



An  
Bord  
Pleanála

## inspector's Report ABP-303377-19

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<b>Development</b>	Retention of modifications to extension, increase in area and height of parapet, inclusion of roof light.
<b>Location</b>	'Cherbury', Old Bridge Road, Templeogue, Dublin 16
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD18B/0419
<b>Applicant(s)</b>	Lauren Gilmer
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Lauren Gilmer
<b>Date of Site Inspection</b>	07 <sup>th</sup> March 2019
<b>Inspector</b>	Colin McBride

## 1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.07 hectare, is located to the south west of Terenure on the western side of Old Bridge Road. The site is in close proximity to the junction of Old Bridge Road, Butterfield Avenue and Ballyroan Road. The appeal site is occupied by a two-storey detached dwelling ('Chebury'). On adjoining sites there is a two-storey detached dwelling to the south and a two-storey detached dwelling to the north. To the west is the River Dodder that runs north to south to rear of dwellings facing Old Bridge Road.

## 2.0 Proposed Development

2.1. Permission is sought for retention of modifications to the single-storey extension approved under reg ref. SD13B/0239 consisting of an increase in area from 45sqm to 79sqm as constructed, and the increase in height of the parapet from 2.9m to 3.1m along with the inclusion of a raised central roof light.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission refused based on four reasons...

1. The development for retention, by reason of its 3.5 metre height, contravenes condition 2 of the original grant of planning permission (Reg. Ref. SD13B/0239) which stated that "The height of the proposed parapet wall along the north-eastern side boundary of the site shall be no higher than 2.9 metres above ground level.

2. The extension by virtue of its scale, height and length; its proximity to the site boundary; and its orientation south-west of the adjoining property, results in significant and unacceptable overshadowing and overbearing impacts on the adjoining property and seriously injures the residential amenities and depreciates the value of property in the vicinity. The development for retention would, therefore, not be in accordance with the zoning objective of the area which is 'RES' To protect

and/or improve Residential Amenity and would be contrary to proper planning and sustainable development of the area.

3. Having regard to the pattern of development in the area, it is considered that by reason of its scale, height and 15 metre rear projection, the rear extension constitutes overdevelopment at this location. The development for retention, therefore, seriously injures the residential amenities of the area and would depreciate the value of the property in the vicinity, and is contrary to the proper planning and sustainable development of the area.

4. The development for retention, would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

Planning report (03/12/18): The proposal was considered to contravene a condition under a previous permission on site (SD13B/0239), was considered to have an overbearing impact on the adjoining property and constitute overdevelopment of the site. Refusal was recommended based on the reason outlined above.

## **3.3. Third Party Observations**

A submission was received from Patrick McMahon, Bruach na hAbhann, Old Bridge Road, Templeogue.

- It is noted that the extension constructed is in breach of permission granted under ref no. SD13B/0239 in that it is higher in ridge height than permitted.

- It is noted that an extension higher than 2.9m has an overbearing impact on the adjoining property.
- The submission questions whether the extension meets Development policy regarding extensions due to its t-shaped footprint and the level of development along the boundary wall.

## 4.0 **Planning History**

SD13/0239: Permission granted for a single-storey extension to the rear of an existing site on the appeal site.

SD13A/0168: Permission granted for a two-storey dwelling and associated site works on the appeal site.

SD11A/0319: Permission granted for a two-storey dwelling and associated site works on the appeal site.

SD11B/0417: Permission granted for a first floor extension to a two-storey dwelling on the appeal site.

## 5.0 **Policy and Context**

### 5.1. **Development Plan**

The relevant Development Plan is the South Dublin County Development Plan 2016-2022. The appeal site is zoned 'RES' with a stated objective 'to protect and/or improve Residential Amenity'. Part of the site to the rear is zoned 'HA-DV' with a stated objective 'to protect and enhance the outstanding natural character and amenity of the Dodder Valley Area'.

Policy H18: It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.

### Section 11.3.3 (i) Extensions

The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.

The South Dublin County Council House Extension Guide (2010) notes the following regarding rear extensions...

- Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise.
- Match the shape and slope of the roof of the existing house, although flat roofed single storey extensions may be acceptable if not prominent from a nearby public road or area.
- Make sure enough rear garden is retained
- Do not create a higher ridge level than the roof of the main house.
- The roofline of large extensions to the rear of single storey bungalows should not be visible from public view to the front or to the side of the bungalow. Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise.
- Match the shape and slope of the roof of the existing house, although flat roofed single storey extensions may be acceptable if not prominent from a nearby public road or area.
- Make sure enough rear garden is retained
- Do not create a higher ridge level than the roof of the main house.
- The roofline of large extensions to the rear of single storey bungalows should not be visible from public view to the front or to the side of the bungalow.

## 5.2. Natural Heritage Designations

None in the vicinity.

## 5.3. EIA Screening

5.3.1 Having regard to nature of the development comprising modifications of a previously approved extension including an increased floor area and ridge height, 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 first party appeal has been lodged by Thornton O'Connor Town Planning on behalf of Lauren Gilmer, 'Chebury', Old Bridge Road, Templeogue, Dublin 16.

- The appellant has submitted revised drawings and note that the application was inaccurately surveyed with it noted the extension is at a level 200mm lower than the existing dwelling meaning the ridge height of the extension is 200mm lower than portrayed in the drawings.
- The appellant has also provided a revised drawing with parapet upstand on the north-eastern boundary removed reducing the parapet at that location by 250mm.
- It is noted that the application was inaccurately surveyed and that the parapet level is 200mm lower than represented in the original drawings and that such would be in compliance with condition no. 2 of ref no. SD13B/0239. It is also noted that condition no. 2 does not specify if the height is to be taken from the ground level of the dwelling or the estimated ground level of the site at the time permission was granted.

- It is considered that the impact of the proposal in terms of overshadowing and overbearing impact is overstated. It is considered based on the BRE guidelines that the proposal is acceptable in terms of light levels received within the garden area of the adjoining property (to the north east) and that the adjoining property has a substantial garden.
- The appellant notes that exempted development allows for 40sqm of extension and such could be 10m long and higher in ridge height than that proposed in this case. It is noted that a single-storey of this nature should be considered minor in nature in regards to impacts on adjoining properties.
- In relation to overdevelopment of the site, it is noted the extension is not significantly longer than that previously permitted. It is noted that the deviance from the original permission is not significant in terms of impact. It is noted there is precedent case for similar development at no. 68 Irishtown (ABP ref PL29.301200).
- The appellant notes that they are willing to accept a condition to provide alternative treatment to the wall facing the neighbouring property.
- It is noted that the development for retention does not significantly impact on adjoining amenities to a material degree above and beyond what was previously permitted on site.
- It is noted that reason no. 3 is generic in its terminology and does not state how the proposed development would be injurious to residential amenity. Such would be contrary to the Development Management Guidelines.
- The proposal would not set an undesirable precedent with reference made to similar development granted under ABP ref PL29.301200.

## 6.2. Planning Authority Response

Response by South Dublin County Council

- The Planning Authority confirm their decision and notes that the issues raised in the appeal have been covered in the planners report.

## 7.0 Assessment

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

Design, scale, residential amenity

Appropriate Assessment

7.2 Design, scale, residential amenity:

7.2.1 Permission was granted for a single-storey extension to the rear of a two-storey dwelling under ref no. SD13B/0239. The extension had a floor area of 45sqm and projected 12m from the rear of the existing dwelling (original footprint of dwelling which has been extended previously, current extension projects 11.7 beyond the rear building line of such). Condition no. 2 of the permission specified that the ridge height of the extension should not exceed 2.9m. A larger extension of 79sqm and projecting 11.7m (dwelling was previously extended) from the rear building line has been constructed and is subject to retention. The original drawings submitted indicated that the parapet level of the extension is 3.1m with a roof light with a maximum ridge height of 3.5m. The appellant has noted that inaccurate surveying of the extension means that the parapet level is 200mm lower than shown in the drawings first submitted (revised drawings as per the revised levels have been submitted).

7.2.2 The reasons for refusal mainly relate to impact on the adjoining property to the north east as the extension is located along the boundary between the two properties. Having inspected the rear garden of the dwelling to the north I would note that the parapet height of the extension relative to ground level of the adjoining garden is 3.1m. In relation to condition no. 2 of SD13B/0239 this condition specified that the height of the parapet wall along the north-eastern boundary of the site shall be no

higher than 2.9 metres above ground level. The revised plans submitted by the appellant indicate the parapet level is 3.1m above ground level, which is above what the condition states. What is also apparent is that the approved plans (SD13B/0239) provided for an extension above this parapet height and that condition no. 2 requires a reduced parapet wall along the north eastern boundary, which would have been viable as the parapet wall is higher than the roof profile. I would however note that the proposal sought is retention of extension as built and that such is being considered on its merits. The fact the extension built is above the level specified in condition no. 2 of SD13B/0239 does not preclude consideration of the as built extension on its merits.

7.2.3 The main issue concerns the impact of the as built extension on adjoining residential amenities. The extension is single-storey and set back from the southern boundary of the site and therefore has no impact on the adjoining dwelling to the south. The extension is located just inside the boundary between the appeal site and the adjoining dwelling to the north. As noted the extension has a ridge height of 3.1m relative to the ground level of the gardens in both properties and projects 11.7m beyond the rear building line of the existing dwelling (appears to have been previously extended to the rear). The adjoining dwelling on the site to the north also appears to have been extended and the extension subject to this appeal also projects 11.7m beyond the rear building line of the adjoining property.

7.2.4 There is a roof light on the extension that means the maximum ridge height is 3.5m above ground level, however this is located away from the edges of the extension and does not contribute to the bulk and physical scale of the extension significantly. Having inspected the extension from the neighbouring property to see its physical impact, I am of the view that the extension is not excessive in height relative to the adjoining property and is still single-storey extension despite a small increase over that approved previously. I would also be of the view that the depth of extension is not excessive in the context of the rear amenity space of the properties at this location which are of a good size. I am satisfied that the physical scale of the extension subject to retention is satisfactory in the context of the amenities of

adjoining properties and would have no adverse impact in relation to overshadowing, a physically overbearing impact or a reduction in privacy. I would note that the extension as constructed and subject to retention would also be compliant with the recommendations of the South Dublin House Design Guide 2010 in regards to rear extensions.

7.2.5 The revised plans submitted include an option to decrease the parapet wall along the northern eastern boundary by 0.35m if deemed necessary. I would question whether such is necessary or would have a material impact significantly different than the extension as constructed and inspected. I would however consider that since this has been presented as a viable option by the appellant that such should be implemented.

7.2.6 The overall visual impact of the extension in the area is low and such is not visible from any of the public roads in the surrounding areas. The proposal would be satisfactory in the context of visual amenity and the existing pattern of development at this location.

7.3 Appropriate Assessment:

7.3.1 Having regard to the nature and scale of the proposed development and its proximity 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. I recommend a grant of permission subject to the following conditions.

## 9.0 Reasons and Considerations

Having regard to the zoning provisions for the site, to the nature and scale of the development subject to retention, and to the existing pattern of development in the vicinity, it is considered that the proposed development, subject to compliance with the conditions set out below, would not be out of character with development in the area and would not seriously injure the residential or visual amenities of the area or of property in the vicinity. 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 in accordance with the plans and particulars lodged with the application and as amended by the revised plans submitted to An Bord Pleanála on the 08<sup>th</sup> day of January 2019 reducing the parapet level along the north eastern boundary (drawing no. ABP\_422\_P\_02-02), 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. 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.

3. 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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Colin McBride  
Planning Inspector

12<sup>th</sup> March 2019