



An
Bord
Pleanála

inspector's Report ABP-303144-18

Development	House Extension
Location	20 Landscape Avenue, Churchtown, Dublin 14, D14 E973
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/0879
Applicant(s)	Sarah and Michael Wilson
Type of Application	Permission
Planning Authority Decision	To Grant Permission subject to conditions
Type of Appeal	First Party v. Condition
Appellant(s)	Sarah and Michael Wilson
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 with an area of 0.033ha is located on the southern side of Landscape Avenue in Churchtown. The site currently accommodates a 2 storey semi-detached dwelling with a floor area of 145 sq. metres served by a front and rear garden. The vehicular access to the dwelling is from Landscape Avenue and off street parking for 2 no. cars is provided. The general pattern of development in the vicinity is similar low density, suburban housing.

2.0 Proposed Development

2.1. The proposed development comprises the following constituent elements:

- Construction of a single storey flat roofed extension to the rear. The extension extends to a depth of 5.3 metres across the full width of the existing dwelling. It has a flat roof and a maximum height of 3.6 metres.
- Construction of a dormer roof light to the attic to the rear. The dormer projects 3 metres from the roof, has a width of 3.8 metres and an overall height of 2 metres.
- New staircase located on the eastern elevation.
- Roof lights to the front (north) and side (east) elevations.
- Widening of the existing vehicular entrance to the front from 2.8 metres to 3.6 metres.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 To Grant Permission subject to conditions. Conditions of note include:

Condition 2

“Prior to the commencement of the development, the applicant shall submit revised plans for the written approval of the Planning Authority, as follows:

- (a) *The proposed ground floor extension shall be reduced by 1.3 metres in depth and set off the shared boundary with number 18 Landscape Avenue by 0.5 metres.*
- (b) *The proposed external staircase on the east elevation and associated side door at first floor shall be omitted in their entirety.”*

3.2. Planning Authority Reports

3.2.1. Planning Report (07.11.2018)

- Concerns that the proposed extension, particularly its depth of 5.3 metres directly adjacent to the shared boundary with 18 Landscape Avenue would result in overshadowing and have an overbearing impact. The overall depth shall be reduced to no more than 4 metres and shall be set in 0.5 metres off the western boundary.
- There are concerns that the external staircase is unnecessary and could lend itself to the subdivision of the dwelling.
- The overall scale of the dormer is modest and set in from the side boundaries, set down from the ridge and set up from the eaves line.

3.2.2. Other Technical Reports

Drainage Planning (16.10.2018): No objection subject to conditions.

Transportation Planning (17.10.2018): No objection subject to conditions.

3.3. Prescribed Bodies

- No reports received.

3.4. Third Party Observations

Siobhan Hogan, 22 Landscape Avenue, Churchtown, Dublin 14

- Concerns regarding overlooking from the external staircase to their property impacting negatively on their residential amenity and privacy. Concerns also raised regard security and noise impacts.

- Consider that the external staircase is not sympathetic with the existing streetscape and would detract from the character of the neighbourhood and may suggest that the property is being subdivided into two or more habitable units.

4.0 Planning History

4.1 No planning history relevant to the subject site.

In the vicinity

Planning Authority Reference D18B/0170 – 22 Landscape Avenue

4.2 Permission granted in May 2018 for a single storey domestic extension to the rear and side of the existing dwelling.

Planning Authority Reference D17A/1039

4.3 Permission granted in January 2017 for an extension and alterations to the existing dwelling house.

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 following policies and objectives are of particular relevance:

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.
- Dormer extensions to roofs will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design,

dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations.

- The level and type of glazing within a dormer structure should have regard to existing window treatments and fenestration of the dwelling. Particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of and the privacy of adjacent properties.

5.2. Natural Heritage Designations

5.2.1 The nearest Natura 2000 sites in proximity to the site are the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC located c. 4.5km to the north east of the site.

5.3 EIA 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

- This a first party appeal in relation to Condition no. 2 (a) of the decision. It is requested that this decision is amended to omit Condition 2 (a) of the decision and approve the development as per the revised drawings submitted with the appeal.
- Revised drawings indicate a reduction on the overall height of the ground floor extension by 100mm; the omission of the external staircase on the east elevation and associated side door at first floor level and the retention of the window at first floor east elevation at this location.

- A shadow analysis assessment is also submitted which demonstrates the development will have no adverse overshadowing impact. The level of overshadowing falls within acceptable levels as set out within the relevant guidance documents.
- Consider the extension is fully in accordance with the principles of residential extensions set out in the County Development Plan and will have no undue impacts on adjacent residential amenity.
- The rear extension is of modest form and scale and the design and materials will integrate with the existing dwelling.
- Refers to a number of precedent decisions in the vicinity by the Planning Authority where rear extensions c. 5 metres length have been approved – Planning Authority References D17A/1039, D14B/0381 and D18A/0121.
- The gross floor area of the extension is 47.7 sq. metres which is marginally above the threshold for exempted development. It adheres to the provisions of exempted development under the Regulations in respect of its height and length along the boundary.

6.2. Planning Authority Response

- The applicant has submitted revised plans, reducing the height of the extension by 100mm and omitting the external staircase. The removal of the external staircase is welcomed. However, the reduction in height by 100mm is not sufficient to reduce the impact on the neighbouring property at 18 Landscape Avenue. Recommend that Condition 2A that seeks to reduce the depth and set back from the shared boundary remains.

6.3. Observations

- No observations.

7.0 Assessment

- 7.1 The first party has appealed Condition no.2 (a) only. . I also note that the applicant has submitted revised drawings to omit the external staircase on the east elevation

and retain a window on the first floor east elevation at this location in accordance with condition 2(b). The revised plans also indicate a reduction on the height of the rear extension by 100mm and the retention of a window on the eastern elevation. Having regard to the nature of the development, I am satisfied that the consideration of the proposed development 'de novo' by An Bord Pleanála would not be warranted in this case. Accordingly, I recommend the Board should use its discretionary powers under Section 139 of the Planning and Development Act 2000 (as amended), and issue the Planning Authority directions to retain, remove or amend Condition no.2. I set out my considerations of Condition No.2 accordingly.

7.2 Condition No. 2 (a)

- 7.2.1 The subject appeal relates specifically to condition 2 (a) which requires that the proposed ground floor extension shall be reduced by 1.3 metres in depth and set off the shared boundary with no. 18 Landscape Avenue by 0.5 metres. It is requested that this part of condition 2 be omitted in its entirety.
- 7.2.2 The proposed development comprises an extension at ground floor level to an existing suburban dwelling. The intention of the extension is to provide more functional and usable habitable floorspace including an open plan kitchen/dining/living area. The revised plans submitted with the appeal propose to reduce the overall height of the single storey extension by 100mm to a maximum of 3.3 metres. The single storey extension extends the full width of the rear of the dwelling. It projects c. 5.3 metres from the rear façade of the dwelling.
- 7.2.3 The principal concern of the Planning Authority relates to the extent of the length and set back of the rear extension. It is considered that the length is excessive and will have an overbearing and overshadowing impact on no. 18 Landscape Avenue and should be reduced to a maximum length of 4 metres in order to protect the residential amenities of this adjacent property.
- 7.2.4 The applicant has submitted a shadow analysis which indicates that the proposed development will have no material shadow impact on the adjacent property. I consider that reducing the depth of the extension to 4 metres would have little to no bearing on any potential overshadowing impacts. Given the reduction in height proposed by the applicant, I am satisfied that no adverse overbearing impacts are likely to arise.

7.2.5 I note the precedent decisions cited by the applicant. I also note that a large extension, the full width of the dwelling could be constructed under exempted development provisions, without any requirement to set back from the mutual boundary. Having regard to the foregoing, I am satisfied that the proposed development will have no material impact on the residential amenities of the adjacent property. In this regard, I advise the Board that condition 2 (a) should be deleted.

7.2.6 In line with the requirements of condition 2 (b), the applicant has submitted for the consideration of the board revised plans which indicate the removal of the staircase on the eastern elevation and the retention of a window in lieu of a doorway at this location. I consider that these plans are acceptable and will reduce any potential impacts to adjacent properties in terms of overlooking, loss of privacy and noise. I recommend that condition 2(b) is amended and that this issue is finally resolved with the Planning Authority through compliance.

7.3 **Appropriate Assessment**

7.3.1 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 based on the reasons and considerations set out below, that the Planning Authority are directed under subsection (1) of section 139 of the Planning and Development Act, 2000, as amended to **DELETE** condition number 2 (a) for the reason set out and **AMEND** Condition 2 as follows:

Condition 2

“Prior to the commencement of development the applicant shall submit revised plans for the written approval of the Planning Authority as follows:

The proposed external staircase on the east elevation and associated side door at first floor level shall be omitted in their entirety. The overall height of the ground floor rear extension shall be reduced by 100mm.

Reason: *To protect the residential amenity of surrounding properties.”*

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the current Dun Laoghaire Rathdown County Development Plan 2016-2022, to the pattern of development in the area and previous precedents of similar development 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 ground floor extension 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.

Erika Casey
Senior Planning Inspector

21st February 2019