



An
Bord
Pleanála

inspector's Report ABP-303395-19

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| Development | Demolition of shed/wall. Construction of extension to side and extension to the rear of house. |
| Location | 8 Rollins Court, Sallynoggin, Co Dublin |
| Planning Authority | Dun Laoghaire Rathdown County Council |
| Planning Authority Reg. Ref. | D18A/0985 |
| Applicant(s) | Emma & Jamie Fitzpatrick |
| Type of Application | Permission |
| Planning Authority Decision | Grant with Conditions |
| Type of Appeal | Third Party |
| Appellant(s) | Frances O'Toole |
| Observer(s) | None |
| Date of Site Inspection | 7 th March 2019 |
| Inspector | Mary Crowley |

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1.0 Site Location and Description

1.1. The appeal site with a stated area of 0.027ha comprises a two storey, semi-detached house facing north west. This established suburban residential estate is characterised by dwellings of similar scale and design many with off street car parking to the front. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail.

2.0 Proposed Development

2.1. Permission is sought for the following:

- demolition of an existing single storey shed / wall along the party boundary to the rear of the existing house (80sqm),
- construction of a two storey extension to the side and part single part two storey extension to the rear to include new roof light to the rear
- application of external wall insulation to existing walls
- alterations to front entrance wall / piers and provision of new gates
- all associated internal alterations, site, landscaping and drainage works.

2.2. The stated gross floor area of the proposed extension is 69.6sqm.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. DLRCC issued a notification of decision to grant permission subject to 11 no generally standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Case Planner** recommended that permission be granted subject to conditions. The notification of decision to grant permission issued by DLRCC reflects this recommendation.

3.2.2. Other Technical Reports

- **Drainage Planning** – No objection subject to conditions relating to surface water discharge.
- **Transportation Planning** – No objection subject to conditions relating to proposed vehicular gates and prevention of mud and debris on the public road

3.3. Prescribed Bodies

3.3.1. There are no reports from any prescribed bodies recorded on the planning file.

3.4. Third Party Observations

3.4.1. There is one observation recorded on the planning file from Frances O'Toole, No 9 Rollins Court (appellant). Issues raised relate to loss of light and overlooking.

4.0 Planning History

4.1. There is no evidence of any previous planning applications or appeals on this site.

5.0 Policy and Context

5.1. Development Plan

5.1.1. The operative Development Plan is the **Dun Laoghaire Rathdown County Development Plan 2016-2022**. The site is zoned **Objective A** where the objective is *to protect and/or improve residential amenity*. Section 8.2.3.4(i) deals with **Extensions to Dwellings**. Section 8.2.4.9 deals with **Vehicular Entrances and Hardstanding Areas**.

5.2. **Natural Heritage Designations**

5.2.1. The site is not located within a designated Natura 2000 site.

5.3. **EIA Screening**

5.3.1. Having regard to the nature and scale of the proposed development comprising the demolition of an existing shed/wall and the construction of an extension to side and extension to the rear of house in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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**

6.1.1. The third party appeal has been prepared and submitted by Frances O'Toole, No 9 Rollins Court (adjoining neighbour to the north) and may be summarised as follows. Photos attached.

- No objection to the two storey development proposal at the side of the appeal site.
- Objection to the overbearing nature of the second storey rear extension only as the plans do not take account of the appellant's property. Same will result in a loss of light to the appellant's rear sun room.
- The appellants outdoor patio area will be overlooked which will result in a loss of privacy unless frosted or muted glass is fitted.
- The appellants sun room does not feature on the plans submitted.

6.2. **Applicant Response**

6.2.1. The first party response to the appeal has been prepared and submitted by Bright Design Architects on behalf of the applicant and may be summarised as follows:

- **Over Shadowing** – It is noted that the appellants concerns are limited to the first floor rear extension only. A Shadow Analysis has been prepared to compare the existing and proposed scenarios in order to allay concerns raised. While some level of additional shadowing was anticipated, it is submitted that this additional shadowing is within reasonable levels for a suburban scenario and for the given times of year. Where sunlight is reduced marginally, generous levels of ambient daylight will still exist given the orientation.
- **Loss of Privacy** – The proposal at first floor only includes rear facing first floor windows. This is an accepted norm for domestic suburban windows. Obscured glazing is unnecessary.
- **Overbearing Impact** – the proposed extension maintains a clear side passage of almost 1.1m while the rear projection is some 3.6m which is modest given the orientation. Further the distance between the proposed gable to that of no 9 is generous owing to the side driveway.

6.2.2. The submission was accompanied by a copy of the cover letter submitted with the planning application together with a Shadow Analysis

6.3. **Planning Authority Response**

6.3.1. DLRCC refers to the previous planners report and states that the grounds of appeal do not raise any new matter which in the opinion of the Planning Authority would justify a change of attitude to the proposed development.

6.4. **Observations**

6.4.1. There are no observations recorded on the appeal file.

6.5. **Further Responses**

6.5.1. The first party response to the appeal was cross circulated to relevant parties. The following responses were received, as summarised:

6.5.2. **Frances O'Toole (Appellant)**

- **21st March** (Spring Solstice) – The plans do not take into consideration the shadow that will be cast on the appellant’s kitchen window which will block the afternoon light making the room darker.
- **21st June** (Summer Solstice) – Shadow is hitting the lower level where the appellant’s kitchen is located. This will make the room darker
- **21st September** (Autumn Equinox) – Shadow is hitting the lower level where the appellants kitchen is located. This will make the room darker.
- **21st December** (Winter Solstice) – This additional shadowing is not acceptable given the time of year.
- **Aerial Views** – There is a new shadow being cast on the appellant’s kitchen window and beyond from 21st March at 3pm. Come 5pm in June there is a larger shadow on the patio and garden.
- **2nd Storey** – This element is causing major problems. No objection to the single storey rear extension.

6.5.3. **DLRCC** – No additional comments.

7.0 **Assessment**

7.1. I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Visual Amenity
- Residential Amenity
- Other Issues

8.0 **Principle**

8.1. The appeal site is wholly contained within an area zoned Residential (General) – Zone Z1 where residential extensions and alterations to an existing dwelling for residential purposes is considered a permissible use. I am satisfied that that the principle of the demolition of an existing single storey shed / wall together with the side and rear residential extension is acceptable at this location subject to the

acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

9.0 Visual Amenity

- 9.1. I am satisfied that the scale and design of the scheme does not overwhelm or dominate the original form or appearance of the parent house, and that the side and rear extension will not have a significant negative impact on the character or visual amenity of this established residential area or the overall streetscape. Overall I consider the proposal to be well considered, balanced and respectful of the overall architectural form of the existing dwelling.
- 9.2. With regard to the proposed external wall insulation it is noted that the existing dwelling is finished with a smooth render. It is proposed to apply external insulation to improve the thermal functioning of the dwelling which is annotated on the submitted drawings as being a smooth render finish. I consider this proposal to be acceptable.

10.0 Residential Amenity

- 10.1. The pertinent issue in this appeal is the impact of the rear extension and more precisely the second floor element on the appellant's property at No 9 Rollins Court (adjoining neighbour to the northeast). The appellant raises specific concerns in relation to overshadowing and loss of privacy.
- 10.2. I have considered the Shadow Analysis (that includes the appellant's rear sun room) submitted with the applicant's response to the appeal. It is evident that there will be some increase in overshadowing to the appellants property. Therefore the question to be answered is whether or not this overshadowing is so significant as to warrant a refusal or an amendment to the scheme by way of condition.
- 10.3. The Shadow Analysis took four key days of the year as industry standard reference points – 21st March (Spring Equinox); 21st June (Summer Solstice); 21st September (Autumn Equinox) and 21st December (Winter Solstice). At each of these days the existing shadowing has been compared against the shadows resulting from the

proposed extension. For clarity the net additional shadows are outlined in red. In addition each of these has been presented with three dimensional views.

10.4. Essentially the Shadow Analysis demonstrates that the existing two storey mass of the existing appeal dwelling already results in significant pre-proposed development shadowing of the appellants property. As pointed out by the applicant this is due to the rear orientation of both properties being south east. The analysis also indicated the following:

- 21st March (Spring Equinox) – Additional shadows produced in the early afternoon to late afternoon. By late afternoon / early evening, the appellants sun room extension is already in shadow from the existing 2 storey mass of the appeal site.
- 21st June (Summer Solstice) – Additional afternoon shadows are predominantly cast in the early to late afternoon. Additional shadows later in the afternoon / early evening are fragmented and predominantly hitting the ground rather than the appellants sun room extension.
- 21st September (Autumn Equinox) – Similar to Spring Equinox above.
- 21st December (Winter Solstice) – This is the day / time of the year which displays the most additional shadowing.

10.5. Given the suburban location of the appeal site together with the separation distance between both properties it is my view that the additional shadow cast to the rear of the appellants property is not so significant as to merit a refusal or amendment to the rear first floor extension by way of condition. Overall I am satisfied that the design, scale, form and positioning of the proposed rear second floor extension strikes a reasonable balance between the protection of the amenities and privacy of the adjoining dwellings, that it will not result in any significant over shadowing of adjoining properties and that it will not result in any unreasonable loss of natural light to neighbouring residential properties.

10.6. With regard to overlooking I agree with the approach of the planning authority whereby the proposed windows to the northeast elevation at first floor level serving a w.c. and en suite are conditioned to be manufactured opaque or frosted glass. I am satisfied that this approach addresses any potential overlooking. It is recommended

that should the Board be minded to grant permission that a similar condition be attached.

11.0 Vehicular Entrance

11.1. The scheme also proposes to reduce the width of the vehicular entrance from 4.755m to 3.5m. These works include new piers and wall to match the existing together with hardwood gates. This reduction in width is in compliance with Section 8.2.4.9 of the Development Plan (Vehicular Entrances & Hardstanding Areas) where it states that *in general, for a single residential dwelling, the maximum width of an entrance is 3.5 metres*. Given the location of the appeal site I am satisfied that the proposed entrance would not conflict with traffic or pedestrian movements in the immediate area and would not result in the creation of a traffic hazard. I agree with the recommendation of DLRCC Transportation Planning Section and recommend that should the Board be minded to grant permission that a condition be attached requiring that the proposed vehicular gates open inwards only in the interest of public safety.

12.0 Other Issues

12.1. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development comprising the demolition of and existing shed/wall and the construction of an extension to side and extension to the rear of house, within an established urban area, and its 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.

12.2. **Development Contributions** – Condition No 9, 10 and 11 of the notification of decision to grant permission issued by DLRCC required the payment of a Section 48 Development Contribution. Dun-laoghaire Rathdown County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended) and is in place since 14th December 2015. Section 10 Exemptions and Reduction of the scheme states that the first 40 square metres of any residential extension, shall be exempt from the contribution scheme.

Accordingly, the proposed development with a stated gross floor area of 69.6sqm does not fall under the exemptions listed in the scheme. Therefore a Section 48 Development Contribution is applicable in this case.

13.0 Recommendation

13.1. It is recommended that permission be **granted** subject to conditions for the reasons and considerations set out below

14.0 Reasons and Considerations

14.1. Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and its zoning for residential purposes, to the location of the site in an established residential 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 comprising the demolition of an existing shed/wall and the construction of an extension to side and extension to the rear of the existing house would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

15.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. (a) The entire house shall be used as a single dwelling unit and shall not be sub-divided in any manner or used as two or more separate habitable

units.

(b) The proposed vehicular gates shall open inwards only

(c) The glazing within the proposed windows to the northeast elevation serving a w.c. and en suite shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interest of the proper planning and sustainable development of the area.

3. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity

4. 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.

5. Site development and building works shall be carried only out between the hours of 08.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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.

6. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be

submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management

8. 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, as amended. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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

Mary Crowley

Senior Planning Inspector

19th March 2019