



An  
Bord  
Pleanála

## Inspector's Report

### ABP-304180-19

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| <b>Development</b>                  | Part single, part two storey attached rear extension; extended front driveway entrance; accessible ramp providing access to new replaced front door; internal alterations and all ancillary works. |
| <b>Location</b>                     | No. 40, Westpark, Tallaght Dublin 24   |
| <b>Planning Authority</b>           | South Dublin County Council  |
| <b>Planning Authority Reg. Ref.</b> | SD18B0438  |
| <b>Applicant(s)</b>                 | Sean Balfe   |
| <b>Type of Application</b>          | Permission   |
| <b>Planning Authority Decision</b>  | Grant Permission   |
| <b>Type of Appeal</b>               | Third Party  |
| <b>Appellant(s)</b>                 | Iris and Valentine Dunne   |
| <b>Date of Site Inspection</b>      | 15th August, 2019  |
| <b>Inspector</b>                    | Stephen Kay  |

## 1.0 Site Location and Description

- 1.1. The appeal site is located in Tallaght village a short distance to the east of the square shopping centre. The site is located within an established development of two storey semi detached and terraced houses that are accessed via the Old Bawn Road to the east.
- 1.2. The existing dwelling on the appeal site comprises one of a pair of semi detached two storey three bedroom dwellings and has a stated floor area of 93 sq. metres. The house is accessed via a cul de sac road and fronts onto a green / open space area.
- 1.3. The existing dwelling on the appeal site has not been extended from its original layout. The adjoining dwelling to the south at No.39 has been extended to the rear on the site of the site closest to the appeal site with a single storey lean to rear extension.
- 1.4. The depth of the existing rear garden on the site is approximately 12 metres. The stated site area is 0.0208 ha. (208 sq. metres).

## 2.0 Proposed Development

- 2.1. The proposed development comprises the extension of the existing dwelling to the rear at ground and first floor levels. The rear extension at ground floor level has a depth of c.5.8 metres and at first floor level the depth of extension proposed is approximately 3.5 metres. At both ground and first floor levels the extensions are proposed to come within c.850mm of the northern boundary wall and on the southern side, to adjoining the existing boundary wall.
- 2.2. The first floor extension is proposed to have a hipped roof and a parapet wall is proposed on the southern side of the roof. The first floor extension is proposed to have the same eaves height as the existing house and the height of the proposed ground floor extension is c.2.95 metres above existing ground level.
- 2.3. Internal alterations are proposed including the provision of a lift and the re organisation of the layout to make it more accessible for a person with mobility issues. The information submitted with the application indicates that the accessibility / medical circumstances of the applicant are the justification for the development.

- 2.4. To the front of the house, an extended width of vehicular access is proposed with an opening measuring 4.785 metres. Ramped access from the parking area to the front of the house to the front door is proposed and the front door is proposed to be increased in width.
- 2.5. The stated floor area of the proposed additional accommodation is 32.2 sq. metres at ground floor level and 18.7 sq. metres at first floor level.

### **3.0 Planning Authority Decision**

#### **3.1. Further Information**

Prior to the issuing of a Notification of Decision, the Planning Authority requested further information on the following issues:

- Request for revisions to the two storey element of the rear extension to comply with development plan guidance.
- Submission of revised drainage layout that meets Irish Water standards. Surface water drainage layout and details of attenuation to be submitted.
- Revised proposals to limit the width of the entrance to 3.5 metres.

In response, the following is a summary of the most significant information and revisions to the design submitted:

- A step in from the boundary of 2 metres at first floor level on the northern boundary. The further information submitted shows a comparison between the shadow impacts of the existing layout and the proposed development.
- A revised foul and surface water layout and drawings were submitted.
- A revised layout indicating a vehicular access of 3.5 metres was submitted.

### 3.2. Decision

The Planning Authority issued a Notification of Decision to Grant Permission subject to 6 no. conditions, the most notable of which are considered to be as follows:

- Condition No. 2 requires that the design of the rear extension be amended such that the first floor element shall be set back 1.5 metres from the boundaries with the properties to the north and south.

### 3.3. Planning Authority Reports

#### 3.3.1. Planning Reports

The initial report of the Planning Officer notes the scale of the extension and submissions received. Some concerns regarding the design, scale and impact on residential amenities arising from the development are set out, particularly on the dwelling to the south. Further information is recommended. Report subsequent to further information states that some further set back of the first floor extension from southern boundary is required. Grant of permission consistent with the notification of decision which issued is recommended.

#### 3.3.2. Other Technical Reports

Roads Department – No objection subject to conditions.

Water Services – additional information required regarding surface water attenuation and surface water drainage layout.

### 3.4. Prescribed Bodies

Irish Water – Report stating that further information regarding foul drainage is required including foul drainage layout and compliance with IW standards.

### 3.5. Third Party Observations

Two third party submissions made to the Planning Authority that raised the following issues:

- Reduction in daylight and overshadowing of surrounding properties.
- Impact on views from adjoining properties,
- Proximity to site boundaries,
- Building over the sewer.
- No.42 already extended and proposed works at No.40 would create a tunnel effect on No.41 contrary to plan.
- Overbearing visual impact.

### 4.0 Planning History

There is no recent planning history on the appeal site.

### 5.0 Policy Context

#### 5.1. Development Plan

The site is located in an area that is zoned Objective RES, '*to protect and / or improve residential amenity*', under the provisions of the South Dublin County Development Plan, 2016-2022. The site is partially located within the identified zone of archaeological potential centred on Tallaght Village.

Section 2.4.1 and Policy H18 of the Plan relate to domestic extensions and includes Policy H18 Objective 2 which states that it is an objective of the council to favourably consider proposals to extend existing dwellings subject to the protection of visual and residential amenities and compliance with the standards set out in Chapter 11.

## 5.2. **Natural Heritage Designations**

The site is not located within or close to any European sites.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The following is a summary of the main issues raised in the third party grounds of appeal submitted by the residents of No.41 West Park:

- That the scale of the extension is excessive and will impact negatively on No.41 by virtue of overbearing visual impact, shadowing and loss of daylight.
- That the sewers in the area run along the back of the houses and there have been regular blockages. The proposed building over this sewer will create additional problems.
- That surface water drainage is proposed to a soakway in the back garden. This is located excessively close to the property boundary. No soil infiltration results were presented with the application and the back garden is not of sufficient size to cater for this drainage.
- That the existing neighbours in No.42 already have a rear extension and the proposed development will result in the creation of a tunnel effect for No.41. This is contrary to the councils guidelines regarding extensions.

### 6.2. **Applicant Response**

None received.

### 6.3. **Planning Authority Response**

Submission stating that the Planning Authority confirms its decision and that the issues raised in the appeal have been addressed in the report of the Planning Officer.

## 7.0 Assessment

7.1. The following are considered to be the main issues in the assessment of this appeal:

- Principle of development / zoning,
- Impact on residential amenity,
- Design,
- Other issues,
- Appropriate assessment

### 7.2. Principle of Development / Zoning,

7.2.1. The appeal site is located on lands that are zoned Objective RES under the South Dublin County Development Plan, 2016-2022 with the objective '*to protect and / or improve residential amenity*'. The site is also located within an established residential area where there are a number of surrounding dwellings which have been the subject of extensions. Subject to the proposal being acceptable in terms of the impact on residential and visual amenity it is considered that the principle of a two storey rear extension is acceptable.

### 7.3. Impact on Residential Amenity,

7.3.1. The main concerns regarding residential amenity raised by the residents of the adjoining house to the north (No.41 Westpark) relate to the impact of the proposed extension on light and the visual intrusion that would result from the rear extension. The fact that the dwelling to the north of the appellants property at No.42 has previously been extended is noted, with the resulting potential for the creation of a tunnel effect as is the lack of a detailed shadow projection assessment.

7.3.2. On foot of the request for further information request issued by the Planning Authority the scale of the rear extension was reduced such that the depth at ground floor is reduced from the originally proposed 5.8 metres to 4.4 metres. At first floor level the depth is reduced from the originally proposed 3.5 metres to 3.16 metres and the first floor element is proposed to be narrowed such that the separation to the

boundary with the property to the north is increased from 0.8 metre to 2.05 metres. This reduced scale of extension is considered appropriate in principle and formed the basis of the Notification of Decision to Grant Permission issued by the Planning Authority. It is considered appropriate that this revised design is used as the basis for the detailed assessment of the proposed development.

7.3.3. The request for further information issued by the Planning Authority noted concerns regarding the scale of the first floor element of the proposed extension and specifically recommended a 'step in' of approximately 3 metres at first floor level at the boundary with the adjoining house to the south (No.39). The response of the applicant to the further information request set out why this was not considered appropriate, and shadow project diagrams were produced to indicate that the specified separation to the property to the south would not result in any material improvement in the shadowing impact on the adjoining properties at Nos. 39 and 41 Westpark. Given the orientation of the appeal site and the adjoining properties I would agree that the proposed set back of 3 metres from the southern site boundary is not necessary or appropriate.

7.3.4. Condition No.2 attached to the Notification of Decision to Grant Permission requires a set back of 1.5 metres between the first floor element of the proposed extension and the common boundaries with the properties to the north (No.41) and south (No.39). In the case of the relationship with the property to the south, the proposed layout as per the further information response indicates the first floor extension as adjoining the shared boundary. Given the location of this adjoining property (No.39) to the south of the appeal site I do not consider that the proposed extension will have any material impact on the availability of light to this property. Regard must also be had to the presence of an existing single storey rear extension to No.39 which adjoins the boundary with the appeal site. The presence of this rear extension significantly mitigates the potential for the proposed two storey extension to negatively impact on No.39 in terms of overshadowing or visual intrusion. Notwithstanding the presence of this rear extension to No.39, it is my opinion that some set back between the first floor extension and the boundary with No.39 is appropriate to mitigate the visual impact of the development when viewed from the rear garden of No.39 and from the upstairs bedroom window in the same property. A set back of 0.8 metres is considered appropriate in this regard.



- 7.3.5. By virtue of the wording of condition No.2 attached to the Notification of Decision to Grant Permission issued by the Planning Authority, the set back between the first floor extension and the boundary with the appellants property at No.41 has been reduced from the c.2.05 metres proposed in the further information response to 1.5 metres. Given the position of the appeal site south of the appellant's property, I do not consider that the first floor element would be likely to have a significant negative impact on the availability of light to the rear garden of No.41. A significant set back between the first floor element and the boundary with No.41 is, however, in my opinion, necessary and appropriate to mitigate the potential overbearing visual impact on the rear garden of the appellant's property which has not been extended. A set back of 2.0 metres is considered appropriate in this regard. The effect of the proposed set backs to the properties on either side would be a further reduction in the width of the new bedroom to c.3.85 metres, which is not considered to be such as to compromise the proposed accessible design.
- 7.3.6. The comments of the third party appellants regarding the impact of the proposed development in combination with existing development at No.42 Westpark, and specifically the potential creation of a tunnel effect contrary to the councils Hose Extension Design Guide (page 12) are noted. While the extension to the rear of No.42 is single rather than two storey, the presence of this extension is, in my opinion, further justification for a set back between the first storey element of the proposed extension and the appellant's property at No.41.
- 7.3.7. The extension as submitted in response to the further information request does not have any windows in the side elevations and the separation between the proposed windows in the rear (east facing) elevation at first floor level and the existing two storey houses to the east are in excess of 20 metres and such that no significant overlooking issues would arise.

#### 7.4. **Design**

- 7.4.1. The basic design of the proposed extension in terms of its form and materials is considered to be acceptable and in keeping with the existing houses. A pitched roof profile hipped into the existing main roofslope is proposed and a render finish to the first floor extension is proposed to match the existing finish.

## **7.5. Other Issues,**

- 7.5.1. As part of the original proposal, the vehicular entrance was proposed to be widened to 4.8 metres. As part of the request for further information it was requested that this width be reduced to 3.5 metres and this was indicated on the revised Site Layout Plan submitted (Drg. No. WP-3-P-002). The reduced width proposed is considered to be acceptable as are the revisions to the front garden layout including the landscaping and provision of ramped access to the front door.
- 7.5.2. As part of the further information request the applicant was requested to submit additional drainage details including details of surface water connections and attenuation on site. The fact that the proposed extension would be over an existing sewer line serving a number of houses is noted. The foul drainage details submitted are considered to be acceptable in principle and Irish Water have stated that there is no objection to the proposed development subject to compliance with the Building Regulations and Irish Water Standard Details. In the event of a grant of permission it is considered appropriate that the details of the foul drainage system would be in accordance with Irish Water Standard details.
- 7.5.3. Regarding surface water, the request for further information specifies that the surface water drainage network up to the point of discharge the public surface water sewer be submitted along with proposals for attenuation of surface water on site. The response does not provide details of the surface water drainage network and it is stated that disposal of surface water to soakpits is proposed. It is not clear whether this is acceptable to the Water Services Section of the council and in the event of a grant of permission it is recommended that a condition requiring the submission of details for surface water attenuation and disposal shall be attached.
- 7.5.4. The floor area of the proposed extension is below the 40 sq metre exemption set out in the adopted development contribution scheme and therefore no contribution is applicable in this case.

## **7.6. Appropriate Assessment**

- 7.6.1. The site is not located within or close to any European site and the nature and scale of the proposed development is such that there would not be any change in the use of the structure or number of bedrooms. The development would remain connected to the public water and waste water network.
- 7.6.2. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

- 8.1. Having regard to the above, it is recommended that permission be granted based on the following reasons and considerations and subject to the attached conditions:

## **9.0 Reasons and Considerations**

Having regard to the residential zoning objective for the area and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. 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 submitted on the 21st day of February 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.

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

2. The proposed development shall be amended as follows:
  - (a) The first floor element of the permitted extension shall be set back a minimum of 0.8 metres from the boundary with the property to the south (No.39 Westpark) and 2.00 metres from the boundary with the property to the north (No.41 Westpark).

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity

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 07.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 13.00 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.

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Stephen Kay  
Planning Inspector

19th August, 2019