



An  
Bord  
Pleanála

## Inspector's Report ABP-303864-19

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<b>Development</b>	First floor extension to rear; 4 new roof windows and all associated site works.
<b>Location</b>	13, Weir View, Protected Structure, Lucan, Co. Dublin
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD18B/0499
<b>Applicant(s)</b>	Patrick O'Leary.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Thomas Kelly
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	22/05/2019
<b>Inspector</b>	Caryn Coogan

## 1.0 Site Location and Description

- 1.1. 13 Weir View is a mid-terrace dwelling in Lucan located on the banks of the R. Liffey. The site area is 0.007704Ha.
- 1.2. It is Protected Structure No. 0022 in the current development plan for the area.

## 2.0 Proposed Development

- 2.1. The proposed development involves alterations to the ground floor of the dwelling house, and the provision of a first-floor rear extension to accommodate a kitchen. The proposed extension will consist of 4No. roof lights. The existing kitchen on the ground floor will be converted to a bedroom. There are no alterations to the front of the building.
- 2.2. The existing house is 56 sq.m. and the floor area of proposed works is 30sq.m.

## 3.0 Planning Authority Decision

### 3.1. Decision

South County Dublin granted planning permission for the proposed extension subject to a number of conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Report

- The site is located within an area zoned RES, and the proposals is acceptable in principle.
- The proposed extension is 31sq.m. with a pitched roof, 4No. roof lights and one window to the rear.
- The extension is not visible form the front and will not impact on Architectural Conservation Area.
- The extension is in character with existing dwelling, and is consistent with the Council's House Extension Design Guide.

- Issues relating to ownerships and consents are a civil matter.

### 3.2.2. Other Technical Reports

Architectural Conservation Officer:

- The proposed extension is simple in design and form and is acceptable.
- Irish Water: No objections
- Drainage: Additional information required regarding surface water layout.

### 3.3. Prescribed Bodies

An Taisce: No objections

### 3.4. Third Party Observations

Neighbouring property:

- Is retention of existing unauthorised extension been sought
- Inaccurate drawings
- Does not give consent to works
- Block light into side window
- Overlooking
- Private open space

## 4.0 Planning History

There is a list of planning histories for two storey extensions to the rear of houses within the Weirview terrace.

SD16B/0070: No. 10, permission for rear two storey extension

SD06B/0075: No. 9 permission for two storey extension

SD08DB/0616 No. 8 Retention of existing 2 storey rear extension granted.

## 5.0 Policy and Context

### 5.1. Development Plan

The subject site is zoned *RES- To protect and or improve Residential Amenity*.

Protected Structure No. 0022.

#### **Section 2.4.1 Extensions to Dwelling Houses**

It is the policy of the Council to support the extension of existing dwelling houses in principle subject to safeguards contained within this plan and within the House extension design Guide documents contained in appendix 5.

#### **Policy H18 Extensions to Dwellings**

Domestic extensions are an effective way for homeowners to provide extra space without having to move house when their accommodation needs change. A well designed extension can personalise and enhance the appearance of the house. Proposals for domestic extensions should have regard to House Extension Design Guide documents contained as Appendix 5 and safeguards set out in the plan include the following:

- Contemporary design is promoted with a building language that is varied and forward looking rather than repetitive and retrospective;
- The house and the extension should be used as a single dwelling unit
- In all instances the design and scale of domestic extensions should have regard to adjoining properties;
- The extension should integrate fully with the existing building. External finishes should harmonise in colour, texture and materials with existing building;
- In general dormer extensions should not be such as to obscure the main features of the existing roof i.e. should not break the ridge or eaves line of there off.

In all cases a minimum private rear garden area must be retained.

## 5.2. Natural Heritage Designations

The Rye Water Valley/Carton SAC (Site Code 001398) is c.3.2km to the west.

## 5.3. EIA Screening

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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

Mr. Thomas Kelly of 12 and 14 Weirview has lodged this third-party appeal. The following is a summary of the relevant planning grounds of appeal.

- The side wall of property No. 13 and chimney are entirely on the appellants side of the party wall. There is approximately a 6inch gap between the chimney stack and the party wall, and approximately 20inches between the side wall and the party wall.
- The party wall has been used by the applicant as part of the existing single storey extension which was built without the benefit of planning permission and without the consent of the joint owner.
- The existing single storey structure does not conform to building standards
- The proposals to raise the height of the substandard structure by another floor is unsafe.
- The side window in his property would be totally obscured
- There was no site visit to the appellants property by the planning authority.
- The proposed roof is not in harmony with neighbouring flat roofed extensions

- There is planning permission for the side window of No. 14, and this issue has been ignored by the planning authority.

The granting of the permission on a flawed application gives legitimacy to a non-compliant structure.

## 6.2. Applicant Response

The applicant responded to the appeal:

- The ground floor extension was built prior to 1963, and was in situ when the applicant bought the property in 1991.
- The appellant, Mr. Kelly signed an affidavit allowing the applicant to construct and extension against the wall and would not object to any planning application.
- The window at No. 14 was constructed knowing the light would not be the same once a first floor extension was constructed at No. 13, and Mr. Kelly gave permission to same in his affidavit.
- The extent of the extension has the same building line as No. 14.
- The drainage from roof will be into box gutters
- There are no new foundations
- The private open space to the rear of the property has always been 2.2sq.m., there has never been a rear garden. The proposal does not impact on open space area.

The response includes photographs of the rear of No. 13 and the relationship of the ground floor extension to No. 12 and 14.

## 6.3. Planning Authority Response

There was no further comment to the appeal submission from the planning authority.

## 7.0 Assessment

7.1 Having regard to relevant planning policies, having inspected the site and immediate environs, and following examination and consideration of all the submissions and documentation on the file, I consider that the substantive planning issues pertaining to this assessment can be encapsulated under the following headings:

- Consistency with Development Plan policy.
- Impact on residential amenity
- Appropriate Assessment

### 7.2 Consistency with the Development Plan policy.

7.2.1 Chapter 2 of the South Dublin County Development Plan deals with housing and specifically makes reference to the South Dublin County Council House Extension Design Guide (2010) which provides advice on how to achieve a well-designed extension. It is policy of the Council (Housing H Policy 18) to 'support the extension of existing dwellings subject to the protection of residential and visual amenities'. The site is located within an area zoned **RES** – *to protect and improve residential amenities*, and the principle of the proposal is acceptable under the current zoning objective.

7.2.2 In principle, it is considered that the proposed design is acceptable and generally accords with the principles of the design guidelines set out in the development plan, by generally respecting the appearance and character of the house, which is a *Protected Structure*. The proposed extension is modest (30sq.m.) and is to the rear of the dwelling (56sq.m). The small first floor extension and modifications to the ground floor will allow for better living accommodation within a very small terraced dwelling. In my opinion, the new room (kitchen area) at first floor level will greatly enhance the residential amenities associated with the dwelling. As there are no alterations to the front elevation of the dwelling proposed, the proposal will not impact on the Architectural Conservation Area.

7.2.3 The Board should note the subject dwelling, No. 13, is a Protected Structure. It forms part of a unique terrace located alongside a weir in Lucan village, on the River Liffey,

and backs onto the very high embankment to the rear. The terraced houses have very limited space to extend their properties to the rear, and are small town houses by modern day living standards. The property at No. 13 has a ground floor extension, and the proposal is to erect a new first floor extension onto the existing footprint of the ground floor extension. The ground floor extension existed pre-purchase of the property in 1991, and there is no evidence to suggest the ground floor rear extension is an unauthorised structure, as stated on appeal. The third-party appellant has not submitted supporting documentation to support the allegation that the existing ground floor extension is unauthorised.

The planning histories for the entire terrace reveal a multitude of two extensions to the rear of the dwellings that have been granted planning permission. I am satisfied that the proposal is not such that would detract from the amenities of the area or be contrary to the provision of the design guideline principles set out in the development plan.

### **7.3 Impact on adjoining residential amenities**

7.3.1 The rear of the existing dwelling is north facing. The position of the first-floor windows of the adjoining properties to the proposed extension is noted. The proposed rear building line of the extension will match adjoining rear building lines. I do not foresee any negative impacts to the adjoining properties in terms of undue overlooking or loss of light. The side window on No. 14 is located under a staircase and does not serve as a main window within the rooms of the dwelling.

7.3.2 The third party appellant has expressed concerns regarding inadequate foundations, this issue is unsubstantiated, and I consider it to be a civil matter.

7.3.3 With regard to overlooking, I do not consider that the proposal gives rise to overlooking onto adjoining properties. The subject site is two storey mid terraced dwelling, and a certain level of overlooking is normal. The appellant is concerned about the loss of privacy from his roof gardens via the proposed roof lights and advises opaque glass be inserted. I believe this is a matter for the applicant and given the angle of the pitched roof and associated windows, the alleged loss of privacy may not occur.

7.3.4 The small amount of existing private open space, 2.2sq.m. to the rear of the premises will be unaffected by the proposed development.



## 7.4 **Appropriate Assessment**

Having regard to nature and scale of the proposed development on serviced lands, the nature of the receiving environment and proximity to the nearest European site it is reasonable to conclude that no Appropriate Assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site in view of the sites' conservation objectives.

## 8.0 **Recommendation**

I recommend that permission is granted for the proposed development for the following reasons and considerations and subject to the conditions set out hereunder.

## 9.0 **Reasons and Considerations**

Having regard to the scale and proportions of the proposed extension relative to the existing dwelling on site, the area of the site and the established character and pattern of development in the vicinity of the site, it is considered that the proposed extension would not seriously injure the amenities of the neighbouring dwellings by reason of overshadowing or overlooking or the visual amenities of the area, and will be in keeping with the proper planning and sustainable development of the area..

### **CONDITIONS**

1. 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.

**Reason:** In the interest of clarity.

2. Prior to the commencement of the development the applicant shall submit to and agree in writing a safety statement detailing how the protected structure and adjoining protected structures will be safeguarded during the proposed construction works.

**Reason:** To ensure proper architectural conservation

3. 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.

**Reason:** In the interest of public health and to ensure a proper standard of development.

4. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay rubble or other debris on to adjoining roads and adjoining properties during the course of the works.

**Reason:** In the interest of residential amenity.

5. 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 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.

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Caryn Coogan  
Planning Inspector

23/05/2019