



An
Bord
Pleanála

Inspector's Report ABP 303698-19

Development	Domestic Extension
Location	57 Waltham Terrace, Blackrock, County Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18B/0508
Applicant(s)	Linda and Aidan Donnelly
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Linda and Aidan Donnelly
Observer(s)	John & Evelyn Evans
Date of Site Inspection	14 th June 2019
Inspector	Hugh Mannion

1.0 Site Location and Description

- 1.1. The site, 57 Waltham Terrace, Blackrock, County Dublin has a stated area of 0.0677m² and comprises a two-storey house with a single storey side extension, a rear conservatory extension and two outbuildings. Immediately to the south is number 55 and set forward of the building line established by numbers 55 and 57 to the north is 59 Waltham Terrace. To the right/north of the main house is a single storey garage/shed which is proposed for demolition to be replaced with a two-storey extension. This garage/shed is separated from the main house by a covered walkway to the rear garden. The rear garden has a timber 2m high fence along its southern boundary which continues along its western boundary to the first, and larger, of the two sheds. Behind these sheds is a concrete block wall about 1.5m high. The northern boundary with 59 Waltham Terrace is a another, perhaps, older wooden fence with a single tree and a number of shrubs.
- 1.2. Waltham Terrace is accessed off Mount Merrion Avenue to the north and this part of the terrace backs onto Hyde Park Avenue. The dominant landuse is residential, the houses are two storey and detached and have front and rear gardens. Within this template there is some variety, and many appear to have undergone significant alterations since construction.

2.0 Proposed Development

- 2.1. Demolition of a single storey conservatory, workroom and shed, construction of a single storey rear extension, demolition of a garage and construction of a two-storey extension to the side with a bay window and provision of a matching two-storey bay window at 57 Waltham Terrace, Blackrock, County Dublin.

3.0 Planning Authority Decision

3.1. Decision – Refuse Permission

The height, length, extent and location along the northern boundary with 59 Waltham Terrace of the proposed two and single storey extensions would constitute overdevelopment, would be visually obtrusive and overbearing when

viewed from the rear garden of 59 Waltham Terrace and would give rise to overshadowing of that house in a manner to seriously injure the visual and residential amenity of that house.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.3. The planner's report recommended refusal for the reason set out in the manager's order.

3.3.1. Other Technical Reports

3.3.2. **Drainage Planning** had no objection subject to conditions.

4.0 Planning History

D18B/0350 was an application for extensions to the front and rear at 57 Waltham Terrace. This application was withdrawn.

5.0 Policy and Context

5.1. Development Plan

The site is zoned A 'to protect and/or improve residential amenity' in the Dun Laoghaire Rathdown County Development Plan 2016-2022.

Section 8.2.3.4 of the plan sets out criteria against which domestic extensions will be considered. These are:

- 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.

5.2. **Natural Heritage Designations**

Not relevant.

5.3. **EIA Screening**

5.4. Having regard to nature of the development comprising an extension to and alteration of an existing dwelling 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**

- There have been significant extensions to neighbouring houses in particular 61 and 62 Waltham Terrace.
- The proposed development would not give rise to overshadowing of adjoining property – especially number 59 Waltham Terrace as demonstrated by the shadow analysis submitted with the appeal.
- The proposed development will not be overbearing when viewed from the adjoining property and a garage intervenes between the number 57 and 59 Waltham Terrace. The proposed bay windows do not afford overlooking of adjoining property.
- To address the planning authority's concern in relation to the rear extension the applicant suggests that the family room could be reduced by 400mm and shed be omitted to reduce the effect of a continuous built-upon rear boundary.

6.2. **Planning Authority Response**

- No further comment to make.

6.3. Observations

An observation was received from the occupants of 59 Waltham Terrace, Blackrock, County Dublin. This may be summarised as follows;

- The restricted size of the application site and relationship with adjoining houses and the siting, form, mass and design of the proposed development would render the proposed development out of character with the area.
- The proposed extension would cause overlooking and appear overbearing from adjoining property, especially number 59 Waltham Terrace, and thereby would be contrary to the zoning objective for the area set out in the County Development Plan.
- The proposed extension would over sail adjoining property.
- The proposed development would detract from the character and setting of Waltham Terrace.

6.4. Further Responses

The applicant responded to the observation as follows;

- The present application is for a more conservative extension than envisaged under D18B/0350 which was withdrawn before being determined.
- Other extensions in the area are relevant in that they contribute to the context of the proposed alterations in the present case.
- There is no proposed material overshadowing of adjoining property.

7.0 Assessment

7.1. The Rear Extension

7.2. There is a shed and work shop in the rear garden of the application site which are both set off the boundary with 59 Waltham Terrace which is the adjoining house to the north. It is proposed to remove these structures and erect an extension running the full length of the boundary with number 59 Waltham Terrace to the north. This extension has two elements; a family room with a maximum height 3.65m high and a

workshop/shed which would be 2.8m high. While these buildings will comprise new elements when viewed from the adjoining site at 59 Waltham Terrace I do not consider that a boundary wall in the order of 2m or 3m is an unusual feature of suburban Dublin. I note the applicant's suggestion of reducing the height of the family room by 400mm which give a revised height of 3.25m. I consider that this amendment is acceptable and would mitigate the impact on the adjoining property.

7.3. The applicant also suggests the omission of the proposed shed which is the last element in the structures proposed along the boundary. This shed would contribute about 2.5m of the full 10.1m of the extension. Having regard to the necessity for a boundary wall/fence in this area I do not consider that the proposed development is unreasonable or would seriously injure the amenity of adjoining property. In conclusion I do not recommend omission of the shed by condition.

7.4. **Two Storey Side Extension**

7.5. There is a single storey garage/shed to the right/north of the existing house on the application site along the boundary with 49 Waltham Terrace. It is proposed to demolish this and erect a two-storey extension with a new bay window basically on the footprint of the old garage/shed. This would bring a new two storey element onto the boundary with the adjoining house which will cast some shadow onto the adjoining house. I note the shadow analysis submitted with the appeal and agree that in mid-summer a shadow will impact largely on the roof of the existing garage at 59 Waltham Terrace.

7.6. I conclude that the two-storey extension will not seriously injure the amenity of the adjoining property by reason of loss of daylight or sun light or give rise to an excessively overbearing feature when viewed from adjoining property.

7.7. **The Bay Windows**

7.8. The bay windows will overlook the applicant's driveway and the front elevation of the house at 59 Waltham Terrace. As a rule of thumb garden areas to the front of houses ordinarily open to views from the public realm are not considered private open space. I conclude that the bay windows would not seriously injure the amenity of adjoining property by reason of overlooking of private open space areas.

7.9. There is a variety of façade treatments in the immediate area of the application site. Number 61 has a box dormer at 2nd floor level, number 63 has a box dormer to the

rear, number 65 has a first-floor dormer facing the street, number 67 has a two-storey bay and 69 at the end of Waltham Terrace has a wood panelled a semi-circular entrance hall.

7.10. Having regard to the foregoing I conclude that the proposed development will not be out of character with the pattern of development in the area.

7.11. Remaining Private Open Space.

7.12. The proposed development provides for 4 bedrooms. The County Development Plan (section 8.2.8.4) requires a minimum private open space of 75m². The proposed rear garden after construction would be about 100m². I conclude that this provision is acceptable.

7.13. Oversailing the Boundary.

7.14. The observer makes the point that the proposed development will cross the boundary with the site to the north. The applicant states that the proposed development is within entirely within the application site.

7.15. The document submitted with the application show the proposed development entirely within the application site. I am satisfied therefore that the applicant has sufficient legal interest to make the application and that the Board may properly determine the application.

7.16. Appropriate Assessment

7.17. Having regard to the very modest scale of the proposed development and the foreseeable emissions therefrom 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 planning permission.

9.0 Reasons and Considerations

9.1. The proposed development is located in an area zoned to 'to protect and/or improve residential amenity' in the Dun Laoghaire Rathdown County Development Plan 2016-2022. Having regard to the modest scale of the proposed development and relationship with adjoining property and subject to compliance with the conditions set out below it is considered that the proposed development would not give rise to overlooking of adjoining property or appear as an intrusive feature when viewed from adjoining property or the wider area and would thereby accord with the County Development Plan zoning objective for the area and the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The family room element of the proposed rear extension shall be reduced to a maximum height of 3.25m. Prior to commencement of development the developer shall submit revised drawings providing for this amendment for the written agreement of the planning authority.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<p>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.</p> <p>Reason: In the interest of visual amenity.</p>

4.	<p>The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity.</p>
5.	<p>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.</p> <p>Reason: In the interest of public health.</p>

Hugh Mannion
Senior Planning Inspector

17th June 2019