



An
Bord
Pleanála

Inspector's Report ABP 303143-18

Development	Permission for 2 no. single storey extensions (16sq.m and 3.5sq.m) to the rear and all associated site works.
Location	Summer Lodge, Seapoint Avenue, Blackrock, Co. Dublin.
Planning Authority	Dun Laoghaire-Rathdown County Council.
Planning Authority Reg. Ref.	D18A/0511.
Applicant	Thelma Henry.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party.
Appellant	Paul Moran.
Observer	None.
Date of Site Inspection	5 th March 2019
Inspector	Dáire McDevitt.

1.0 Site Location and Description

- 1.1 Seapoint Avenue is a mature suburban area on the seaward side of Monkstown Village and is located within the designated Monkstown ACA. The applicant has referred to the application address as Blackrock. Summer Lodge is one of two split level houses built c.1960s. The appellant's house, Belgrave Mews (No. 39A Seapoint Avenue) is a Mews house to the east of Summer Lodge. Trafalgar Terrace is located to the southeast of this. The area has a mix of Victorian Terraces, split-level houses and newer infill developments.
- 1.2 Summer Lodge is located on the southern side of Seapoint Avenue. It is bounded on three sides by existing houses. To the west is a split-level house, similar to Summer Lodge, to the east is the appellant's mews house and to the rear are the rear gardens associated with the original houses along Belgrave Road, accessed via a mews lane. There are limited views into the site from Seapoint Avenue due to the extensive stonewall that forms the roadside boundary.
- 1.3 'Belgrave Mews' No 39A Seapoint Avenue (appellant's house) is screened from the site by high retaining walls, trellis and mature vegetation. It has a sunken garden and landscaped rear amenity area. Access to Belgrave Mews is off Seapoint Avenue via a narrow walkway that runs parallel to the front garden of Summer Lodge.

2.0 Proposed Development

- 2.1 Existing House: c.247.1 sq.m.
- Application site: 0.08hectares.
- 2.2 Permission is being sought for 2 no. single storey rear extensions comprising of:

- A new bedroom (c.16sq.m) which protrudes c.4m beyond the existing flat roofed extension and is set back from the eastern boundary with Belgrave Mews.
- An extension to an existing bedroom (c.3.5sq.m) which squares up this room with the existing living room.

2.3 Further Information:

- Reduce in height by 75mm
- Increase set back from boundary with Belgrave Mews by 500mm
- Sun Studies.

3.0 Planning Authority Decision

3.1 Decision

Grant permission subject to 5 standard conditions.

3.2 Planning Authority Reports

3.2.1 Planning Report (6th November 2018)

This formed the basis of the Planning Authority's decision. The main issue considered related to design and residential amenity.

Following a further information request seeking details relating 1) to plans and particular that clearly illustrated the relationship between the application site and No. 39A Seapoint Avenue and 2) revised proposal to reduce the visual impact of the proposal when viewed from No. 39A Seapoint Avenue.

Revised proposal were submitted showing the height reduced by c. 750mm and the set back from the site boundary increased by c.500mm. The Planning Authority was satisfied that the proposal would not have a detrimental impact on the visual and residential amenities of the area and recommended that permission be granted.

3.2.2 Other Technical Reports

Transportation Planning Section (29th June 2018). No objection subject to conditions.

Conservation Division (12th July 2018). No objection.

3.3 Third Party Observations

One submission was received at application stage from the current appellant. The issues raised in the submission are largely in line with the grounds of appeal and shall be dealt with in more detail in the relevant section of this report.

The main points of concern raised can be summarised as follows:

- Overshadowing/overlooking and the negative impact on the residential amenities of Belgrave Mews.
- Overbearing design.

4.0- Planning History

There is extensive planning history associated with the site:

Planning Authority Reference No. D12B/0135 refers to a 2012 grant of permission for alterations and extensions, including habitable accommodation within the roof space.

Planning Authority Reference No D07A/1088/E refers to an Extension of duration of D07A/1088 (expiry date 1st May 2018). Development not commenced.

Planning Authority Reference No. D07A/1088 (An Bord Pleanala Reference No. PL.06D.226089) refers to a 2008 grant of permission of the demolition of a house and construction of a new house.

Planning Authority Reference No. D04A/0260 and **D03A/0819** refer to withdrawn planning applications for the demolition of house and construction of new house.

5.0 Policy & Context

5.1 Dun Laoghaire-Rathdown County Development Plan 2016-2022

The site is subject to Land Use Zoning objective 'A' *To protect and/or improve residential amenity.*

The application site is located within the designated **Monkstown ACA.**

Relevant policies and objectives:

Section 8.2.11.3 Architectural Conservation Areas

Section 8.2.3.4 (i) Extensions to Dwellings

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.

5.2 Natural Heritage Designations

South Dublin Bay SAC (site code 000210) and South Dublin Bay & River Tolka Estuary SPA (site code 004024) is c. 77m to the north of the site, separated from the site by Seapoint Avenue, railway line and Brighton Vale.

5.3 Environmental Impact Assessment.

Having regard to the nature and scale the development which consists of two single storey extensions to an existing house in a built up suburban location, 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

A Third Party appeal has been received on behalf of Paul Moran, Belgrave Mews, No. 39A Seapoint Avenue, Blackrock, Co. Dublin. The grounds of appeal are summarised as follows:

Design & Residential Amenity

- The proposal to extend an existing extension has no regard to the difference in levels between the two properties. Resulting in an overbearing development when viewed from the rear amenity space of Belgrave Mews.
- Overshadowing of the sunken garden to the rear of Belgrave Mews, its main amenity space.
- Overbearing design due to excessive length, height and built form which would resemble a two storey structure, extending for c.6.25m into the garden when viewed from the rear amenity space of the appellant's house.
- The changes submitted as part of the further information have an imperceptible impact on the overall impact of the development on the residential and visual amenities of Belgrave Mews and did not address the concerns raised at application stage.

6.2 Applicant Response (11th January 2019)

This is mainly in the form of a rebuttal. Points of note include:

- Updated drawing to address the discrepancies in dimension submitted relating to levels of the adjoining property.
- Amended proposals have reduced the height by a further 75mm (proposed height 3.1m) increased the set back by an additional 500mm (total set back of c. 1100mm).
- Sun Studies carried out.

6.3 Planning Authority Response (19th December 2018)

The Board is referred to the original Planner's Report on file as no new matters were raised in the appeal that would justify a change of attitude to the proposed development.

6.4 Observations

None

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment screening also needs to be addressed. The issues can be dealt with under the following headings:

- Design & Residential Amenity
- Appropriate Assessment.

7.1 Design

7.1.1 The appellant has raised concerns that the design is overbearing due to excessive length, height and proximity to a shared boundary which would be visually dominant and detract from the residential and visual amenities of adjoining properties, Belgrave Mews in particular.

7.1.2 The proposal is for two modest single storey rear extensions, 16 sq.m and 3.5sq.m respectively. The larger extension (c.16sq.m) runs parallel to the boundary with the appellant's property and is the most relevant in terms of the grounds of appeal. The applicant have outlined in their response to the appeal that they have no objection to setting the extension back c. 1.1m from the boundary with the appellant's property and to reduce the overall height of the flat roof to c.3.1m. These modifications are not considered material, therefore

there is no requirement to re-advertise and are included in my assessment before the Board.

- 7.1.3 I was unable to access the rear of Belgrave Mews; However, I note that the photographs submitted by the appellant illustrate the context of the two properties. The structure has a maximum height of c.3.1m and is set back c.1.1m from the boundary with the appellant's house. Notwithstanding the difference in levels between the two properties, I am satisfied taking into account the existing screening available on site, the overall scale and bulk of the extensions are not considered overbearing. The proposed rear extension is set back from the shared boundary; the flat roof would not be visually obtrusive. In reaching this conclusion, I have had particular regard to Section 8.2.3.4 (i) of the County Development Plan.
- 7.1.4 There is an expectation within urban areas that there will be a degree of overshadowing between neighbouring properties. I have examined the Sun Studies and Diagrams submitted by all parties. I consider the proposed extension will not have a material impact on the degree of overshadowing currently experienced by adjoining properties or a significant loss of light and therefore will not have any additional negative impact on the residential amenities of same.
- 7.1.5 The proposed extension would not be visible from the public realm and would not detract from the character of Monkstown ACA.
- 7.1.6 Having regard to the character and pattern of development in the area. I consider that the development is acceptable in the context of adjoining properties. The overall design and scale of the proposed extensions, taking into account the increase set back proposed by the applicant in their response to the appeal, is not considered overbearing, have adequate regard to the exist pattern of development in the area and the residential amenities of exist dwellings, and, as such would not result in overshadowing or unacceptable loss

of light. The proposed development would not detract from the residential amenities of nearby properties, Belgrave Mews, in particular, nor set an undesirable precedent for development in the area.

7.2 Appropriate Assessment

7.2.1 The nearest designated sites, South Dublin Bay SAC (site code 000210) and South Dublin Bay and River Tolka Estuary SPA (site code 004024) are c. 77m to the north of the site.

7.2.2 The proposed development is for two small extensions (c.16sq.m and c.3.5sq.m respectively) to the rear of an existing house. Located c.77m from the designated SAC and SPA and separated from it, as one moves northwards, by high walls which bound the site, a public road, railway tracks and houses. The site is located on serviced zoned lands and there are no direct or indirect links to the nearest designated site.

7.2.3 It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites South Dublin Bay SAC (site code 000210) and South Dublin Bay and River Tolka Estuary SPA (site code 004024) a stage 2 appropriate assessment (submission of an NIS) is not therefore required.

8.0 Recommendation

I recommend that permission should be granted, subject to conditions as set out below.

9.0 Reasons and Considerations

Having regard to the nature, extent and design of the development proposed, to the general character and pattern of development in the area and to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity and would not be out of character with 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, and received by An Bord Pleanála on the 11th day of January, 2019, 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. Samples of the proposed external finishes and materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The dwelling and extensions which are the subject of this application shall be jointly occupied as a single residential unit.

Reason: To restrict the use of the development and in the interest of

residential amenity.

4. 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.

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 amenities of adjoining residential occupiers.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. 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.

Dáire McDevitt
Planning Inspector

6th March 2019