



An
Bord
Pleanála

Inspector's Report ABP-303776-19

Development	House Extension
Location	21 Gledswood Avenue, Clonskeagh, Dublin 14.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/1150
Applicant(s)	Qiang & Yue Chen Su
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	First & Third Party
Appellant(s)	1) Qiang & Yue Chen Su 2) Joan Williams
Observer(s)	n/a
Date of Site Inspection	24 th May 2019
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal with a stated area of 0.0471 ha comprises a 2 storey dwelling with a side garage that is located on the northern side of Gledswood Avenue in the residential suburb of Clonskeagh. The area is characterised by housing of similar scale and character.
- 1.2. 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. Please note that access to either the appeal site or the appellant's site was not possible on day of site inspection.

2.0 Proposed Development

- 2.1. Permission is sought for the renovation and extension of the existing two storey dwelling house to include:
 - 1) The conversion of a first floor side garage and store to habitable space
 - 2) Construction of a first floor pitched and hipped roof side extension, single storey flat roofed rear extension, single storey pitched roof front extension
 - 3) Internal alterations and window replacement throughout and 2 new roof lights to attic space at the rear
 - 4) Widening of the existing driveway entrance to 3.5m approx. and
 - 5) All associated site works
- 2.2. The existing house is served by a combined foul / surface water system. Works proposed include the new connections the public sewer on Gledswood Avenue, and the provision of a soak pit and rain water butts.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. DLRCC issued a notification of decision to grant permission subject to 15 no standard conditions. Conditions of note including Condition No 2 (the subject of the first party appeal) states as follows:

2) The overall depth of the proposed single storey extension to the rear shall be reduced by a minimum of 1.5m. Revised drawings shall be submitted to and agreed in writing by the Planning Authority prior to commencement of development.

Reason: In order to protect the residential amenity of the adjoining properties.

9) The Applicants shall ensure that the width of the proposed new / relocated vehicular entrances shall be a maximum of 3.5m.

Reason: To comply with Section 8.2.4.9 of the 2016 – 2022 County Development Plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Case Planner** having considered the scheme recommended that permission be granted subject to 15 no conditions. The notification of decision to grant permission issued by DLRCC reflects this recommendation.

3.2.2. Other Technical Reports

- **Drainage Planning** – No stated objection subject to conditions relating to surface water discharge and surface water.
- **Transportation** – No stated objection subject to conditions relating to the width of the vehicular entrance (max. 3.5m), dishing of footpath and grass verge, SuDS and construction works.

3.3. Prescribed Bodies

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

3.4. Third Party Observations

3.4.1. No third party observations to DLRCC have been made available with the appeal file. However I note from the Case Planners report that there was one observation received. The following is an extract from the Case Planners report:

- Concern that the existing house is for multi occupancy. Request that a condition be attached that the dwelling house is used as a single dwelling unit.
- Request a condition be attached, should a grant of permission be issued, for a construction management plan to be submitted and construction working hours to be limited to the hours of 0800 to 1900 Mondays to Fridays inclusive and between 0800 to 1400 hours on Saturdays.
- Development is incorrectly described in the public notices. It is not intended to convert the garage into habitable space but it is intended to demolish the garage in its entirety
- Serious injury to the residential amenity of No 23 due to its size, scale, build and proximity of proposed rear extension. Proposal would have an overbearing impact on adjoining property.
- Overshadowing of adjoining properties. No daylight or shadow analysis submitted. Proposal would overshadow the closest amenity space to the rear elevation of No 23 particularly in the morning period.
- Proposed first floor extension should be centred so it does not abut the boundary of No 23 and provides an appropriate set back
- Precedent does not exist to build so close to the gable end. There should be a requirement for a passageway
- Close proximity to the two storey side extension which is in contrast to the established pattern of development in the area.

3.5. **NOTE:** The Board may wish to seek the submission of this observation prior to deciding this case.

4.0 Planning History

- 4.1. There is no evidence of any previous planning application or appeal at this site. However there was an appeal across the road that may be summarised as follows:

PL06D.249124 (Reg Ref D17A/0535) – DLRCC issued a notification of decision to grant permission for the construction of a two storey rear extension subject to 7 no conditions. Condition No 3 specified that the first floor element of the proposal be omitted. This condition was appealed by the first party. The Board amended the condition so that the proposed development would be in accordance with Option 2 of the modified drawings which indicate the first floor rear extension with a depth of 3.95 metres and a pitched roof, as lodged with the appeal on the 25th day of August, 2017.

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.

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 rear residential extension 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. First Party Grounds of Appeal

6.1.1. The first party appeal has been prepared and submitted by Elizabeth O'Loughlin on behalf of the applicants Qiang & Yue Chen Su against Condition No 2 only. The appeal may be summarised as follows:

- Prior to this application no development on this site projected into the rear garden from the original development. The dwellings either side have been extended to the rear; photos and maps attached.
- The proposed single storey extension measures 6.35m and is generally in keeping with the line of the existing rear extensions in this area. The proposed first floor extension only extends 2.15m beyond the existing building line.
- The planning application was granted by DLRCC and no objections nor observations were made by the adjoining neighbours.
- The proposed modern plan open kitchen measures 6.0m x 8.2m and is in keeping with the scale of development. The rear garden is very generous and extends 21.39m beyond the 6.35m extension as per neighbouring gardens. The extension is flat roofed and single storey measuring 3.1m from finished floor level, it is not overlooking any of the neighbouring dwelling houses. The existing rear boundary fences are quite low at present and are proposed to be increased to 1.8m on all sides. This will add to the privacy of the occupants of all the adjoining neighbouring dwellings involved.

6.2. Third Party Grounds of Appeal

6.2.1. The third party appeal has been prepared and submitted by David Mulcahy Planning Consultants Ltd on behalf of the appellant Joan Williams, Santry Hill, Blessington, Co Wicklow and owner of the adjoining property at No 23 Gledswood Avenue.

- The issues raised in the submission to DLCC did not receive the attention they deserve.

- While the decision to reduce the ground floor rear extension by 1.5m is welcomed it does not go far enough to protect the established residential amenity of the appellants dwelling. Submitted that a setback of 1.0m off the boundary should also be included as part of this condition. Alternatively a 2.0m minimum reduction may be more appropriate.
- Procedural – The proposed development is not accurately described in the public notices and is therefore misleading. The applicant should be seeking the demolition of the existing garage and provision of a new two storey extension.
- Impact on Residential Amenity – The development involves almost a doubling of the existing floor area. There is potential for material adverse negative impact arising from overbearing impact and overshadowing and the fact that the extension is located on the boundary will give rise to an overbearing impact on No 23 and have a material impact on the residential amenity of the occupants.
- It is submitted that owing to the orientation of the extension relative to No 23 along with its significant size, scale and proximity that it will give rise to material overshadowing impact of the closest amenity space to the rear elevation of No 23 particularly in the morning. No daylight or shadow analysis has been submitted.
- It is the appellant's intention to convert the existing ground floor utility room to habitable space in the near future and the proposed development would compromise this future development potential.
- While there are other examples of dwellings in Gledswood Avenue with first floor extensions extending to the boundary in the same manner as No 23 there are no situations where the adjoining dwelling is allowed to build so close to the gable end as is being proposed. In the case of No 23 this extension was carried out in the 1970s when planning requirements were very different.
- Multiple Occupancy – Concern with regards to the intentions for the proposed development as at the house is rented and it is estimated that up to 10 people have been staying there at any one time. Reference is also made to a "serious incident involving carbon monoxide" in November 2018 whereby the owners of

No 21 were very slow to address. Requested that a condition be attached stating that the house shall not be used as a hostel or for multiple occupancy.

- **Construction Management Plan** – In the event of a grant of permission requested that a condition be attached stating that a Construction Management Plan shall be submitted and agreed in writing.

6.3. **First Party Response**

6.4. Qiang & Yue Chen Su

- **Usage of Property** – No 21 will be used purely for the purpose of a family home rather than commercial / hostel or renting units. Childs name down for a few local schools. Does not make sense to rent as the renovation and modernisation will cost at least €250,000. Sale of the property officially closed on 1st September 2018. The property was used by students (including applicant's nephew) until 12th January 2019. The property has been vacant since.
- **Miscommunication of 16th November** – The matter of CO2 and carbon monoxide emission was addressed within 2 hours by the applicants Engineer. It was an issue relating to the pressure in the boiler. The Fire Brigade visited three times on the day. On the last visit the applicant was given the number of the renting agent representing No 23.
- **Impact on Adjoining Properties** – The proposed ground floor extension extends beyond the building line by 6.35m. It is noted that the houses on both sides of the appeal property (No 19 and No 23) have partly extended out by approximately 6m. The applicant is now suggesting a reduction in the depth of the w.c./utility room by 1.5m and a total width of 1.8m from the adjoining boundary with No 23. Amended drawings attached. The idea of a passage way to the side of the property is good in theory but due to the restricted width of the existing garage, this would reduce the width of the proposed music room to approximately 2.4m (large corridor). The garage is existing and has always been connected to No 23 Gledswood Avenue since the original construction.

6.5. Third Party Response

6.6. David Mulcahy Consultants Ltd on behalf of Joan Williams

- The overbearing nature of the extension on neighbouring dwellings has not been addressed
- The Council acted correctly in reducing the depth of the proposed extension by 1.5m.
- Reference to an increase of the rear boundary fences to 1.8m does not form part of the appeal

6.7. Planning Authority Response

- 6.7.1. 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.*

6.8. Observations

- 6.8.1. There are no observations recorded on the appeal file.

6.9. Further Responses

6.9.1. David Mulcahy Consultants Ltd on behalf of Joan Williams

- Appellant does not oppose development on the site but it must not impact on her residential amenity
- This is the first time the appellant has heard about the future usage for No 21 Gledswood Avenue.
- With regards to the dangerous leak of carbon monoxide at the site this was highlighted to show concern about the standard of any future development at the appeal site based on experience to date.
- The appellant does not consider the suggested alterations proposed by the applicant to be acceptable.

6.9.2. Planning Authority

- No additional comments.

7.0 Assessment

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Condition No 2
- Entrance
- Other Issues

8.0 Principle

8.1. Under the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022 the site is wholly contained within an area zoned Objective A where the objective *is to protect and / or improve residential amenity* and 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 development of a rear extension is acceptable at this location subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

8.2. With regard to the visual impact of the proposed extension I am generally satisfied that the scale and design of the extension does not overwhelm or dominate the original form or appearance of the parent building. Further I do not consider that this element of the scheme will have a significant negative impact on the parent building, established character or visual amenities of the area or the overall streetscape.

9.0 Condition No 2

9.1. The applicant has appealed Condition No 2 only. This condition requires that the overall depth of the proposed single storey extension to the rear be reduced by a minimum of 1.5m.

9.2. Conversely the third party appeal is not satisfied that this condition goes far enough and requests that the rear single storey extension is setback 1m off the shared

boundary or alternately that a minimum 2m reduction would be more appropriate in the interest of protecting the residential amenities of adjoining properties.

- 9.3. It is noted that in response to the third party appeal the applicant submitted amended drawings on the 5th April 2019 reducing the depth of the w.c./utility room by 1.5m and the total width of 1.8m from the adjoining boundary with No 23.
- 9.4. As set out previously this is a proposal for a new residential extension where such a development is considered a permissible use at this location and where it is reasonable to expect that developments of this kind would normally be located. The scheme is not therefore considered to be a bad neighbour in this context. I am generally satisfied, having regard to the amendments to the proposed scheme will not result any significant loss of amenity to adjoining properties. I am satisfied that the scale, design and layout of the scheme (as amended) will contribute to the formation of a development that is appropriate to its context.
- 9.5. With regards to loss of day light and overshadowing, good site planning should ensure that there is a sufficient area of sky visible to adjoining residents and that there is no significant loss of daylight or overshadowing. I am generally satisfied that the scheme as mended respects the amenities of the neighbouring properties in that it will not result in any significant undue overshadowing or significantly diminish existing day lighting standards to the adjoining properties.
- 9.6. The design, scale, form and positioning of the proposed extension as amended strikes a reasonable balance between the protection of the amenities and privacy of the adjoining dwellings and ensures, that it will not result in any significant over shadowing of adjoining properties or any unreasonable loss of natural light or overlooking to neighbouring houses. It is recommended that permission be granted as per the amended plans and that Condition No 2 is omitted.

10.0 Entrance

- 10.1. The scheme also proposes widening of the existing driveway entrance from 2.4m to 3.5m approx. This increase 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.

11.0 Other Issues

- 11.1. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development comprising a rear residential extension 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.
- 11.2. **Development Contributions** – 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. The proposed development does not fall under the exemptions listed in the scheme and it is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.
- 11.3. **Public Notices** - I note the concerns raised by the third party in relation to the description of the proposed scheme in the public notices. It is not for An Bord Pleanála in this instance to determine whether the application was in breach of the Planning and Development Regulations 2001.
- 11.4. **Information** - Together with my site visit I am satisfied that there is adequate information available on the appeal file to consider the issues raised in the appeal and to determine this application.
- 11.5. **Multi Occupancy** – I note the concerns raised by the third party in relation to the use of this dwelling for “multi occupancy”. In this regard I refer to the applicant’s response to the third party appeal together with the plans and proposals for this residential extension. I am satisfied on the basis of this information that this development is for the applicant and his family’s own use only. Accordingly should the Board be minded to grant permission it is considered that the standard condition requiring compliance with all plans and particular submitted would suffice in this regard.

12.0 Recommendation

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

13.0 Reasons and Considerations

13.1. 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 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.

14.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 5th day of April, 2019, 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>a) The width of the proposed new / relocated vehicular entrances shall be a maximum of 3.5m.</p> <p>b) The proposed vehicular gates shall open inwards only</p>

	<p>c) The footpath in front of the proposed vehicular entrance shall be dished and strengthened at the Developers own expense to the satisfaction of the appropriate utility company and Planning Authority.</p> <p>Reason: In the interest of public safety.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes and boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>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.</p> <p>Reason: In the interest of public health</p>
5.	<p>The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 to 1400 hours 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.</p> <p>Reason: In order to safeguard the residential amenities of adjoining property in the vicinity</p>
6.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity</p>
7.	<p>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</p>

	<p>Department of the Environment, Heritage and Local Government in July 2006.</p> <p>Reason: In the interest of sustainable waste management.</p>
8.	<p>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.</p> <p>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</p>

Mary Crowley

Senior Planning Inspector

24th May 2019