



An
Bord
Pleanála

Inspector's Report 303061-18

Development	Redevelopment of existing house to include first floor extension to rear, single storey extension to front and other renovation works
Location	45 Smyth's Villas, York Road, Dun Laoghaire
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18B/0397
Applicant(s)	Sandra Conway & Thilo Rusche
Type of Application	Planning permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Sandra Conway & Thilo Rusche
Observer(s)	None
Date of Site Inspection	2 nd February 2019
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1.** The site is located on the corner of Smyth's Villas and York Road, in Dun Laoghaire. It is situated at the end of a terrace of 2-storey houses fronting York Road. The site is located on the western side of York Road, between Lower George's Street and Vesey Place. Smyth's Villas consist of a series of short terraces, dating from the 1930s, at the northern end of York Road, which generally front onto the main road but have additional terraces at right angles to the west of the frontage development.
- 1.2.** The site area is given as 0.011ha. The floor area of the existing house is given as 80sq.m. There is a front and a rear garden. The front garden is delineated by a front and side boundary wall with a pedestrian gate and has a tree in the south-eastern corner. There is an existing single-storey flat-roofed extension to the rear of the house. The western (rear) boundary abuts the front garden of the closest terraced house to the rear. This boundary is defined by a painted timber panel fence over a low block plinth wall. The southern boundary abuts an access way leading to a further terrace of houses to the rear (west) of the site and is defined by the southern elevation of the house and a c2m high block wall. There is a pedestrian gate inset into the southern boundary wall.

2.0 Proposed Development

- 2.1.** It is proposed to construct a single-storey front extension and a first-floor rear extension. The combined floor area of the proposed extensions is given as 34sq.m. The front extension would involve the removal of part of the front wall of the house and the extension of the front room by c.1,650mm to the east. It would be set back from the roadside boundary by 4.5m. The front extension would be set back from the northern boundary with a new front door provided to the north of the extension. The proposed elevational treatment at the front involves a flat roofed extension and the replacement of the existing traditional style window with a large square shaped window which would rise above the eaves line. This would consist of a bronze clad window set against white painted plaster, to provide a contemporary approach.
- 2.2.** The southern boundary of the ground floor has 3 new slit windows facing the lane and a further tall slender feature window which extends from the ground to the roof, and is recessed. There is a proposed feature window to the second bedroom which

projects slightly over the lane. The proposed first floor extension development involves the extension at first floor level over the footprint of the existing flat roof extension. This extension would have a curved wall which would project slightly over the rear garden.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for one reason.

Having regard to its design, height and scale, it is considered that the proposed first floor extension would be overbearing and overshadow an existing property to the north. In addition, it is considered that the proposed first floor extension would be visually dominant and incongruous with the existing streetscape within Smyth's Villas. It is considered that the proposed first floor extension would unduly impact upon adjoining residential amenities and fails to accord with the provisions of Section 8.2.3.4 (i) 'Extensions to Dwellings' in the Dun Laoghaire Rathdown County Development Plan, 2016-2022. The proposed development would set an undesirable precedent and would seriously injure the amenities, or depreciate the value of property in the vicinity. The proposed development is therefore considered to be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report (24/10/18) noted that two submissions had been received from neighbouring residents. Regard was had to various policies and development standards in the CDP including Section 8.2.3.4 regarding Extensions to Dwellings. The Area Planner considered that the contemporary design approach would add some visual interest to the terrace and that the proposed FF window on the southern elevation would provide for some visual surveillance of the lane. The front extension was considered to be appropriate in scale and design.

The first-floor rear extension was, however, considered to be excessive in terms of overall size, scale and height. It was noted that it would extend approx. 5m along the northern boundary before curving away from the boundary, and that the height of the proposed extension is 5.89m, which exceeds the height of the eaves. It was therefore considered to be overbearing, excessive in scale and would be visually dominant and incongruous within the existing streetscape. It was also considered that it would overshadow the property to the north.

Refusal of permission was, therefore, recommended. However, it was considered that there may be potential to provide for a smaller, more appropriately scaled and designed first floor extension to provide some additional space internally.

3.2.2. Other Technical Reports

Drainage Planning - No objections.

3.3. Prescribed Bodies

3.3.1 None.

3.4. Third party observations

Two observations were made to the planning authority. One from each of the neighbouring residents at No. 42 and No. 44 Smyth's Villas. The main points raised may be summarised as follows:

- Visual amenity – the size, volume and design of the proposed extensions would change the visual amenity of the 1933 terrace, comprising small 2-bedroomed houses with small back gardens. The design of the windows extending into the roofline will destroy the visual aspect of the terrace.
- Design of first floor extension – the curved wall will not soften the impact on No. 44 as suggested, but will exacerbate the bulk of the proposed extension. It will be visually obtrusive, overbearing in nature and would further contribute to blocking of light to the rear garden of this property, which is currently sunny and bright.

- Insufficient dimensions given – the dimensions of the curved wall are insufficient to assess how much it will overhang the ground floor, although it will tower over the neighbouring garden. The dimensions of the front extension are also inadequate to judge its size.
- The neighbour at No. 44 is in agreement with the need for an extension but considers that the design and scale of the proposed extension would seriously detract from her residential amenity.

4.0 Planning History

4.1. None on the site.

4.2. The following planning permissions relating to rear in the vicinity are relevant.

D15B/0178 – 43 Smyths Villas – two storey rear extension, traditional style. Mid-terrace property two doors up from appeal site. It was noted in Planner’s report that permission had previously been granted in 1998 and 2003, but not constructed (98/0191 and D03B/0918).

D09A/0643 – 46 Smyths Villas – 2-storey traditional style extension to rear – End of terrace property immediately behind appeal site.

D08B/0407 – 48 Smyths Villas – 2-storey extension with hipped roof and parapets – Mid-terrace property two doors up from 46.

D07B/0516 – 52 Smyths Villas – first-floor extension. Mid-terrace in cul-de-sac to west of site.

D98B/0720 and 10B/0239 – 21 Smyths Villas – permission granted for 2-storey rear extension in 1998 and in 2010 for a ground floor bay window. Mid-terrace.

D11B/0217 – 28 Smyths Villas – 2-storey flat roof rear extension with ground floor single storey annex. End of terrace property to north. Planning report stated that first floor element should not be allowed to breach the eaves line.

D15A/0518 – 58 Smyths Villas – Two-storey rear extension with single-storey element and single-storey front extension. Mid-terrace property to north.

5.0 Policy Context

5.1. Dun Laoghaire Rathdown County Development Plan 2016-2022

5.1.1 The site is zoned Objective A for which the objective is to “To protect and improve residential amenity”.

8.2.3.4 – Extensions to dwellings – The following extracts from the policy are considered relevant:

“First floor rear extensions will be considered on their merits, noting that they can often have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the planning authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered :

- 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 boundaries.
- External finishes and design, which shall generally be in harmony with the existing.”

“The proposed construction of new building structures directly onto the boundary with the public realm (including footpaths/open space/roads) is not acceptable and it will be required that they are set back within the existing boundary on site. The provision of windows (particularly at first floor level) within the side elevation of extensions adjacent to public open space will be encouraged in order to promote passive surveillance.”

“More innovative design responses will be encouraged, particularly within sites where there may be difficulty adhering to the above guidance and where objectives of habitability and energy conservation are at stake”.

5.2. Natural Heritage Designations

South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024) lie approx. 460m to the north on the far side of the N31 and the Dart line.

6.0 The Appeal

6.1. Grounds of Appeal

The first-party appeal was submitted by Alan Farrelly Architects on behalf of the appellant. The main points raised may be summarised as follows:

- **Nature of development** – the existing house is very small and unsuitable for a growing family. The existing bathroom is located downstairs, off the kitchen. The two bedrooms are cold and damp with the exposed, poorly or uninsulated external walls. The ceiling heights are low at eaves level which creates low level windows within the rooms. It is considered that the location and scale of these houses is such that it is inevitable that they will eventually be redeveloped and increased in size and that they will be modernised with improved architectural quality and greater energy conservation values.
- **Existing development in vicinity** – The property to the south and two properties to the north have been similarly developed in recent years. These developments are traditional in design approach and echo the style of the existing development. However, in terms of their massing, they are similar. There is no established rear building line and permitted extensions have varying sizes and depths projecting from the rear walls. The impact on the house to the north should not be unduly determining and restricting as it is likely that this house will be redeveloped in time.
- **Contemporary approach** – The CDP encourages such approaches to design in extensions to dwellings. The curved form softens the bulk which floats above the boundary wall. It is envisaged that this would be pure white punctured by bronze clad projecting windows, which would be repeated in the existing house. The windows relate to standard heights of windows as the

current eaves are very low. The Area Planner seems to accept the contemporary approach overall.

- **Materials and finishes are critical to success** – The use of materials and external finishes are critical to the successful integration of the design into the streetscape. The applicant is happy to accept a condition regarding approval of such details. The developer's agent strives for the highest standards of design and photos of other completed projects are attached for the Board's information.
- **Revised design options** – the Area Planner suggested that a contemporary approach would be acceptable if the scale was reduced. The revised options include a mirror image of the hipped roof extension to the property on the southern side of the lane, and a revised mono-pitched roof profile. The mono-pitched option is presented as a significant reduction in height, scale and massing.
- **Overshadowing** – sunlight/shadow studies have been attached to demonstrate the differences in impact between the proposal submitted to the P.A. and the two revised options, as well as the existing shadow impact. It is submitted that although the proposed extension projects further with the proposed curved wall, this feature has little and limited additional impact on the adjoining property to the north, compared with the hipped roof option.

6.2. Planning Authority Response

The P.A. responded to the grounds of appeal on 19th December 2018.

- The alternative design approach – any proposed revisions that might be considered significant material changes and have not been the subject of public advertisement/notice are not amenable to public comment or observations from potentially affected parties.
- Reference to planner's report – the Board is requested to refer to the Planner's report and the uphold the decision of the P.A. to refuse permission.

7.0 Assessment

It is considered that the main issues arising from the appeal are as follows:-

- Principle of development
- Impact on visual amenity
- Impact on residential amenity

7.1. Principle of development

It is acknowledged that the existing houses are very small, with the existing floor area of the appeal site (including rear GF extension) at 80sq.m., and that the energy conservation/efficiency would be likely to be poor. As such, the proposal to extend the existing dwelling and to modernise it is acceptable in principle. It is also acknowledged that the site is severely constrained in terms of the layout of the existing development both within and adjoining the site, the small scale of the site (0.011ha, or 110sq.m). This inevitably restricts the design options and means that there is potential for adverse impact on the adjoining properties, regardless of the design and scale of the development.

The CDP states that first floor extensions will be considered on their merits and requires that there will be no significant impacts on surrounding residential development or visual amenities. These issues will be examined in the following sections. However, it is considered that the precedent created by other similar development in the area is worthy of note. I have outlined in section 4.0 above that planning permission has been granted for two-storey rear extensions in respect of seven properties in Smyths Villas since 2007. Several of these permissions included proposals for single storey front extensions/porches. It is noted that most of the permitted rear extensions are of a traditional design, although there has been a couple of flat roof designs. However, none of the permitted extensions breached the established eaves line.

7.2. Visual amenity

- 7.2.1.** The current Dun Laoghaire Rathdown County Development Plan 2016-2022 at paragraph 8.2.4.9 states that innovative design responses will be encouraged. It is

considered that the contemporary design approach is appropriate and that the use of materials with a white painted render will help to integrate the extension into the existing streetscape. The proposed front extension is considered to be appropriate in the context of the streetscape. The fact that the site is an end-of-terrace also provides an opportunity for a more innovative approach. However, there are certain key features which should be respected in order to ensure harmonious integration. Whilst the breach of the eaves line in respect of individual windows is acceptable, the first-floor extension should not break the eaves line.

7.2.2. It is considered that the two proposed contemporary approaches would result in structures which would rise above the eaves line and would create an unduly visually dominant structure. The curved wall approach would also over sail the ground floor footprint and would draw attention to the extension. It would also mean that it would be at full height for the entire depth of the extension, with no tapering of height towards the rear. I would agree with the appellants that the design of this wall would not soften the impact on the adjoining development. It is considered that in terms of visual impact, the traditional approach or the revised monopitched approach would be more appropriate. The traditional approach, however, would probably necessitate a redesign of the proposed fenestration pattern, which would not sit comfortably with the existing/traditional approach.

7.2.3. The appellant has stated that the revised contemporary approach (monopitched design) would result in a significant reduction in height, scale and massing. It is noted that in this design, the eaves at the northern-most end are in line with the eaves of the main dwelling, but the eaves at the southern end rise considerably higher than the eaves line. As the southern end bounds the lane, with a 2-storey extension opposite, there is greater scope to accommodate a greater scale and height here. It is considered that this also adds to the visual interest of the contemporary approach. The CDP discourages an elevational wall directly abutting the public realm. However, in this instance, it is proposed to introduce three small slit windows, a large bedroom window and a tall slender feature window, which would improve passive surveillance.

7.2.4. The large projecting window on the western elevation is considered to be unduly large, however, and introduces a dominant feature which is out of scale and character with the densely developed traditional terraces. This window also breaches

the parapet line of the monopitched roof, which is a further feature that draws attention to the extension, and renders the structure incongruous with the existing terrace. The depth of the first floor, which over sails the ground floor also accentuates the scale and mass of the extension. However, it is noted that this aspect has been improved with a reduction in depth from the main wall from c.7m (curved wall design) to c.6m (monopitched design). It is considered, however, that the depth should not extend beyond the existing ground floor footprint, i.e. 5.5m.

- 7.2.5.** In conclusion, it is considered that the contemporary design approach, with the monopitched roof profile to the rear extension would be appropriate in the context of the site and its surroundings, provided that the large feature window is significantly reduced in scale, is flush with the rear wall and is positioned so that it is below the parapet, and that the depth of the extension does not exceed that of the existing footprint.

7.3. Residential Amenity

- 7.3.1.** The concerns raised by the third parties and the P.A. related principally to the height, scale and massing, which would result in an overbearing structure that would overshadow the properties to the north. As discussed in the preceding section, the revised contemporary design option submitted with the grounds of appeal, would reduce the scale and height on the boundary. It is also acknowledged that any 2-storey extension in this location would result in some loss of amenity, but a balance must be struck between the need to improve the quality and level of accommodation on the site and the protection of the amenities of neighbouring properties.
- 7.3.2.** The appellant has submitted a shadow study providing comparisons between the existing situation and the three design options, i.e. that submitted to the P.A., the traditional approach and the monopitched roof profile. Each of the options increases the degree of overshadowing to the north, particularly in the winter solstice, as would be expected. However, the impact from the original design (curved wall) and the traditional design (hipped roof) are greater than from the revised monopitched roof profile design. It is further noted that the main impact, compared with the existing, is on the rear windows of the adjoining properties, rather than on the gardens, which is probably due to the shadow cast by existing garden walls and flat roof single storey extensions. It is considered that the revised monopitched design, with the reduced

depth and height at the boundary would be the least detrimental in terms of the impact on residential amenity.

- 7.3.3.** As stated in the preceding section, the large feature window in the western elevation is unduly dominant. It is considered that as it is proposed to be floor-to-ceiling in height and is also projecting, this window is likely to give rise to issues of overlooking of properties to the north and west. It is acknowledged that the Board may consider this to be a new issue, but the remedy would be similar to that outlined above under impacts on visual amenity, i.e. to reduce the scale of the window and to ensure that it is flush with the rear wall, and not projecting.
- 7.3.4.** In conclusion, it is considered that the principle of development of a two-storey rear extension is well established in the vicinity of the site, and that there is an acknowledged need to improve the quality and size of accommodation to meet the needs of families. The proposed development, as revised in the grounds of appeal with the monopitched roof profile, is considered to be the best solution in that it would minimise the adverse impacts on the residential and visual amenities of the area, provided that the depth of footprint is not extended and rear window is amended as discussed above.

7.4. Other matters

The P.A. in its response to the grounds of appeal, considered that the proposed alterations would not be amenable to third party public comments. The board could decide to republish the notices with the revised proposals submitted with the grounds of appeal. However, as the third parties would have been notified of the appeal by the P.A., it is considered that the third-party observers would have had an opportunity to submit an observation to the Board. It is further considered that the proposed revisions have been introduced in response to the decision of the P.A. to refuse permission and these revisions have sought to ameliorate the design in order to reduce the impact on neighbouring properties.

The third-party observations to the P.A. had raised concerns regarding the lack of dimensions on the submitted drawings. However, it is considered that this matter has been addressed in the submissions with the grounds of appeal.

7.5. Environmental Impact Assessment

Having regard to the nature, size and location of the proposed development, 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.

7.6. Appropriate Assessment

South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024) lies approx. 460m to the north. They are located on the far side of the N31, Dunleary Road, and on the seaward side of the Dart line. There are no known hydrological links to the protected sites. Given the scale and nature of the development, the distances involved, that the site is located in an established urban area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

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 policies and objectives as set out in the Dun Laoghaire Rathdown County Council Development Plan 2016-2022, to the scale and nature of the proposed development and to the nature and character of the surrounding environment, it is considered that subject to compliance with the conditions set out below, the proposed development would be an acceptable form of development at this location and would not seriously injure the amenities of the area. 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 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 Board on the 22nd day of November 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 proposed development shall be amended as follows:
 - (a) The first-floor extension at the rear shall have a mono-pitched roof profile generally as set out in the revised drawings submitted with the grounds of appeal on 22nd November 2018;
 - (b) The depth of the first-floor extension shall not exceed that of the existing ground floor extension. The depth of the first-floor extension shall not exceed that of the existing ground floor extension.
 - (c) The west-facing window to Bedroom 3 shall be reduced in size and shall not project beyond the rear wall of the extension. This window shall be replaced by a suitably designed small-scale window similar to that on the east-facing elevation.

The revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of the residential and visual amenities of the area.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to a single dwelling house (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of protection of residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. The site shall be landscaped in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to screen the development and assimilate it into the surrounding townscape and in the interest of visual amenity.

6. 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 the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

7. 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.

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. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Mary Kennelly
Planning Inspector

3rd February 2019