



An  
Bord  
Pleanála

## Inspector's Report ABP-303363-19

<b>Development</b>	Construction of extension to the front, side and rear, alterations to elevations and roof and all associated site works.
<b>Location</b>	69 Saint Helen's Road, Booterstown, Blackrock, Co Dublin A94 CY59
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D18B/0433
<b>Applicant(s)</b>	Phoebe and Charlie Nolan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Phoebe and Charlie Nolan
<b>Observer(s)</b>	<ol style="list-style-type: none"><li>1. Karl O'Connor and Cariona Neary</li><li>2. Paul Healy and Gillian Dann</li><li>3. Sean McGahan and Una Condon McGahan</li><li>4. Joseph and Mary Brosnan</li></ol>
<b>Date of Site Inspection</b>	9 <sup>th</sup> February 2019
<b>Inspector</b>	Niall Haverty

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.1307 ha, is located at No. 69 Saint Helen's Road in Booterstown, Co. Dublin. Saint Helen's Road is a U-shaped street of early 20<sup>th</sup> century semi-detached houses which has two access points onto the Rock Road (R118). Booterstown Marsh Nature Reserve and DART station are located c. 0.5km to the north east.
- 1.2. The appeal site is located at the southern end of St Helen's Road, and due to its position close to a corner it is wedge-shaped. It accommodates a semi-detached house, with its front elevation facing northward. The rear garden, which ranges from 25m to 45m in depth, increases in width in a southward direction, and terminates at a small stream which runs along the southern boundary. A single storey 'shomera' style garden building has been erected in the rear garden. The rear garden backs onto the open space associated with an apartment development to the south.
- 1.3. The houses on Saint Helen's Road are relatively uniform in appearance, and comprise two storey semi-detached houses which generally feature a dash finish with decorative brick detailing, a slate hipped roof, projecting two storey bay window and attached single storey garage to the side. The houses have off-street car parking, and many have been extended in a variety of ways, including converting and building over the side garage.
- 1.4. No. 69 Saint Helen's Road features an existing single storey flat roofed extension to the rear, which extends behind the garage.

## 2.0 Proposed Development

- 2.1. The proposed development is described in the statutory notices as comprising a two storey extension to the front, side and rear, incorporating alterations to elevations, adjustments to roof and all associated site works.
- 2.2. More particularly, the proposed extension comprises a second two storey bay element to the front elevation, replicating the existing bay element, with a first floor extension to the rear over part of the existing single storey extension and a set-back two storey extension to the side. The rear extension features extensive glazing, with

what appears to be a balcony at first floor level, and a gable-fronted or pedimented elevation with projecting fin walls. A number of additional roof lights to the rear roof slope are also proposed.

- 2.3. The existing gross floor space is stated to be 217 sq m, with 10 sq m of demolition proposed and 66 sq of proposed gross floor space (elsewhere stated to be 56 sq m or 75 sq m).

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Dún Laoghaire-Rathdown County Council decided to refuse permission for the following reason:

- It is considered that the proposed development, namely the proposed two-storey, side and rear extensions, by reason of their length, layout/position, design, size, orientation, massing, their close proximity to the side boundaries, would be visually obtrusive and discordant when viewed from the rear gardens of the surrounding properties and would have overbearing and overshadowing impacts on the adjacent properties. It is considered therefore, that the proposed development, would seriously injure the residential and visual amenities and depreciate the value of property in the vicinity, and would be contrary to the proper planning and sustainable development of the area.

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

- 3.2.1. The Planning Officer's report can be summarised as follows:

- The proposed development should be assessed in terms of the impact on the residential amenities of neighbouring properties.
- Proposed finishes are uncertain/unclear.
- The gable end and rear/side gable end roofs of the proposed rear extension and separation between them and the main hipped roof are excessive in size, bulk and design and would appear visually obtrusive from surrounding properties.

- The end-roof/faux hipped roof element shown on the roof plan and rear elevation onto the existing single storey rear extension is not shown on the east side elevation.
- The proposed rear extensions are not acceptable and would have serious negative impacts on the visual and residential amenities of the adjacent properties in terms of overshadowing, overbearing and visual obtrusion.
- The visually obtrusive and bulky roof arrangements are noted.
- Impacts are due to excessive first floor length of 7m beyond the existing rear façade and building lines of adjacent houses combined with two storey height and orientation.
- Proposed front bay and side extensions are acceptable in general. However extensions to side/rear of existing rear building line are not acceptable and overall proposal should be refused.
- Balcony area and excessive glazing may cause overlooking of adjoining properties.
- Elements of the proposal are unclear and not acceptable.

### 3.3. Other Technical Reports

3.3.1. **Drainage Planning:** No objection, subject to conditions.

### 3.4. Prescribed Bodies

3.4.1. None.

### 3.5. Third Party Observations

3.5.1. Four third party observations were submitted. The issues raised were generally as per the observations on the appeal.

## 4.0 Planning History

### 4.1. Appeal Site

- 4.1.1. **Reg. Ref. D17B/0578:** Permission refused in 2018 to demolish garage and construct extensions, attic conversion and internal layout changes (stated gross floor space of proposed works was 205.5 sq m).
- 4.1.2. **Reg. Ref. D17B/0021:** Retention permission granted in 2017 for single storey side/rear extension (Stated area of 67.1 sq m).

### 4.2. Surrounding Area

- 4.2.1. **ABP-300695-18 (Reg. Ref. D17A/0931):** Permission granted for first floor extension to the rear of house and alterations to existing house at 40 St Helen's Road.
- 4.2.2. Both the appellants and the observers also make reference to a number of other planning applications along St Helen's Road, which did not come before the Board.

## 5.0 Policy Context

### 5.1. Dún Laoghaire-Rathdown County Development Plan 2016-2022.

- 5.1.1. The appeal site and surrounding area are subject to land use zoning objective A, "to protect or improve residential amenity".
- 5.1.2. Section 8.2.3.4(i) of the Development Plan refers to extensions to dwellings and states:

"First floor rear extensions will be considered on their merits, noting that they can often have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

- Overshadowing, overbearing and overlooking - along with proximity, height and length along mutual boundaries.

- Remaining rear private open space, its orientation and usability.
- Degree of set-back from mutual side boundaries.
- External finishes and design, which shall generally be in harmony with existing.

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. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable, though in certain cases a set-back of an extension's front facade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing."

## 5.2. Natural Heritage Designations

- 5.2.1. The appeal site is not located within or immediately adjacent to any site with a natural heritage designation. The closest such sites are the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and the South Dublin Bay SAC (Site Code 000210), which are located c. 0.5km to the north east of the appeal site. Booterstown Marsh pNHA is also located c. 0.4km to the north east.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. A first party appeal was lodged on behalf of the applicants by Doyle Kent Planning Partnership and can be summarised as follows:
- The house is not a protected structure and is not in an architectural conservation area.

- The applicants have made a conscious effort to address the reasons for refusal in the previous case (D17B/0578). That was a significantly larger development which would have doubled the size of the house to 422 sq m.
- The Planning Authority did not have an objection to the proposed alterations to the front of the house.
- A daylight and sunlight impact assessment is submitted with the appeal. It found that the adjoining properties will not be materially affected by the proposed development in terms of skylight, sunlight and shadow.
- Overbearing impacts are based on subjective judgment and there is no standard tests set out in respect of this matter. The proposed development maintains a 4.6m separation distance between the proposed two storey element and the house to the east (No. 67). The boundary is already defined by the existing single storey extension, and there will be no significant change in this arrangement.
- The only alteration in the vicinity of the boundary with No. 67 will be a short section of mono-pitch canopy roof on the rear wall of the single storey kitchen extension. The Board could require this to be omitted if considered necessary.
- There are no windows in No. 67 facing towards the boundary with No. 69. The only oblique view is c. 7m from the proposed first floor extension.
- No. 69 and No. 71 are at 45 degrees to each other on plan. Any impact on No. 71 would therefore be relatively slight. The separation distance would increase from 1.1m at the front to 4.45m at the rear.
- Windows in the rear elevation of the houses on St Helen's Road overlook their back gardens as well as a view over gardens of adjoining houses.
- The window in the proposed first floor bedroom is relatively generous but the outlook will be restricted by the projecting cheek walls. The depth of the proposed extension will also reduce the extent of gardens overlooked.
- Views from the proposed balcony will be restricted by the projecting walls to each side and the alignment and distance from the boundaries. It is open to the Board to omit the balcony if it has concerns.

- A very generous area of private garden will be retained after the extension.
- Proposed separation distances are adequate and exceed those in many suburban houses.
- The size of the proposed extension is not excessive and amounts to an increase in floor area of 35%. The plot ratio would increase from 0.17 to 0.22, which remains very low.
- The proposed extensions of concern to the Planning Authority would not be prominent from the public realm. The proposed design is reasonable and will have only slight impacts on adjoining properties.
- The proposed development has been designed to articulate the elements of the extension and break up the roof into its constituent parts.
- The Development Plan places emphasis on the prominence or position in the streetscape of the roof, and the Planning Authority has ascribed an overly high level of significance to the impact on views from the back gardens of adjoining properties.
- The length of the proposed extension at first floor level is not excessive and can be compared to a typical 19<sup>th</sup> or early 20<sup>th</sup> return.
- Separation distances and orientation reduce impact of extension.
- Proposed finishes will be similar to those currently existing.
- The relevance of the planning applications in the area referred to by the Planning Authority is not apparent. None of the sites compare to the site of No. 69 in terms of layout, area, width, length and orientation.
- Permission has been granted for a number of large extensions in the vicinity of the appeal site.

## 6.2. Planning Authority Response

6.2.1. The Planning Authority's response to the appeal can be summarised as follows:

- The grounds of appeal do not raise any new matter which would justify a change of attitude to the proposed development.



### 6.3. Observations

6.3.1. Four third party observations were received and can be summarised as follows:

- Glazing to rear is excessive and its damaging impact is exacerbated by the proposed balcony.
- Proposed development is more intrusive in some aspects than the previously refused application.
- Separation distances with neighbouring properties are inadequate.
- Proposed development would have an overbearing impact on No. 71.
- The applicants' statement that the site is zoned for residential development without any particular qualification is erroneous. The zoning objective seeks to protect and/or improve residential amenity.
- A chalet type building has been erected in the garden of No. 69. This may need to be taken into consideration in terms of remaining private open space and aggregate floor area.
- Flood risk from stream to rear. The Board refused permission for development nearby which abutted same stream (06D.233520).
- Overshadowing study does not have adequate regard to the side and back windows of No. 71.
- Proposed development is out of character with the area, is visually dominant and obtrusive.
- Appeal contains incorrect information with regard to the scale of extension at No. 65, and that extension is misrepresented in the sunlight/daylight study.
- Applicant has not addressed previous refusal reasons in 2018.
- Loss of sunlight/daylight.
- Loss of privacy and overlooking from large first floor windows and balcony.
- Lack of information on SuDS measures.
- Undesirable precedent for similar development.
- Discrepancies in the stated floor areas in current and previous applications.

- Rear elevation of No. 67 is not correctly shown on planning drawings.
- The majority of houses on St Helen's Road retain a single storey garage to the side. Where two storey side extensions have been built, they respect visual and residential amenity and the character of the area.
- Where two storey extensions have been built to the rear of houses, they are modest in scale.
- The applicant has chosen not to submit any revisions to the design. This is significant, given the inability to condition the extension back into a form that would be considered in any way as being acceptable.
- C. 28 sq m of floor area is to be demolished, not 10 sq m. The quantum of new floor space is unclear, but would appear to create a dwelling that is triple the size of the original house prior to the extension granted in April 2017.
- The proposed design pushes the two storey element towards No. 71, closing the gap between the properties that is prevalent throughout the estate and creating an awkward roof profile.
- The application is a haphazard design approach and takes an aggressive approach to the side extension that compounds the negative impact on the amenity of neighbouring properties.
- It is not the change from the previous 2017 refused application that should be the consideration of the Board, but whether the new application is acceptable in terms of impact on neighbouring properties.
- The proposal by reason of its size, scale, bulk and height amounts to an overdevelopment of the property and will be visually dominant in relation to the modest dwelling on the site.
- The level of overshadowing on No. 67 will be most profound towards the end of the day at the key Spring and Autumn equinoxes.
- The rear two storey extension will extend 7m back into the garden and create an overbearing built form that is c. 8m in height to its ridge that cannot be mitigated against.

- The size of the site is irrelevant, due to its triangular shape, as the house is located at the narrow end, in close proximity to adjacent houses.
- Domestic extensions should not dominate the existing building.
- Precedent of No. 56 St Helen's Road is not applicable, as it was a more modest first floor extension with simple flat roof form.
- Extension to No. 65 did not include a first floor element.

#### 6.4. Further Responses

6.4.1. None.

### 7.0 Assessment

7.1. I consider that the key planning issues arising are as follows:

- Residential amenity.
- Other issues.
- Appropriate Assessment.
- Environmental Impact Assessment.

#### 7.2. Residential Amenity

7.2.1. Saint Helen's Road, while not an Architectural Conservation Area, is a coherent and distinctive development of early 20<sup>th</sup> century houses with a character which has been maintained by extensions that generally complement the original houses.

7.2.2. The original houses within St Helens Road are relatively modest in size, with No. 69 having an original floor area of c. 95 sq m, prior to the existing extension being built. The proposed development, if granted, would appear to result in a total floor area of c. 273 sqm, although as noted by the observers, there appear to be discrepancies in the areas stated by the applicants.

7.2.3. In considering the impact of the proposed development on residential amenity, it should be noted that while the appeal site is relatively large (0.1307 ha), it is wedge-

shaped, with the house located at the thin end of the wedge, in relatively close proximity to the adjacent houses.

- 7.2.4. The proposed extension is located to the side (west) and rear (south) of the applicants' existing house. Having regard to this, the length of the rear garden and the fact that the site is bounded by a public road to the north, I consider that the only dwellings with the potential to experience a significant negative impact on residential amenity are the adjoining house to the east (No. 67) and the adjacent house to the west (No. 71) of the appeal site. I note that the owners of both houses are observers, and they have requested that the Planning Authority's decision to refuse permission be upheld. Observations have also been received from the owners of two other neighbouring dwellings.
- 7.2.5. Section 8.2.3.4(i) of the Development Plan states that first floor rear extensions will be considered on their merits, noting that they can often have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions, it states that the factors to be considered will include overshadowing, overbearing, overlooking, remaining open space, set-backs, finishes, as well as proximity, height and length along mutual boundaries.
- 7.2.6. The Planning Authority considered that the proposed development would result in overshadowing, and this issue is also raised in the observations. The appellants, however, contend that the proposed development will not result in overshadowing and loss of sunlight/daylight, and have submitted a report entitled 'Sunlight, Daylight and Shadow Assessment – Impact Neighbours' with their appeal, prepared by Chris Shackleton Consulting. This report concludes that the proposed development complies fully with the provisions of the BRE document 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' and BS 8206, 'Lighting for Buildings, Part 2: Code of Practice for Daylighting'.
- 7.2.7. Due to the location of No. 69 close to a corner, the house to the west (No. 71) is orientated at approximately a 45 degree angle to No. 69. Both properties also have large wedge-shaped gardens as a result. I consider that this orientation would serve to limit overshadowing and loss of sunlight/daylight to the rear elevation of No. 71,

although there are a number of windows on its side elevation. Having inspected the site and reviewed the submitted drawings as well as aerial photography, I would concur with the conclusions of the report submitted by the appellants, and do not consider that the proposed development would be likely to result in any significant additional overshadowing or loss of sunlight/daylight to No. 71.

- 7.2.8. With regard to No. 67 (adjoining house to the east), I consider that the existing c. 3.5m high single storey rear extension to No. 69 which extends to the boundary between the two houses is likely to have resulted in some reduction of sunlight/daylight to ground floor windows and doors, however I do not consider that the proposed development will result in any significant additional overshadowing or loss sunlight/daylight by virtue of the set back of the two storey element from the boundary. This position is consistent with the findings of the report submitted by the appellants.
- 7.2.9. With regard to the potential for overlooking, I note that there are no windows proposed on the side elevations at first floor level, while the only openings on the side elevations at ground floor level serve a WC and utility/pantry. A number of rooflights are also proposed on the rear roof slope, however these will be at a high level internally, and will not offer views. While there will be no direct overlooking of windows in neighbouring properties, I note the extensive nature of the glazing proposed to the two storey rear extension, with a balcony proposed at first floor level. While fin walls, which project c. 1m on either side of the balcony, will limit views directly east and west from the balcony, this aspect of the proposed development will form an obtrusive and overly dominant element that will provide expansive views across the neighbouring properties large rear gardens. While this issue could be addressed by condition, as suggested by the applicants' agent, I consider that it is reflective of more fundamental issues with the proposed development that warrant refusal of planning permission.
- 7.2.10. With regard to the design of the proposed development, and its potential overbearing impact on neighbouring properties and its impact on residential and visual amenities, having reviewed the drawings submitted and having inspected the site, I am of the opinion that the proposed development fails to adequately address the previous refusal reason. While the proposed front elevation is broadly acceptable in its mirroring of the existing bay window, I consider that the side and rear extension

would result in a somewhat haphazard and visually obtrusive development that would overwhelm the existing house and result in a confusion of roof profiles, including a false pitched canopy over part of the existing flat roof extension and stepped elevations, creating an unsatisfactory relationship with the existing house and neighbouring properties. In particular, I note that the two storey element would extend c. 7m from the rear elevation of the main house, in relatively close proximity to the boundary with No. 71, while the over-scaled glazing and balcony within the gable-fronted element would be overly dominant within the established suburban setting, when seen from the gardens of neighbouring properties. A blank gable-fronted element would also be presented towards No. 67, set back from the existing single storey extension.

- 7.2.11. Having regard to the excessive bulk, depth and massing of the proposed development and its separation distance from adjacent houses, I consider that the proposed development would have a significantly overbearing impact that would be detrimental to residential amenity and that it would depreciate the value of adjoining property due to its visually obtrusive design and awkward relationship to the existing house.
- 7.2.12. In conclusion, therefore, having regard to the design and layout of the proposed development, the site characteristics, the distance to adjacent dwellings, and the 'A' zoning objective which seeks to 'protect or improve residential amenity', I do not consider that the proposed development would satisfy the criteria for first floor rear extensions set out in Section 8.2.3.4(i) of the Development Plan and I therefore consider that the proposed development would seriously injure the residential amenities of adjacent properties and I recommend that planning permission be refused.

### **7.3. Other Issues**

#### **7.3.1. Flood Risk**

- 7.3.2. One of the observers raises the issue of flood risk from the stream to the rear. The proposed development is located at the northern end of the appeal site, c. 25m from the stream at its closest point, and would not significantly increase the amount of hard surfacing in my opinion.

7.3.3. The observer contends that the Board's refusal of permission for development nearby which abutted the same stream (Ref. 06D.233520) is relevant to the subject appeal. Having reviewed the Inspector's Report associated with that case I would not agree, since the proposed development in that instance involved works in close proximity to the stream, and apparently would have overhanged the stream. The proposed development that is the subject of this appeal is of sufficient distance from the stream that I am satisfied that it would not be likely to result in increased risk of flooding, or pollution of the stream subject to standard good practice construction methods.

#### **7.4. Appropriate Assessment**

7.4.1. The appeal site is c. 0.5km south west of the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and the South Dublin Bay SAC (Site Code 000210).

7.4.2. Having regard to the nature and scale of the proposed development, which comprises an extension to an existing house in a serviced and zoned long-established residential estate, and subject to the use of standard good practice construction methods, I am satisfied that no appropriate assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

#### **7.5. Environmental Impact Assessment**

7.5.1. Having regard to the nature of the proposed development, which comprises an extension to an existing dwelling and the developed suburban 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.

### **8.0 Recommendation**

8.1. I recommend that planning permission be refused for the reason set out below.

## 9.0 Reasons and Considerations

1. Having regard to the pattern of development in the area and the scale of development proposed, it is considered that the proposed extension, by reason of its scale, bulk, overly complex form and proximity to site boundaries, would seriously injure the residential amenities and depreciate the value of adjoining properties by reason of its visually obtrusive design and overbearing nature. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Niall Haverty  
Planning Inspector

11<sup>th</sup> February 2019