



An  
Bord  
Pleanála

## Inspector's Report 303252-18

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<b>Development</b>	Construction of extension and roof lights
<b>Location</b>	16 Newtownsmith, Sandycove
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D18B/0394
<b>Applicant(s)</b>	Mr. D. and Mrs G. Lake
<b>Type of Application</b>	Planning permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Dr. Kieran McBride
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	9 <sup>th</sup> February 2019
<b>Inspector</b>	Mary Kennelly

## **1.0 Site Location and Description**

- 1.1.** The site is located on Newtownsmith, which is a residential street fronting onto the park and esplanade area at Sandycove, just to the north of Glasthule village centre. Newtownsmith is a continuation of Marine Parade, both of which are connected to the village centre by the 'Link Road.' No. 16 Newtownsmith comprises a semi-detached 2-storey dwelling house, which is attached to 'Morningside' (also referred to in submitted plans as 'Ardagh'), and which is No. 15 Newtownsmith (appellant's property). This property is located to the west/northwest of the site. There are two further detached dwelling houses located to the east and south-east of the site. These properties are known as 'Kingsford' (No. 17 Newtownsmith) and Maryville (which fronts the Link Road). Each of the adjoining dwellings has been extended to the rear.
- 1.2.** The site area is given as 0.081ha. The floor area of the existing house is given as 174.9sq.m. There is a 2-storey bay windows to the front and a 2-storey return at the rear. The site is L-shaped with a 'spur' (grassed area) behind the rear boundary wall of No. 15. There is a front garden which is delineated by a front boundary wall with a pedestrian gate. There is laneway with a right-of-way leading from Link Road to the rear of the property, which provides for vehicular access to a number of parking spaces and a rear garden.

## **2.0 Proposed Development**

- 2.1.** It is proposed to construct a single-storey rear extension and to insert two roof lights in the front slope of the roof of the main dwelling, in place of one existing rooflight. The floor area of the proposed extension is given as 77.3 sq.m, although this was subsequently reduced. The development as originally submitted to the P.A. (6/09/18) indicated that the height would not exceed 3.9m and comprised an L-shaped single-storey extension accommodating a new kitchen, TV room, bedroom with ensuite, study, utility room and bathroom. The proposed extension was shown extending c. 13m from the rear elevation, and was c.9.2m wide at the southern end but c.4.6m wide at the northern end, where it was proposed to locate a patio on the eastern side. The northern part of the extension is located close to the boundary with the

appellant's property, and the southern section was shown with a set-back of 1100mm from this boundary and 1250mm from the eastern boundary.

- 2.2. The proposed extension has a hipped roof. It is proposed to insert 3 rooflights into the eastern roof slope over the proposed kitchen and to provide a glass roof over part of the new patio area. The revisions to the proposed extension involved a small reduction in the depth and width of the footprint and a reduction in the size of the proposed patio area. These revisions will be discussed further below.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority decided to grant permission subject to 8 conditions. These were generally of a standard type. Condition 2 required that the entire house be used as a single dwelling unit and that it shall not be sub-divided or used as two or more habitable units. Conditions 5, 6, 7 and 8 related to development contributions, which amounted to a total of €1,315.46. The contributions related to the provision of surface water infrastructure (€33.90), road infrastructure (€777.22) and community & public parks infrastructure, facilities and amenities (€504.34).

Condition 3 stated that surface water generated by the proposed development shall not be discharged to the sewer but shall be infiltrated locally to a soakpit or similar. The remainder of this condition related to the design of the soakpit and in the event that a soakpit would not be considered appropriate in the context of the site, required that an alternative solution be devised in compliance with SUDS.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The initial planning report (30/10/18) noted that three submissions had been received from neighbouring residents. These are summarised on page 1 of the report. The points made related mainly to the scale of the development, which was considered to be excessive relative to adjoining properties and the impact on residential amenities in terms of loss of privacy and overshadowing. Reference was made to previous planning history on the site, which related to redevelopment

proposals for a larger site including the appeal site, all of which had been refused by the P.A. and the Board. It was further noted that the dwellings on either side of the site have been extended to the rear.

Regard was had to various polices and development standards in the CDP including Section 8.2.3.4 regarding Extensions to Dwellings. The Area Planner considered that although the proposed extension is quite large, the rear garden area is also extensive, and could therefore accommodate a reasonably large extension, subject to respecting the amenities of adjoining properties. However, it was noted that the proposed extension would project beyond the existing single-storey extension to the northwest by c.6.5m. it was therefore considered that the applicant should be requested to consider reconfiguring the layout and/or reducing the length of the extension, having regard to its relationship with adjoining properties.

The Area Planner also noted that there was a discrepancy in the site layout plan, which incorrectly depicted the boundary between the No. 17 Newtownsmith and Maryville. This was observed having regard to two previous permissions relating to these adjoining sites. Thus, an accurate site plan was required, which showed the relationship of the proposed development with the buildings/amenity areas on the adjoining sites. Reference was also made to a comment in one of the third-party submissions which had questioned the stated dimensions of the proposed extension, which it was alleged did not match the measured dimensions. However, the Area Planner confirmed that the dimensions on the submitted plans, (both stated and measured), appeared to be correct.

### **3.2.2. Other Technical Reports**

Drainage Planning - No objections subject to conditions.

### **3.3. Prescribed Bodies**

3.3.1 None.

### **3.4. Third party observations**

Three observations were made to the planning authority. One from each of the neighbouring residents at No. 15 and No. 17 Newtownsmith and from Maryville. The main points raised may be summarised as follows:

- Excessive scale - relative to the existing extensions to the rear of the dwellings on either side and would be out of character with the adjoining dwellings.
- Loss of privacy – the proximity of the proposed door and windows to the property to the northwest (No. 15).
- Overshadowing – the height at 4m extending for a distance of 13m would reduce the sunlight to the living area of the adjoining property (No. 15).
- Use of extension - Significant size and proposed layout/room usage suggests a de-facto multiple unit building. The inclusion of a shared kitchen with direct access from the lane suggests the possibility that the property would be rented out.
- Inaccurate dimensions given – the dimensions on the drawings indicate that the extension is 97sq.m in reality, not 77.3sq.m, or 86sq.m if the covered patio is excluded.
- Precedent – could act as a precedent for further building onto the other available space.

### **3.5. Further information received 16/11/18**

Further information was requested on 30/10/18 based on the need for accurate site layout plans and a reconfigured/reduced layout to ensure no impact on the adjoining properties. The applicant responded on 16<sup>th</sup> November 2018. The FI included revised plans showing the revised boundaries and a photograph of the building immediately adjacent to the proposed patio area to the southeast. It is also proposed to introduce a new glazed screen (obscure) to a height of 1.8m on this boundary to prevent overlooking of No. 17.

The proposed extension was also reduced in size and length. The floor area was reduced from 77.3m<sup>2</sup> to 72.3m<sup>2</sup>. The length was reduced by 600mm on the western side and by 1.2m on the eastern side. The footprint at the south-eastern end was 'squared' instead of being aligned with the site boundary. Thus, the overall width at the southern end was reduced from 9.2m to 8.144m. The set-backs from the boundaries were also increased from 1100mm to 1188mm (northwest) and from 1250mm to 2106mm (southeast). It is further noted that the area (and length) of the patio area has been reduced and that the height has been slightly reduced.

### **3.6. Responses to further information**

The FI (16/11/18) was re-advertised. Further submissions were received from the appellant (No. 15) and from No. 17 Newtownsmith. The appellant considered the revisions to be minimal, that the floor area remained the same and that the scale continued to be excessive. The submission from No. 17 objected to the scale of the development and the architectural style, which was considered to be out of character with the area and would have an adverse impact on his rear garden. Further observations were made regarding the foul water and surface water drainage in the area. It was stated that there have been problems regarding sewage management in the area since the Glathule river was diverted and concern was expressed regarding the impact on the public sewer during construction works.

The P.A. was satisfied with the revised plans and it was decided to grant permission subject to conditions generally in accordance with the Area Planner's recommendation.

## **4.0 Planning History**

4.1. The following planning decisions relating to the site are relevant.

**PL06D.229692 and D08A/0357** – Permission Refused by P.A. and by Board for redevelopment of a larger site including the appeal site involving the demolition of both Nos. 15 and 16 Newtownsmith and the reconstruction of two 5-bed semi-detached houses on these sites together with a mews dwelling to the rear and a

commercial (retail and offices) development incorporating an extension and change of use to Maryville. The first reason for refusal related to the proposed mews house and the second reason related to the scale of office development proposed. It is noted that the Board, in its Direction, stated that it had no objection in principle to the replacement dwellings, but did have concerns relating to the mansard roof design.

**D05A/0373** – Permission refused for demolition of Nos. 15 and 16 Newtownsmith and Maryville and the construction of a retail unit and 18 no. residential units in three blocks and basement carparking.

**PL06D.204487 and D03A/0674** – Permission refused for the demolition of 3 existing houses and the erection of 14 no. dwelling units in two 3-storey blocks.

*Relevant history on adjacent sites:-*

**D13B/0076 – 17 Newtownsmith** – permission granted for extension at roof level for property to east (corner Link Road). The proposal related to change of the roof profile at the rear from a hip roof to a gable end with a proposed window of obscure glazing at attic level facing the rear garden. The extension has been completed but it was noted on site inspection that the permitted window has been replaced with a patio door and balcony at SF level.

**D15B/0129 – Maryville** – permission granted for a single storey side extension (54sq.m) with flat roof. The extension, which has been constructed, is to the south of Maryville and runs parallel to the rear garden of the appeal site.

## **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:

“Ground floor extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.”

Policy RES4 is also relevant. It is noted that the Plan seeks to encourage the retention and adaptation of the existing housing stock by facilitating suitably designed domestic extensions.

## **5.2. Natural Heritage Designations**

South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024) lie approx. 2km to the northwest.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The third-party appeal was submitted by the neighbouring resident to the west, 'Morningside' (shown as 'Ardagh' on the submitted plans). The main points raised may be summarised as follows:

- The main reason for objecting to the proposed development has not altered, notwithstanding the P.A.'s request to reconfigure and/or reduce the size/overall length of the proposed extension in order to ensure that there would be no undue impacts on adjoining amenities.
- There has been no significant change in overall dimensions to the plans and there is no actual reduction in size/area of the proposed development.
- The proposed development is entirely out of keeping with the adjoining properties and will significantly impact by loss of privacy and overshadowing his property.
- He would like to see a substantial effort made to reduce the size of the proposed development.

### **6.2. Planning Authority Response**

The P.A. responded to the grounds of appeal on 2<sup>nd</sup> January 2019. It was stated that the grounds of appeal do not raise any new matter, which in the opinion of the P.A. would justify a change of attitude to the proposed development.

### **6.3. First party response to grounds of appeal**

The first party responded on 15<sup>th</sup> January 2019. This was mainly in the form of a rebuttal of the grounds of appeal. The following points were made:

- The length and height of the extension have been reduced and it has been moved further away from the boundary with the appellant's property.
- The level of the eaves and roof height have been further reduced so that there is no negative visual impact or overshadowing of the neighbouring properties.
- The P.A. considered that the FI had addressed the issues raised in the third-party submissions.
- The overall floor area has been reduced from 154.5 sq.m to 149.5 sq.m and the length of the rear extension has been reduced by 0.6m and 1.2m.

## **7.0 Assessment**

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

- Scale of development
- Visual amenity
- Impact on residential amenity

### **7.1. Scale of development**

- 7.1.1.** The current Dun Laoghaire Rathdown County Development Plan 2016-2022 at paragraph 8.2.3.4 states that ground floor extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The Plan also encourages densification and retention/adaptation of the existing housing stock in Policy RES4. This policy seeks to “improve and conserve housing stock of the County, to densify existing built-up areas having due regard to the amenities of existing established communities and to retain an improve residential amenities in established residential communities.”
- 7.1.2.** It is considered that although the proposed extension is large with a floor area of 72.5m<sup>2</sup>, the ground floor of the existing dwelling is quite small with just two small

living rooms and a kitchen, yet the site area is quite substantial (810m<sup>2</sup>). It is also noted that each of the three adjoining properties have been extended, with the rear extensions to the east and west projecting well beyond the established rear building line of the dwelling on the appeal site. Records of any permissions for the rear extensions to these properties (Nos. 15 and 17) are not available, and it may be that they were within the exempted development dimensions, or constructed a long time ago. However, it is noted that the extension at the rear of the appellant's property has a very tall side elevation with a parapet, which is faced with blockwork to the appeal site's existing patio. This parapet wall appears to be at least 3.5m high and extends approx. 6.5m along the mutual boundary. It is considered that a ground floor rear extension is acceptable in principle.

- 7.1.3.** The depth of the proposed extension is 12.4m (reduced from 13m), but has been designed in such a way that it would be set back from the boundaries apart from the northern section, where it abuts the tall parapet wall. On the eastern side, it is set back c.5m at the site of the proposed patio and the set back varies between 1.016m to 2.106m to the south of the patio. The eaves height adjacent to the side boundaries is 2.19m – 2.29m and the ridge height is 3.9m at its highest, but is predominantly at a height of c.3.5m. The height has been reduced and the setbacks increased compared with the original drawings. The remaining garden area is estimated to be over 400sq.m. Thus, it is considered that the proposed ground floor extension is generally in accordance with the CDP policy at 8.2.3.4.

## **7.2. Visual amenity**

- 7.2.1.** Some of the third-party submissions stated that the proposed extension would be out of character with the architectural style of the existing development in the vicinity. However, there is an eclectic mix of architectural styles in the area and the proposed extension would not be visible from the public realm. The recent extensions to the adjoining properties differ considerably in terms of style with a mono-pitched roof to the west, a hipped roof to the east and a flat roof to the south-east. It is considered that the proposed ground floor extension, with a gently sloping hipped roof, would not be visually incongruous or obtrusive and would not adversely affect the visual amenities of adjoining properties or of the area.

### **7.3. Residential Amenity**

- 7.3.1.** The concerns raised by third parties related to excessive scale, overlooking and overshadowing. As discussed in the preceding section, the revised design submitted with the FI (16/11/18), would reduce the scale and height adjacent to the boundary. It is considered that in the context of the size of the site and of existing extensions on neighbouring sites, and in particular, the single-storey height with a shallow hipped roof, the proposed extension would not be excessive in scale.
- 7.3.2.** There are only two windows on the proposed western elevation which are of obscure glass. There are no windows on the eastern elevation and the revised plans show a proposed screen of obscure glazing adjacent to the new patio area. The location of the proposed patio is directly adjoining the existing rear extension to No. 17. The intention of the glazed screen is to prevent any overlooking at the small section to the south of the patio, which abuts the boundary wall with the neighbour's vegetable garden. This seems reasonable, particularly as there is an existing patio in this area already. It is further noted that the attic extension granted by the P.A. at No. 17 (Ref. D13B/0076), had proposed a single window of obscure glazing in the gable wall facing south at second floor level. However, I observed during my site inspection, that this has been changed to a patio door with a balcony, which faces directly towards the rear garden of the appeal site. The extension to Maryville, which extends alongside the mutual boundary as far as the lane, has several windows facing the appeal site. Thus, it is considered that the proposed extension would not result in any significant loss of privacy or overlooking of adjoining properties.
- 7.3.3.** As the proposed extension is single-storey with a shallow hipped roof, and is set-back from the mutual boundaries, it is considered that it would not give rise to any significant level of overshadowing. The proposed development would not adversely affect the residential amenities of adjoining properties.

### **7.4. 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.

## **7.5. Appropriate Assessment**

South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024) lie approx. 2km to the northwest. 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 Planning Authority on the 16<sup>th</sup> 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. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

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Mary Kennelly  
Senior Planning Inspector

10<sup>th</sup> February 2019