity of the site and the dwelling is not located within an architectural conservation area. It is not considered that the area has any particularly sensitive architectural character or identity.

7.3.3 The proposed development provides for 2 no. two storey extensions to the north and south of the existing dwelling house, effectively enlarging its overall footprint. The development also provides for the construction of a ground floor bay window with a pitch roof canopy that will extend approximately 1 metre beyond the front building line of the existing dwelling. The proposed materials and finishes are consistent with the existing dwelling and comprise brick and render. The profile of the roof is satisfactory and the extensions tie in appropriately with the existing structure. I consider the proposed extensions to be consistent with both the character of the existing house and the area in general.

7.3.4 It is contended by the appellant that the 'visual gateway' of the streetscape would be seriously adversely impacted on account of the development. The existing dwelling however, is well set back from the public footpath. Having regard to the nature and extent of the development and the contextual elevations submitted, I am satisfied that the development will assimilate with the existing pattern of development and will not appear incongruous with the existing streetscape. I consider it will have no significant adverse visual impact and any impact to the existing streetscape will be largely imperceptible.

7.4 **Other Issues**

Extent of Demolition Works

7.4.1 Concerns are raised by the appellant that the public notices do not adequately describe the extent of demolition works. Section 3.4 of the Development Management Guidelines 2007 sets out guidance regarding the public notices. It states:

“The purpose of the notices, that is, the newspaper notice (Article 18 of the Planning Regulations) and the site notice (Article 19), is to inform the public of the proposed development and alert them as to its nature and extent.....In recent years the amount of detail in the public notice has increased continuously to the extent that such notices frequently include every detail of the proposed development, rather than comprising a brief description the proposed development.....The public notice should therefore be drafted so as to give a brief indication as to the nature and extent of the proposed development and is not required to go into excessive detail.”

7.2.3 Having regard to this guidance, I am satisfied that the nature and content of the site and newspaper notice submitted with the application was sufficient and the extent of demolition works adequately described. Furthermore, I note the applicant submitted further detailed drawings at Further Information Stage clarifying the extent of demolition of works as well as a report from a structural engineer. I consider that sufficient information in this regard has been submitted by the applicant and that in this context re-advertisement is not warranted.

Construction Impacts

7.2.4 I note that objections to potential construction stage impacts have been raised by both the appellant and observer. Whilst I acknowledge there may be some short term impacts during the construction phase, I consider that such impacts will be short term, temporary in nature and can be mitigated through appropriate construction management. This matter can be addressed by way of appropriate condition.

7.5 Appropriate Assessment

7.5.1 Having regard to the nature and scale of the proposed development, a domestic extension within an established urban area, and the distance 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.

8.0 Recommendation

- 8.1 It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the current Dun Laoghaire Rathdown County Development Plan 2016-2022, the location of the site in an established residential area and its zoning for residential purposes and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would be 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 submitted to the planning authority on the 5th day of September, 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 harmonise with those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the attenuation and 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.

4. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, 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 adjoining property in the vicinity.

5. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

6. The footpath in front of the proposed vehicular entrance shall be dished at the road junction in accordance with the requirements of the planning authority and at the Applicant's own expense.

Reason: In the interest of pedestrian safety.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of clarity, orderly development and amenity.

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 the 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.

Erika Casey

Senior Planning Inspector

29th January 2019