



An  
Bord  
Pleanála

## Inspector's Report ABP-303727-19

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<b>Development</b>	Porch with skylight, change of windows to front, new extension to rear, demolition of shed, raising of roof ridge.
<b>Location</b>	38 Mount Alton, Dublin 16.
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD18B/0488
<b>Applicant(s)</b>	James & Sarah Fitzpatrick
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	1 <sup>st</sup> Party
<b>Appellant(s)</b>	James & Sarah Fitzpatrick
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	10 <sup>th</sup> May 2019
<b>Inspector</b>	Michael Dillon

## 1.0 Site Location and Description

1.1. The site, with a stated area of 0.44ha, is located on the west side of a short cul-de-sac, within the Mount Alton housing estate in Knocklyon, Dublin 16. The single-storey house on the site is one of a pair of semi-detached units, with red-brick and plaster façade and wet-dash gable. The roof is of brown tiles. There is one on-site parking space. There is a narrow, side passage to the north of the house – shared with no. 36. The front and rear gardens have mature planting. There is pedestrian access at the head of the cul-de-sac to a linear open space area associated with housing estates to the north.

## 2.0 Proposed Development

2.1. Permission sought on 21<sup>st</sup> November 2018, for alterations to house as follows-

- Small, single-storey extension to rear of house (16.4m<sup>2</sup>).
- Flat-roofed, first floor extension to rear of house.
- Raising height of roof of existing house.
- New porch to front of house.
- New windows to front of house, at ground and first floor levels.
- New rooflight in front pitch of existing roof.

## 3.0 Planning Authority Decision

By Order dated 24<sup>th</sup> January 2019, SDCC issued a Notification of decision to refuse planning permission for 2 reasons as follows-

1. The proposed development contravenes the South Dublin County Council House Extension Guide (2010) by reason of its overall excessive scale and dominance in the context of the surrounding dwellings as it would create a second storey at the rear facing elevation and would result in overlooking of adjoining residential properties. Thus, the proposed development would seriously injure the amenities of property in the vicinity and would, contravene the zoning objective of the area, which is 'RES' to protect and/or improve

residential amenity and would therefore be contrary to the proper planning and sustainable development of the area.

2. Insufficient details have been submitted in terms of the proposed surface water and drainage systems therefore it has not been demonstrated by the applicant that the proposed development is consistent with the Greater Dublin Regional Code of Practice for Drainage Works.

## 4.0 Planning History

There is no mention made of any recent relevant planning applications pertaining to this site, in the documentation submitted with the appeal.

## 5.0 Policy and Context

### 5.1. Development Plan

The relevant document is the South Dublin County Council Development Plan 2016-2022.

- 5.1.1. The site is zoned 'RES' – 'To protect and/or improve residential amenity'.

- 5.1.2. Section 2.4.1 deals with residential extensions. Housing (H) Policy 18 states-

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

#### H18 Objective 1:

To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

- 5.1.3. Section 11.3.3 in relation to additional accommodation states-

#### (i) Extensions

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

5.1.4. The House Extension Design Guide 2010, state in relation to rear extensions (at p.19)-

- 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

There are no natural heritage designations either within or immediately abutting the site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The appeal from Kotarchitects, agent on behalf of the applicants, James & Sarah Fitzpatrick, received by An Bord Pleanála on 18<sup>th</sup> February 2019, can be summarised in bullet point format as follows-

- The applicants purchased the property in 2016; and have two small children. The house is small (two bedrooms); and needs to be extended. An elderly parent may need to live with them, within the next two years.
- The house needs to be modernised.
- The applicants have consulted with neighbours on either side; and they have no objection to the proposed development.
- Similar-type developments have been permitted in the area: in particular at-
  - 47 Delaford Avenue.
  - 25 Mount Alton.
  - 4 Idrone Park.
  - 12 Idrone Park.
  - 30 Idrone Drive.
  - 32 Idrone Drive.

➤ 28 Idrone Park.

- No. 38 is located at a slightly higher level than neighbouring no. 36 to the north.
- It is acknowledged that the PA considered the proposed modifications to the front of the house to be acceptable.
- The increased roof height to the front of the house is 534mm and not 567mm. Other similar-type first-floor extensions have been permitted in the area.
- The appeal goes into some detail in relation to five similar-type developments in the area.
- The drainage of the house will be on the separate system. A rainwater harvester was proposed – in the interests of sustainable drainage. It would be unusual to provide the amount of detail required by the PA, in a planning application of this nature.
- A precedent has been established for first-floor extensions above the ridge-line of the house – extensions which are not in accordance with the 2010 House Extension Guidelines. Such extensions have not altered the character of the area.
- Having regard to the pattern of development in the area – permission should be granted for this development.

## 6.2. Planning Authority Response

The response of SDCC, received by An Bord Pleanála on 12<sup>th</sup> March 2019, indicated that the PA had no further comment to make.

## 6.3. Observations

None received.

## 7.0 Assessment

The principal issues of this appeal relate to visual appearance of the proposed extensions, the impact on residential amenity, and surface water drainage.

## 7.1. Development Plan

- 7.1.1. The site is zoned 'RES' – 'To protect and/or improve Residential Amenity'. H18 Objective 1 of the Plan states that the PA will- "favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines)". The proposed first floor extension is contrary to the 2010 Guidelines, insofar as the rear extension would create a higher roof level than the existing ridge-line of the main house, and the roofline of this large extension, to the rear of a single-storey bungalow, would be visible from public view to the front or to the side of the house.

## 7.2. Layout & Design

- 7.2.1. The single-storey house on this site forms one of a pair of semi-detached units. There is pitched roof on the house, with full gable end. The houses are relatively small – at 94m<sup>2</sup>. It is proposed to extend the house by a further 87m<sup>2</sup>. This involves a small extension at ground floor level to the rear of the house, and a large extension at first floor level. The roof pitch of the existing house is not high enough to permit of attic accommodation, without the need to raise the ridge-line. The proposed extension (to the rear of the house) is a flat-roofed structure, but one which will appear above the ridge-line of the existing house – when viewed from the road. It is proposed to insert strip windows within the portion which extends above the ridge-line. This design would be seriously detrimental to the residential amenities of the area.
- 7.2.2. The agent for the appellant has indicated a number of houses within the surrounding neighbourhood, where first floor extensions have been created to the rear of houses. In some instances, the extensions do not appear above the ridge-line of the existing roofs. In others, the ridge line has been raised – through setting it back – by adding one or two rows of tiles to the front roof pitch. This appears somewhat incongruous – particularly where all houses are either terraced or semi-detached. Nonetheless, it is acknowledged that houses are small, and that it is reasonable to wish to extend the house without swallowing up a large portion of the private open space to the

rear. The compromise would appear to be a slight increase in the height of the ridge-line of the house – through setting it back by one or two rows of tiles on top of the front pitch. This would allow for a flat-roofed extension to the rear – largely hidden by the raised ridge-line. Whilst this does not accord with the 2010 Guide of SDCC, it seems a reasonable compromise; which would not require almost total rebuild of a house or a combined approach by neighbours where houses are in pairs or small terraces. There are examples of this type of extension within the immediately surrounding area.

- 7.2.3. Like SDCC, I would see no difficulty with the porch extension to the front of the house; the new windows; and the rooflight in the front pitch of the roof. However, granting planning permission for this part of the development would not meet the stated need of the applicants for additional floor space to accommodate the family. Neither would I see any difficulty with the overall floor area of the extension proposed to the rear – at either ground or first-floor level. The difficulty, in visual amenity terms, is the raised roof height above a strip of high level windows. This strip of high level windows faces north. There is more than adequate light available from west-facing windows at proposed first floor level. The first-floor extension, as proposed, would be incompatible with the appearance of this terrace of three houses, and would detract from the visual amenities of the area. The extension, as proposed would not be in accordance with the South Dublin County Council House Extension Design Guide, 2010, and would, therefore, be contrary to H18 Objective 1 of the County Development Plan.
- 7.2.4. I would not consider that it would be possible to redesign the extension by way of condition attached to a grant of permission – notwithstanding the contention of the applicants that neighbours did not object to the proposed development.
- 7.2.5. I would not consider that a first-floor extension, to the rear of an existing single-storey extension would be detrimental to the residential amenities of existing houses in the area, through overlooking. There are two-storey houses within this housing estate. Rear gardens are large and contain mature landscaping. The back-to-back separation distance is more than sufficient to ensure that there will be no significant overlooking of the rear gardens of the houses to the west; or any significant overshadowing of the rear gardens of houses to the north/south of the appeal site.

### 7.3. Other Issues

#### 7.3.1. Development Contribution

As permission was refused, there is no indication of whether a development contribution would be payable. The SDCC Development Contribution Scheme 2016-2020 indicates that the section 48 contribution amount for residential development is €90.42 per sq.m. Section 10 of the Scheme allows for reductions; and provides that the first 40m<sup>2</sup> of an extension will not be levied. In this case the extended floor area above 40m<sup>2</sup> would be liable for payment of a development contribution. If the Board is minded to grant permission for this development, a condition should be attached requiring payment of a development contribution in accordance with the Scheme.

#### 7.3.2. Water & Drainage

It is proposed to connect to existing watermains and drains. Irish Water had no objection to the proposal. The Water Services Department of SDCC had concerns in relation to absence of any details of soakways – required to BRE Digest 365 standards, in accordance with the provisions of the ‘Greater Dublin Regional Code of Practice for Drainage Works’. In the event that the Board is minded to grant permission for this development, a condition should be attached requiring submission of percolation test results to comply with the relevant standards, prior to commencement of development. I note that that the increase in footprint of the house is small – less than 20m<sup>2</sup>. It would be possible for the applicant to extend the footprint of the house by 40m<sup>2</sup>, without the need to obtain planning permission.

#### 7.3.3. Appropriate Assessment

Having regard to limited nature of the proposed development, and to the fact that it will be connected to the public sewer network, 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 an European site.

#### 7.3.4. Environmental Impact Assessment

Having regard to the nature and scale of the proposed development and the nature of the receiving environment, 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 stage, and a screening determination is not required.

## **8.0 Recommendation**

I recommend that permission be refused for the Reasons and Considerations set out below.

## **9.0 Reasons and Considerations**

1. The proposed first-floor extension, when viewed from the public road, would contravene the South Dublin County Council House Extension Design Guide (2010), and consequently, H18 Objective 1 of the relevant County Development Plan; which refers to the necessity, in relation to residential extensions, to protect residential and visual amenities of the area. The proposed development would seriously injure the amenities of property in the vicinity.
2. The proposed development would be prejudicial to public health, in the absence of any evidence to indicate the suitability of the soil on site to facilitate soakway(s) for disposal of surface water, in accordance with the Greater Dublin Regional Code of Practice for Drainage Works.

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**Michael Dillon,**  
**Planning Inspectorate.**

**13<sup>th</sup> May 2019.**