



An
Bord
Pleanála

inspector's Report ABP-303090-18

Development	House Extension
Location	1A The Courtyard, Islington Avenue, Sandycove, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18B/0317
Applicant(s)	Muriel Elder
Type of Application	Kieran and Sarah Kelly
Planning Authority Decision	To Grant Permission
Type of Appeal	Third Party
Appellant(s)	Kieran and Sarah Kelly
Observer(s)	No observers
Date of Site Inspection	20 th February 2019
Inspector	Erika Casey

1.0 Site Location and Description

- 1.1. The subject site has an area of 0.108ha and is located on the western side of Islington Avenue. It is one of a pair of semi-detached 2 storey houses built on a site that previously formed part of the rear gardens of no.s 1 and 2 Martello Terrace. It has a floor area of 76.5 sq. metres. The south eastern boundary of the site along Islington Avenue is bound by a high granite wall with a single pedestrian gated entrance.
- 1.2. To the north east of the site is Martello Terrace which comprises a terrace of period protected structures. No. 1 Martello Terrace is located to the immediate north of the site and is currently occupied by a restaurant at ground floor with residential accommodation above. To the west of the site are further mews dwellings. There is a shared car parking area to the immediate south of the site that serves these mews dwellings including no.s 1A and 1B. To the south of the site is a further terrace of period dwellings – no. 4 to 8 Islington Avenue.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a single storey flat roof extension to the side and rear of the existing house and the replacement of the existing first floor bedroom window onto Islington Avenue with a corner window. The gross floor area of the proposed extensions are 36.6 metres. It is proposed to demolish the existing conservatory to the side of the property to facilitate the proposed development.
- 2.2. Minor modifications to the development were made at Further Information Stage including the omission of the proposed first floor corner window and its replacement with a standard window on the eastern elevation of the house.

3.0 Planning Authority Decision

3.1. Decision

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

3.2. Planning Authority Reports

3.2.1. Planning Reports (12.09.2018 and 01.11.2018)

- The extension would not give rise to overlooking or overshadowing impacts on adjoining properties and is not likely to be, by virtue of its location behind the high boundary wall along Islington Ave., visually prominent in the street. It is considered that the proposed side extension would be in visual harmony with the existing house.
- It is considered that the proposed rear extension would not, by virtue of its modest size and the location of its windows, be visually overbearing or give rise to serious overlooking impacts on adjoining properties. Whilst the proposed extension would give rise to some additional overshadowing of no. 1B the Courtyard in the morning, it is not considered that the level of additional overshadowing that would arise would be significant.
- It is considered that an acceptable standard of open space would be retained to serve the dwelling.
- It is considered that the extension would not give rise to negative impacts on the setting and special character of the adjoining protected structures.
- Whilst the proposed extension would alter views to the seafront from the entrance steps of the properties to the south, it is noted that views to the seafront from Islington Avenue have not been identified as views to be protected in the Co. Development Plan.

3.2.2. Other Technical Reports

Transportation Planning (09.08.2018 and 30.08.2018): No objection subject to conditions.

Drainage Planning (25.07.2018 and 09/08.2018): No objection subject to conditions.

3.3. Prescribed Bodies

- No reports received.

3.4. Third Party Observations

3.4.1 A number of third party submissions made. Issues raised can be summarised as follows:

- Concerns regarding the impact of the development on views from the front steps of properties located to the south along Islington Avenue and that the development would have an adverse impact on the visual amenities of the area. Consider that photomontages should have been submitted to demonstrate visual impact of proposal. Also submit the design of the extension should be modified to preserve existing views.
- Object to the bulk, scale and mass of the rear extension and its impact on the adjoining property – 1B the Courtyard and that it will result in overshadowing and loss of residential amenity to this dwelling. Concerns regarding construction phase and impacts to existing gable wall and property boundary.
- Note validation issues with the application drawings.
- Object to proposed corner window and that it will have negative overlooking impacts.
- Concern regarding construction stage impacts.

4.0 Planning History

Planning Authority Reference D02B/0474

4.1 Permission granted in August 2002 for a single storey conservatory extension to the front of 1A The Courtyard.

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.

5.1.4 **Section 8.2.11.2** – Development within Proximity to a Protected Structure states:

“Any proposed development within the curtilage, attendant grounds or in close proximity to a Protected Structure has the potential to adversely affect its setting and amenity. The overall guiding principle will be an insistence on high quality in both materials and design which both respects and compliments the Protected Structure”.

5.2. **Natural Heritage Designations**

5.2.1 The nearest Natura 2000 site is the South Dublin Bay and River Tolka Estuary SPA located c. 1.8km to the north west of the site.

5.3 **EIAR Screening**

5.3. 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**

Kieran and Sarah Kelly, 1B the Courtyard, Islington Avenue

- Consider that the drawings submitted do not comply with the Planning and Development Regulations and is invalid.

- Concerns relate to the proposal to develop and extend to the rear of the dwelling. Consider that the bulk, scale and mass of the rear extension will have an adverse impact on the amenities of their property. The height of the extension is 3.3 metres and will create a large, bulky and blank elevation along the rear yard of 1B, will render their open space unusable and will be visually obtrusive. The development will cause adverse overshadowing and loss of natural daylight to internal accommodation.
- Consider that the development is contrary to the policies and objectives of the Development Plan. Suggest that a condition should be imposed to omit the rear extension.
- Note that it is proposed to maintain a distance of 325mm between the gable wall of the extension and the boundary line. Concern regarding construction phase impacts, projecting roofing and rainwater goods and encroachment on the property boundary.
- Details of how gap between gable wall of the extension and the existing boundary wall is to be maintained as well as details of the proposed foundation adjacent to the boundary should be provided. Full indemnity should be provide against damage, subsidence, etc.

6.2. Applicant Response

- The proposed development by virtue of its scale and design would be an appropriate development at this location and fully in compliance with the statutory Development Plan for the area.
- The proposed extension is 2.8m in length, 4.4m in width and will be set back 0.3m from the shared boundary with the appellants' property. It will have an overall height of 3.3m above the level of the rear yard. Given that the extension to the rear is single storey, and stepped down from the existing house, the impact on the residential amenities of adjoining properties will be minimal, as there will be no overlooking or overshadowing of adjoining properties.
- Given the single storey, flat roofed nature of the proposed development inside the boundary of the existing property, there will be no overbearing impacts on

the adjoining property. The north east orientation of the existing house, and the appellant's house, clearly shows that there will be little impact on the level of sunshine received by the appellant's in their private open space. Furthermore, the proposed development will have no impact on the level of daylight received to internal spaces.

- Having regard to the scale, position and design of the single storey extensions to the side and rear of the existing dwelling, it is submitted that the proposed extension would not detract from the existing visual amenity of the area and would not significantly detract from the existing streetscape.
- All construction works are to be carried out within the property boundary which will be accessed from the public road. There will be no interference with the appellant's property. Issues such as insurance, access etc. are civil matters and outside the scope of planning. Perceived deficiencies with the application drawings were addressed at Further Information Stage.

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

- No observations.

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.
- Other Issues.

- Appropriate Assessment.

7.2 Impact on Residential Amenity

- 7.1. The proposed development comprises a modest single storey extension to the side and rear of the existing dwelling. I am satisfied that the principle of the extension is acceptable at this location and in accordance with the policies and objectives of the Dun Laoghaire Rathdown County Development Plan 2016-2022. The principle concern of the appellants is the potential impact of the single storey extension to the rear on their residential amenities. It is contended that that extension will give rise to negative overshadowing and overbearing impacts, will render the rear open space of no. 1B unusable and will result in the loss of daylight internally to their dwelling.
- 7.2. The proposed rear extension is a modest structure. It will have a floor area of c. 10.5 sq. metres and is set back from the western boundary with no. 1B by c. 0.3 metres. The depth of the extension is c. 3m. The extension is set back from the northern boundary by c. 2.1 metres and the eastern boundary by c. 3.5 and an open space area in excess of 25 sq. metres is retained to the rear. The extension extends to a height of c. 3.3 metres. No fenestration is proposed on the western elevation.
- 7.3. There is an existing boundary fence between the two properties which extends to c. 1.8 metres in height which it is proposed to retain. Having regard to the limited scale and height of the proposed extension, I am satisfied that it will have no adverse impact on the residential amenities of no. 1B. Due to the orientation of this dwelling to the north west of the site and the fact that the existing boundary fence already casts shadow to the rear amenity space of this property, I am satisfied that the development will not give rise to material adverse shadow impacts or loss of daylight to the internal accommodation. Due to the set back from the common boundary no overbearing impacts are likely to arise.
- 7.4. In conclusion, I am satisfied that the development will have no adverse impacts on the residential amenities of no 1B and a refusal on this basis is not warranted. I note that the appellant has suggested that the rear extension could be omitted by way of condition. I note however, that the purpose of the extension is to extend and enhance the internal accommodation provided in the existing dwelling which is modest in scale at just 76.5 sq. metres. I consider that the omission of the additional accommodation proposed to the rear would be unreasonable.

7.3 Other Issues

Validity of Drawings

7.3.1 Concerns have been raised by the appellant regarding the validity of the planning application drawings. I note that revised drawings were requested by the Planning Authority and submitted at Further Information Stage. The Planning Authority have deemed the application to be valid. I am satisfied that the drawings provide sufficient information and detail to afford an assessment of the proposal and that no third party rights were prejudiced in this regard.

Construction Stage Impacts

7.3.2 Concerns have been raised by the appellants regarding the construction stage of the project and in particular potential impacts to the boundary wall. I consider that such issues can be addressed through appropriate construction management. This can be addressed by way of condition. Potential encroachment on the property boundary are a civil matter and outside the scope of this assessment. I note however, it is proposed to set back the side wall of the proposed rear extension by c. 0.3 metres from the boundary wall which will minimise potential impacts.

7.4 Appropriate Assessment

7.4.1 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 9th 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 coverings shall be the same as 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 entire house shall be used as a single dwelling unit and shall not be subdivided in any manner or used as two or more separate habitable units.

Reason: To prevent unauthorised development.

5. 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.

6. 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.

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

21st February 2019