



An
Bord
Pleanála

Inspector's Report ABP-303354-19

Development	Construction of extension with rooftop balcony.
Location	Saint Abbey's, Killiney Hill Road, Killiney, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/0845
Applicant(s)	Aisli Madden
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Elaine O' Connor
Observer(s)	None
Date of Site Inspection	28 th February 2019
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.0232 hectares and consists of a detached two storey dwelling located on the western side of Killiney Hill Road, Killiney, Co. Dublin.
- 1.2. Killiney Hill Plaza apartments are located to the north of the site and a large detached property known as Thornbury is located to the south of the site.

2.0 Proposed Development

- 2.1. Permission is sought to construct a two storey extension to the rear with a stated floor area of 38m².
- 2.2. Revised drawings were submitted following a Further Information Request which provided for three narrow windows in the first floor bedroom in lieu of one large window, the retention of the hipped roof over the existing dwelling, and the provision of a 1.3m high wall on the southern elevation of the roof top garden.

3.0 Planning Authority Decision

3.1. Decision

Permission granted by Planning Authority subject to 6 No. standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report considered that the revised design proposed was acceptable. It considered that the existing rear garden space offered limited amenity value due to high boundary walls, the adjoining apartment development and mature planting and considered that the proposed roof top garden was acceptable. It also noted that windows in the southern elevation of the existing dwelling were nearer than the proposed windows and considered that there would be sufficient setbacks to prevent overshadowing.

3.2.2. Other Technical Reports

- Drainage: No objection subject to conditions.
- Conservation: Concerns raised in relation to the proposed alterations to the existing rear return as this adds character and external expression to the existing dwelling. A second report dated the 20th of November 2018 noted the revised drawings submitted in response to the Further Information Request and welcomed the revised proposals.

3.3. Prescribed Bodies

- No submissions.

3.4. Third Party Observations

- One third party observation was submitted which reflects the issues raised in the appeal.

4.0 Planning History

None on site.

PA D11B/0334 (Adjoining site to south)

Retention permission granted for an extended lean-to at side, family flat in extended lean-to, altered entrance gateway, and retaining wall and railing at car parking area at Thornbury.

5.0 Policy and Context

5.1. Development Plan

The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016 – 2022.

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.

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.

The site is located within the Killiney Architectural Conservation Area.

5.2. **Natural Heritage Designations**

- None applicable.

5.3. **EIA Screening**

- 5.3.1. Having regard to nature of the development comprising of a two storey extension to an existing dwelling in an urban area, 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**

The grounds raised in the third party appeal can be summarised as follows:

- Concerns raised in relation to overshadowing, overlooking, and impact on residential amenity.
- Concerns in relation to impact on privacy from both the rooftop balcony and the windows in the side elevation.
- The site is too small for this scale of development.
- The use of the roof top balcony is out of character with the building.

6.2. Applicant Response

- The objection is considered to be frivolous and malicious and has grounds for dismissal.
- A revised design was submitted to address the concerns raised in relation to overlooking from the roof top balcony.
- Image D attached to appeal depicts the view from St. Abbey's bathroom window. This is taken at closer proximity than the proposed development and clearly shows that the view is obscured by vegetation and that there is ample distance between the properties.
- The proposed extension to the rear of the property will not be visible from any other property in Killiney Village.
- My property is c. 3.5m below the ground level of the O' Connor's garden space and Ms. O' Connor has unimpeded views into my bedroom, kitchen, shower, toilet and office areas.
- A number of photographs and images are attached to the appeal documentation together with an engineering report.

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 in attitude to the proposed development.

6.4. Observations

- None.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal. Appropriate Assessment also needs to be addressed. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Impact on Residential Amenity
- Appropriate Assessment

7.2. Impact on Residential Amenity

- 7.2.1. The main concerns raised relate to overlooking and overshadowing of the existing dwelling to the south of the site. Concern is also raised regarding the excessive scale of the extension for the site and loss of privacy from the proposed rooftop balcony.
- 7.2.2. The extension proposed is 38m² in total and I do not consider that the size is excessive for the site. I am of the view that the size and scale of the extension is proportionate to the existing dwelling.
- 7.2.3. Having inspected the site, I would share the view of the planning authority that the windows in the southern elevation of the existing dwelling are nearer than the proposed windows and that would be sufficient setbacks to prevent overshadowing.
- 7.2.4. There are three first floor windows in the side elevation of the existing dwelling including a bedroom window on the boundary between both properties, and a bathroom and landing window c. 3.5m from the shared boundary with the objector's dwelling. I refer the Board to photographs taken from these windows during the inspection. The proposed windows in the side elevation serve a bedroom window and are c. 5.8m from the shared boundary. The first floor element of the objector's dwelling is located a significant distance from the shared boundary and I note that there is screening in place between the dwellings. I note that at present there are some views of the garden and raised patio area from the applicant's dwelling as demonstrated by the photographs.

- 7.2.5. Having regard to the existing windows at this location, I do not consider that the proposed extension would result in any significant loss of privacy or overlooking of the adjoining property.
- 7.2.6. The appellant has raised concerns in relation to overlooking from the proposed rooftop balcony. In the initial drawings submitted with the application, I note that planting on the balcony was proposed for screening purposes. In order to address the concerns raised by the Planning Authority in relation to overlooking, revised proposals were submitted which provided for a 1.3m high block wall at this location. I am satisfied that this is adequate for screening purposes. I share the concerns raised in relation to the quality of the existing rear garden space which is limited in size and is of a poor quality as it is surrounded by high walls and mature trees. I also note that the front garden of the existing property is overlooked by balconies of the adjoining apartment development.
- 7.2.7. I note that the site is in the Killiney Architectural Conservation Area, however I am satisfied that the proposed balcony would not erode the special character of this area as it would not only be visible from the rear of the dwelling which has already been extended. The front of the dwelling would remain intact.
- 7.2.8. Overall, I consider that the proposed development is appropriate in scale for the site and that it would have no adverse impact in relation to overlooking or overshadowing and would not detract from the residential amenities of the area. The overall visual impact of the proposed extension is low as it would not be visible from any of the public roads in the area. As such, the proposal would be satisfactory in the context of visual amenity and the existing pattern of development at this location.

7.3. **Appropriate Assessment**

Having regard to the location of the subject site within an established and built up area, together with the nature and scale of the proposed development, I am satisfied that there is no potential for impact on any Natura 2000 site, warranting AA.

8.0 Recommendation

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 pattern of development in the area 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 plans and particulars submitted to the Planning Authority on the 15th 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 external finishes of the proposed extension, including roof tiles/slates, shall harmonise with 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 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 and to ensure a proper standard of development.

4. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive; between 0800 to 1400 hours on Saturdays; and not at all on Sundays or public holidays. Deviation from these times shall 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 property in the vicinity.

Emer Doyle

Planning Inspector

13th March 2019